



North Tyneside Council

Planning Committee

Friday, 21 October 2022

To be held on **Tuesday, 25 October 2022** in room Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

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To determine a full planning application from Smulders projects UK for erection of a new workshop building (55mx270mx41m) at Yard C to accommodate welding and fabrication activities.	
7. 22/00292/FUL, 116 Station Road, Wallsend	11 - 14
To determine a full planning application from Whitley Properties Ltd for change of use from gym to 12 self contained apartments with new front and rear dormer windows, to upper first and second floors.	

Circulation overleaf ...

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Members of the Planning Committee:

Councillor Ken Barrie
Councillor Muriel Green
Councillor John Hunter
Councillor Tommy Mulvenna
Councillor Paul Richardson (Deputy Chair)
Councillor Jane Shaw

Councillor Julie Cruddas
Councillor Margaret Hall
Councillor Chris Johnston
Councillor John O'Shea
Councillor Willie Samuel (Chair)

ADDENDUM

Item No: 1

Application No:	22/01495/FUL	Author	Julie Lawson
Date valid:	18 August 2022	:	
Target decision date:	17 November 2022	☎:	0191 643 6337
		Ward:	Wallsend

Application type: full planning application

Location: Hadrian Yard A B And C Hadrian Way Wallsend Tyne And Wear

Proposal: Erection of a new workshop building (55mx270mx41m) at Yard C to accommodate welding and fabrication activities

Applicant: Smulders Projects UK, Mr Tom Coosemans Hadrian Yard A B And C Hadrian Way Wallsend North Tyneside NE28 6HL

Agent: Lambert Smith Hampton, Mr James Cullingford Suite One St Anns Quay 122 Quayside Newcastle Upon Tyne NE1 6EE

RECOMMENDATION: Minded to grant legal agreement req.
INFORMATION

Internal Consultee Comments: Regeneration:

This planning application is supported which accords with our activity supporting the creation of high quality, well paid jobs and business growth within the offshore wind sector in North Tyneside. This proposal aligns with the North East Strategic Economic Plan where Energy is identified as a key sector for business growth and creating more and better jobs in the region. It also aligns with the commitments in the North of Tyne Combined Authority Corporate Plan to maximise the investment and supply chain potential of the Tyne Corridor within the Clean Energy 'Arc of Innovation'.

Five additional objections:

- We wish to register our further objection in respect of the above Planning Application due, and in response to, the updated Solar Exposure and Shadow Analysis (SESA) submitted by the applicant on 30th September.
- Why have NTC not advised local residents of this updated SESA being submitted and invited them to respond to it? NTC have a legal duty to inform us as local residents of any planning application that could impact them. Additionally, why has there been no consultation with us, given our objections?

- The Solar Exposure and Shadow Analysis (SESA) – updated:
Although this now includes Railway Terrace it seems to deliver a completely unrealistic analysis of the impact of the proposed building upon the terrace.
- The damaging effects of lack of light are completely omitted from the *SESA*.
The impact of a loss of light on the Terrace will make the houses almost inhabitable. Currently the Terrace receives enough sunlight to lift the fog, dry the air and local environment and raise the temperature. If we are in shadow for large parts of the day during late autumn to early spring then this will cause increased damp, increased darkness, colder houses which will lead to higher bills for heat and light. Also, this will affect both our physical and mental health.
- The applicant has not provided an accurate analysis of the impact of this proposed building on Railway Terrace therefore:
 - We demand that NTC insist that an independent Solar Exposure and Shadow Analysis is commissioned, and this should be paid for by the applicant.
 - We demand independent study into the Town and Visual Impact Assessment and Noise impact Assessment of the proposed building on Railway Terrace.
 - I wish to speak at the meeting to express my concerns regarding the severe loss of light and increased noise this building will cause at my home. I believe this will have a hugely negative impact upon my physical health and mental wellbeing, and make my home uninhabitable in winter months.
 - I would also like to propose a simple mitigation which would allow the building to go ahead with no negative impact on local residents
 - Extremely marked reduction in light, putting our house in significant darkness during daylight hours, owing to the testing by the planning committees in the entirely wrong area.
 - This street was only added on the report later on after objections were sent in, on 20th September 2022.
 - We will be living in shadow, if this is built in its current position impacting the light on our homes.
 - Health issues raised. This planned shed would seriously impact on my mental health. I have a special light for the winter.
 - South facing property also helps. We have no overlooking properties as we live much higher up above the current buildings.
 - Therefore to house these massive cranes will have a colossal impact on my daily light in all windows and rooms.
 - This will affect our right to light, affecting our physical and mental health, be noisy.
 - Analysis is incorrect.
 - Why have Capita/NTC, yet again, not advised the local residents of this new documentation submitted by the applicant and invited them to respond to it? If it wasn't for a member of the local community now monitoring the NTC Planning website as a matter of course due to NTC's previous failure to inform local residents of updated applicant documentation submitted to the planning

portal after NTC closed the submission of objections to local residents, we would be completely unaware of this latest development. NTC have a legal duty to inform local residents of any planning application that could impact them, and it is beyond doubt that this proposed building will impact our properties on Railway Terrace. This is not democracy.

- Response to the applicant's FAQ:

“Why is the proposed workshop building required.....”

- The applicant declares the proposed building to be “crucial” to Smulders having facilities to deliver forthcoming contracts. This is patently nonsense as the potential work described under these possible contracts which Smulders may, or may not, win have been carried out successfully in the past without any building at all.

- The proposed building is for one reason only and that is to provide an “enhanced working environment for employees” that have traditionally, and recently, completed the very same work without any building present with no difficulty whatsoever.

- The applicant also repeats the false claim that the proposed building will reduce noise levels and so enhance the amenity of nearby residents. The complete opposite is true; the noise levels at Railway terrace will increase and therefore further erode the amenity of nearby residents. This is revealed in the applicants own Noise Assessment which clearly states that night-time noise at the Terrace will increase to “adverse” levels, and this is despite the Noise Assessment being carried out from a non-representative and much noisier location than the Terrace.

- “What are the reasons for the dimensions....”

- The applicant reveals the height of the existing gantry cranes at 46m. This allows the Planning Committee to accurately image the full extent of the visual intrusion and blockage of light caused by this proposed building at Railway Terrace for the first time in this application. Please see the two photographs below – the full height of the proposed building is 41m, therefore only 5m less than the current height of the cranes (from the roof of the red operating booths on top of the cranes)

- The first photograph is the current view from our living room, and clearly illustrates just how ridiculous and unbelievable the applicant's repeated claim that this proposed building would not create a significant visual intrusion at Railway Terrace really is.

- The second photograph, encompassing both gantry cranes, allows a simple visualisation of the true impact of this proposed building. The entire space

between, and to almost the entire height, of the two gantry cranes would be consumed by this humungous building.



The residents of Railway Terrace invite the Planning Committee to visit our homes to truly understand this impact upon our Terrace as no photograph can

truly convey the sheer size of this proposed building better than their own eyesight.

- “Will any new jobs be created.....”

- The applicant reveals that no jobs are dependent upon this proposed building, only that they “anticipate” jobs if they win contracts. Again they do not state that these jobs will not be created, if they ever are, if Smulders win new contracts, without the proposed building.

- The applicant also reveals that they will give finance to NTC as part of this application. This is hugely concerning for local democracy – this was not included anywhere in the application and has never been revealed publicly. Why? Does this indicate that NTC have done a deal with the applicant in the background and that this planning application is already decided? Are the local residents being sacrificed for the NTC budget?

- “Will the proposed building have any adverse impacts on residential amenity?”

- The applicant again, falsely, claims that Railway Terrace has existing shading from a line of trees far below the Terrace at quay-level – this is nonsense as is clear from the applicant’s own Solar Exposure and Shadow Analysis showing the Terrace in full sunlight all year round, something also easily verifiable from a visit to the Terrace itself. The trees in question are also deciduous – they have no leaves to cast a shadow in winter when the loss of light is most acute so it is impossible they cast shadows on the Terrace as the applicant claims. There is no existing shading at the Terrace – the only shading would be from the proposed building.

- To then state that the projected level of solar exposure remaining at Railway Terrace to be “typical” of residential properties in the area is completely irrelevant to this application, and a very poor attempt to obfuscate. What have other properties, located who knows where, got to do with the impact of this proposed building at Railway Terrace? What properties are the applicant referring to? Where are they, and where is the evidence presented to back up this irrelevant statement?

- NTC demanded the applicant assess the impact of this proposed building at Railway Terrace not some random other location that suits them more. This is a clear red flag from the applicant that the actual, true impact assessment data of this proposed building upon Railway Terrace is far above acceptable limits.

- The applicant, again, also falsely claims that Railway Terrace will not suffer any adverse noise impacts – again simply refuted by the applicant’s own

Noise Assessment findings that Railway Terrace will suffer increased, “adverse” (in their own words) noise impacts throughout night-time hours.

- Local Residents’ FAQ’s

1) Has Railway Terrace been accurately represented in the applicant’s supporting documents as instructed by NTC Planning Dept? No!

- We have clearly shown in our earlier objections that the Noise Assessment was undertaken from a hugely misrepresentative, noisier location and has wildly underestimated the noise of the building’s extraction fans.

- We have clearly shown in our earlier objections that the original Solar Exposure and Shadow Analysis airbrushed the Terrace from all maps and consciously excluded the Terrace from analysis. Even the updated version, which belatedly included the Terrace, places it at the wrong location, includes patently false claims of existing shading, and is clearly shown to skew the data presented to claim a 3% reduction in light over a year but which is more accurately portrayed as being a 42% reduction in the winter months.

- We have clearly shown in our earlier objections that The Town and Visual Impact Appraisal was undertaken from an unrepresentative location and contained multiple incorrect assumptions when access to accurate information was easily available through consultation with residents whom they have refused to engage with.

2- Has the applicant engaged in neighbourhood consultation regarding this application as instructed by the National Planning Policy Framework 2021 and all planning ‘good practice’? No!

- The applicant has not been in direct contact with any resident of Railway Terrace. A poor quality leaflet with next to no useful information does not constitute consultation.

- The applicant has repeatedly used assumptions and guesswork in relation to the residents and the Terrace itself rather than simply engaging in consultation with the residents to obtain accurate, authoritative evidence, or indeed ever visiting the actual Terrace itself to conduct the demanded impact analyses as instructed to by NTC.

- This non-consultative approach has extended to the applicant updating their Solar Exposure and Shadow Analysis, and the submission of this FAQ, seemingly in response to our earlier objections by, again, refusing to engage directly with the Terrace residents. The applicant goes further by, again, refusing to obtain accurate, authoritative data to then claim unrealistic, misleading and false support for the application.

3) Why has NTC failed to inform local residents, including those who have commented on this application, of updated and/or newly submitted applicant documentation?

NTC has a legal duty to inform local residents of all planning proposals that affect their properties – why has it repeatedly failed to keep residents fully informed of developments in this case, and also why has it ignored repeated requests to explain why it is has failed to do so?

4) Why has NTC Environmental Health not considered the potential health and mental wellbeing impacts of this proposed building with regards to loss of light and the, unavoidable, associated increases in cold and damp that the residents of Railway Terrace will incur due to this proposed building?

Multiple studies are available to EH proving direct causal links between deterioration in health and mental wellbeing through the loss of light so why have they conspicuously ignored this health impact?

The loss of light will also lead to an increase in cold and damp at the Terrace. Again this has major, well-known, health and mental wellbeing impacts (in addition to a huge increase in fuel and heating bills).

Why have EH not considered these and reported them to the Planning Committee?

Local Residents' Request

We make one simple request of the Planning Committee members: to base their decision on accurate data so whatever decision is made is done so with full knowledge and transparency of the true impact this proposed building will have on the residents of Railway Terrace.

It is our contention that the applicant's supporting analyses are non-representative of Railway Terrace and that the impact upon the Terrace is far more severe than the applicant is claiming. We fear that the true impact upon the Terrace residents will be hugely negative to our health and mental wellbeing through loss of light, increased exposure to cold and damp, and noise interrupting our sleeping patterns.

Smulders claim, via their application and supporting documents, that the impact of the proposed building upon Railway Terrace will be negligible.

Put simply, if the applicant is correct and we are wrong then they have nothing to lose by agreeing to our request!

Accessing truly accurate and representative data can be achieved quite simply by;

a) Insisting Smulders pay for independent noise, visual impact, and solar exposure and shadow analyses to provide a non-biased, truly accurate representation of the impact of this proposed building upon the residents of Railway Terrace. The analyses should be 100% independent of the applicant, commissioned by the residents with the results available to all interested parties.

This is not an unreasonable request;

i) We are only requesting tightly focussed, independent analyses of the impact of this proposed building upon Railway Terrace, not the full area analyses as submitted previously. This will ensure costs are kept to a minimum and the exercise is expedited.

ii) The cost can be written off as justifiable expenses so will not impact Smulders in any operational way.

iii) The slight delay to proceedings (est.1-2 months) to complete the independent analyses will not cause any disruption to Smulders – they have no current contract awaiting this building as is stated in the FAQ document.

iv) In respect of the potential scale of the negative impacts upon the health and mental wellbeing the residents of Railway Terrace which may be caused by this proposed building.

b) Insist Smulders actively, and urgently, directly engage with the residents of Railway Terrace to arrive at a solution all agree on that will minimise the impact of this proposed building.

c) Insist NTC Environmental Health assess the potential impact of this proposed building upon the residents of Railway Terrace due to the loss of light and associated increases in cold and damp within their residences.

d) Investigate what effect this previously undeclared financial ‘contribution’ which the applicant is giving to NTC in support of this application is having with regards to its support of and attitude towards this application, and its communication about the application to local residents. Does this ‘sweetener’ explain the repeated failure of NTC to inform the local residents of newly submitted documentation by the applicant?

21.10.2021 ADDENDUM

Item No: 2

Application No:	22/00292/FUL	Author	Rebecca Andison
Date valid:	13 June 2022	:	
Target decision date:	12 September 2022	☎:	0191 643 6321
		Ward:	Wallsend

Application type: full planning application

Location: 116 Station Road Wallsend Tyne And Wear NE28 8QS

Proposal: Change of use from gym to 12 self contained apartments with new front and rear dormer windows, to upper first and second floors

Applicant: Whitley Properties Ltd, Moscovitch 359 Alexandra Road Gateshead NE8 4HY

Agent: Cummings Architects Ltd, Mr Graeme Cummings 17 Killingworth Drive Sunderland SR4 8QQ

RECOMMENDATION: Minded to grant legal agreement req.

1.0 Report Update

1.1 Paragraph 10.6 of the Officer Report sets out that updated comments from the Policy Officer (Urban Design and Conservation) will be reported to Members prior to the committee meeting. These comments have been received and are set out in Section 2 of this addendum.

1.2 The Policy Officer (Urban Design and Conservation) acknowledges that the design of the front dormers has been amended but raises concern that they still require a section of the decorative eaves to be removed.

1.3 While these concerns are noted, Members are reminded that the building is not Listed, included on the Local Register or located within a conservation area. The applicant has advised that the relationship between the windows and guttering line cannot be altered as to do so would result in the window sills being too high. It is officer opinion that the that the benefits of bringing the upper floors back into use outweigh the loss of the eaves course.

1.4 In response to paragraph 2.5 of the comments below the applicant has been asked to update the Proposed Side Elevation Drawing to reflect the submitted section drawing.

1.5 The Policy Officer (Urban Design and Conservation) raises concern that Units 5 and 6 both have a habitable room (study) with no natural light. As set out in paragraph 9.17 of the Officer Report it is officer opinion that the lack of windows is acceptable given the intended use of the rooms.

1.6 A cross section has been provided to show that the proposed dormer windows would achieve a floor to ceiling height of 2.4m, which accords with the Nationally Described Space Standard and Building Regulations.

1.7 It therefore remains Officer opinion that the design and layout of the proposed development are acceptable. Additional conditions are recommended in respect of the rooflights and to control the location of the flues, vents and other utility equipment.

2.0 Additional Consultee Comments

2.1 Policy Officer (Urban Design and Conservation)

2.2 Recommendations: Further information and/or amendments required

2.3 Comments: Following comments dated 15th July, which objected to the application, revised plans have been submitted.

2.4 The number of dormer windows on the front elevation has been reduced and the dormers are now aligned with the first-floor windows and are generally a more sensitive design. However, the design of the dormer windows still cut into the front wall which requires the removal of sections of the decorative eaves course which are an architectural feature of the building. No justification has been provided for why these damaging alterations to the building are necessary. Changing the design of the eaves course requires introducing a large number of new down pipes which would result in an unnecessary cluttered appearance, detracting from the buildings frontage.

2.5 A roof section has been provided, however this does not clearly show how the proposed design of the dormers would work. The section also does not correspond with the proposed side elevation.

2.6 Four new roof lights are proposed on the front roof slope. These should be flush with the roof slope and this should be conditioned.

2.7 Previous comments raised concerns that the proposed accommodation would result in poor living conditions for some units as units 5 and 6 both have a habitable room with no natural light. These are labelled as a “study” on the floor plan. Having habitable rooms without a window would not be a positive living environment and the rooms would have no ventilation or means of escape in case of fire. Within these units, it is recommended that the layout is revised. If the proposed studies were changed to bathrooms, this would allow existing proposed bathrooms to become part of the open plan kitchen and

living room areas. On the second floor, where accommodation is within the roof space, a cross section should be submitted to show that there is sufficient ceiling heights and useable floor space.

2.8 Suggested Conditions:

- a) Materials of construction
- b) Roof lights to be flush with roof slope
- c) Location of flues, vents, utility boxes and any other utility equipment

3.0 Additional Conditions

All rooflights must be flush fitting.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan.

Details of the design and location of all new flues, vents, utility boxes and any other utility equipment must be submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan.

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