



North Tyneside Council

Planning Committee

Tuesday, 14 November 2023

Tuesday, 14 November 2023 Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY commencing at 6.00 pm.

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To determine a full planning application from Smulders Projects UK for the erection of a new workshop building (55m x 270m x 41m) at Yard C to accommodate welding and fabrication activities (Re-submission to amend windows).

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Members of the Planning Committee

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Councillor Cath Davis

Councillor Julie Cruddas (Deputy Chair)

Councillor Ian Grayson

Councillor Chris Johnston

Councillor Pat Oliver

Councillor Matthew Thirlaway

ADDENDUM 3

Item No: 1

Application No:	23/01275/FUL	Author	Jackie Palmer
Date valid:	21 September 2023	☎:	0191 643 6336
Target decision date:	21 December 2023	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 (55m x 270m x 41m) at Yard C to accommodate welding and fabrication activities (Re-Submission to amend windows)

Applicant: Smulders Projects UK, Mr Jan De Ryker Hadrian Yard A B And C Smulders Projects Office Hadrian Way Wallsend North Tyneside NE28 6HL

Agent: Lambert Smith Hampton, Mr James Cullingford Suite One St Anns Quay 122 Quayside NE1 3BD

RECOMMENDATION: Application Permitted

Consultations & Representations

A further representation has been received from an address in Railway Terrace:

“We ask the Planning Committee to see through this smoke-and-mirrors application presented by the applicant, Smulders, and it’s suspiciously supportive advocate Capita Planning

Smulders is quite simply not a company you can have trust in – and neither, on the basis of the extreme bias it has shown towards the applicant

throughout the history of development on this site, and within this particular application, is Capita Planning

Over the last few years Smulders have been proven to repeatedly ignore existing planning regulations, national policy, and imposed planning conditions. On each of these multiple, recorded and evidenced, breaches of planning conditions/regulations Capita is so accommodating and unconcerned that it effectively gives carte-blanche to Smulders to operate as it wishes as long as it tells Capita that they will resolve any condition breaches, or even the complete absence of an actual legally required planning application, at some vague point in the future.

Capita is seemingly swayed completely by the £43,660 gifted to NTC as part of this application and this mythical 290 jobs that will supposedly be created by Smulders. This latter point about jobs is repeated 12 times throughout the document prepared by Capita and yet not one single ounce of proof is offered by the applicant to support this claim – the closest the applicant can get to supporting this outrageous claim is to say (in 3.5 and 8.14) that its agent, Lambert Smith and Hampton, “anticipates” jobs will be created on site over the next 5 years. The applicant does not, at any point, state this is a reality, or provide a single shred of evidence to support this ‘anticipation’ – indeed at the October 25th 2022 Planning Committee meeting which considered the initial submission of this same application (22/01495/FUL) Jan De Rycker of Smulders Projects UK was asked by a members of the Committee to confirm these job numbers and he refused to. The best he would offer in that legal hearing/public forum was that he “hoped” that would be the case. He also reluctantly confirmed that the majority of workers on site were from Belgium but stated that he again “hoped” Smulders would train and employ some local people in time.

We are over a year on from the 22/01495/FUL Planning Committee meeting, 1 year into this 5 year anticipation period and with industrial activity already well underway in the building (despite Capita claiming, and excusing noise pollution from these activities, in 9.20 that it is not yet fully completed) – can the Planning Committee please enquire as to how many permanent high quality local jobs have been created so far as a direct result of this building?

This unsupported claim of local jobs is central to Capita’s recommendation to the Planning Committee to approve the application. As it summarises its opinion in 15.4 “Members need to balance the adverse visual impact, and the impact on the loss of daylight to the south facing elevation of Railway Terrace on early mornings in winter months when the sun is low, against the benefits arising from the development in terms of sustaining employment on this riverside site”.

This is a hugely disingenuous statement in multiple ways;

- a) giving undue weight to a 'possibility' of hundreds of local jobs in the future that the applicant itself refuses to confirm publicly
- b) that employment on this riverside site was, or is, in any way endangered by refusal of the application when identical work has been undertaken on this site, without any building, for decades
- c) that the impacts we suffer in Railway Terrace amount to visual only, essentially asking the Planning Committee to completely ignore the extensive light pollution, dust pollution and noise pollution that envelops our homes and massively reduces our quality of life.

This bias in favour of the applicant is not restricted to only this example above, but is evident throughout the Capita summary document. Examples are;

- i) In 9.5 Capita acknowledges the impact of the increased dust from the site polluting nearby residents (contrary to the promises of Smulders that this building would reduce dust pollution and yet completely without comment/sanction by Capita) but states, seemingly to its satisfaction, that the "applicant has suggested that this is most likely associated with construction works and hard surfacing works taking place on the site". No investigation, no mitigation, no remedy – despite Smulders even admitting the dust pollution and its failure to deal with it on page 39 (Letter of Support) "Smulders made efforts to minimise the dust by spraying water but weren't always successful"

It needs to be noted here that these water spraying 'efforts' were/are minimal in every aspect – it is hardly ever in use and the spray only covers a tiny part of the soil hill (the so-called hardstanding works) the dust is emanating from. This was reported to Environmental Health on multiple occasions by residents and nothing whatsoever was done about it. It should also be noted that this hill of soil (level with our upstairs windows) has never appeared on any planning application but hey, that is again seemingly OK with Capita as they state in 2.4 that "a further application is expected to be submitted for works to create an area of hardstanding to the north of this workshop building. Those works do not form part of this application."

- ii) In 9.12 Capita acknowledges that Smulders has installed and operates external lighting without permission and explicitly against planning conditions instructing them not to do so. No sanctions imposed on Smulders, no recognition of the impact upon local residents, no apology from Smulders! Again this is seemingly OK with Capita as they 'expect' the details of these to be submitted "very soon" and then incredibly accepts that the "applicant has indicated that lighting is currently being switched off at 17:30". This is a **BAREFACED LIE** as the numerous photographs provided to the Planning Committee by local residents can testify – and a site visit by any one of these planning experts from Capita outside of their normal 9-5, instead of merely

accepting Smulders lies at face value, would quite easily verify. External lights, and internal lights emanating light pollution hundreds of metres from the building, and are on at all times of the night!

iii) In 9.17 Capita claims (we assume on behalf of Smulders) that the building “is airtight and insulated so that when the doors are closed it forms a sealed enclosure to control noise.” This is utter nonsense – it is clear from the photographs of when the ‘door’ is open (provided to the Committee) that the building is only a skinned metal frame, the frame being clearly visible in the interior – there is no insulation whatsoever and to claim that huge building is airtight is ridiculously fanciful.

iv) In 9.20 Capita acknowledges Smulders have undertaken fabrication work on site specifically against planning conditions with the thin material ‘door’ open but, again, instead of admonishing Smulders and/or noting this as a negative trust issue to Smulders’ application, it merely brushes the damaging environmental pollution under the carpet by saying the “building is not yet fully completed” so the Planning Committee need not worry about it – nothing to see here, ignore the residents’ suffering! Please also note that Capita explicitly refused to enforce the planning condition of prohibiting work without the door open – Smulders are allowed to carry on working with the door open regardless, the building not being completed perversely being a sufficient reason for Capita to allow Smulders to continue to break an imposed planning condition with impunity.

v) In 10.26 Capita endorses the view expressed in the applicant’s inadequate TVIA (entirely unrepresentative of Railway Terrace) that, despite the huge size of the building, its proximity to the Terrace, the natural light deprivation and artificial light pollution during the night-time hours, these cumulatively detrimental effects imposed upon the Terrace by this building is somehow meant to be “moderate”. We ask the Planning Committee on what planet can this be so when it utterly dominates the surrounding area visually, audibly, and environmentally both night and day?

Overall, in less than 12 months there have been multiple instances recorded of Smulders breaking planning regulations, foregoing planning guidance and ignoring planning conditions imposed upon it yet Capita asks Committee members to still believe that every statement in this application is reliable and trustworthy. Capita claims/accepts without question on behalf of the applicant that all and any of the extensive environmental pollutions local residents are now being subjected to (dust, noise, natural light deprivation, artificial light pollution of an evening, visual intrusion, etc) will be diligently mitigated by Smulders itself and will be competently regulated by the both Capita and Environmental Health – to put a fine point on it, this is stretching credulity way beyond belief in light of all the available evidence to the contrary

In summary, everything that we warned the Planning Committee about regarding the environmental pollution that would occur at Railway Terrace should the development be granted approval has happened – and in addition we have suffered even more pollution that we had absolutely no idea about at the time of the 22/01495/FUL planning meeting in terms of artificial light and dust pollution, due principally to that information being withheld from both ourselves and the Planning Committee. This is a disgrace of a company with only contempt and certainly no regard for the local community, and we urge you to refuse this application.”

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