

ADDENDUM

24.10.22

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

Additional Information:

The applicant has agreed to enter into a S106 legal agreement to provide £43,660 towards employment and training initiatives within the borough.

An updated Biodiversity Net Gain Assessment has been submitted. The Biodiversity Officer has been consulted on this.

Representations:

Six additional letters of objection have been submitted to certain members of the planning committee. To ensure all members of committee are aware of these, they are summarised below:

- Concerned that Railway Terrace has been misrepresented in the applicant's documentation and that the impact upon the Terrace in terms of loss of light, increased noise and visual intrusion is far more severe than is claimed. The analyses supporting the application are inaccurate, based on guesswork and assumed data, and are highly misrepresentative of the reality on the Terrace. Our riverside home will become almost uninhabitable from late autumn to spring due to being engulfed in shadow for large portions of the day. This will lead to massively increased cold and damp that will never lift/dissipate and result in unavoidable major health and mental wellbeing impacts, in addition to massively increasing our heating and lighting bills during an energy crisis.

- All we are asking for is fairness i.e. that you base your decision upon truly accurate, relevant data of the impact this building will have upon the Terrace. As members of the Planning Committee you are tasked with assessing the balance of loss of light, noise and visual intrusion upon local residential properties and residential amenity against the claimed benefits of this building – it is impossible for you to do so objectively with the corrupted data the applicant has provided in the supporting analyses.

- We stress that we do not object to this building per se. We have been very supportive of numerous developments at Hadrian Yard in the past, having always had excellent relationships and communications with both the previous site owners.

- The claim that the more extensive 2012 building (12/00806/FUL, 120x300x56m workshop) which was granted permission and so should influence this decision is also a misnomer that needs clarifying. No objections were raised from Railway Terrace to that planning application because the residents were given assurances by OGN that the building would not submerge them in its shadow. This is borne out in the application itself with that proposed building located further north on Yards B/C and not casting an extensive, harmful shadow over the Terrace. Smulders have chosen to move the new proposed building to a different location on the yard which now submerges the Terrace in shadow.

- Smulders have not initiated any contact with any resident of Railway Terrace for this application.

- We propose two simple alternative routes to allow this development to go ahead with all parties satisfied;

a) If members feel that they must grant permission for this building on the 25th October then a condition is attached to relocate the proposed building to any other site location that achieves the elimination of all shading upon the Terrace and, subsequently, also minimise both visual intrusion and noise pollution to the Terrace residents.

b) Postpone your decision until accurate, actually measured independent impact analyses (noise, solar exposure and shadow, visual) of this proposed building upon Railway Terrace are provided to the Committee to base their decision upon. These should be commissioned by the residents of Railway Terrace and funded by Smulders. This will cause Smulders no hardship in any way in terms of either cost (offset against tax) or time delay (2 months maximum, Smulders have no contract in place for work within this proposed building).

Regarding our proposal a)

Please note that relocating the building would not negatively impact any other residential properties and there is plenty of room on the 1000m long quayside to relocate the building. Smulders are, in part, using public money for this project and the wider Eiffar Group, of which it is part, is both a resource and financially rich organisation for which this relocation is easily accommodated.

Regarding our proposal b)

- The updated Solar Exposure and Shadow Analysis claims existing shading on the Terrace that is simply not there in the direction of the proposed building. This allows the applicant to claim that the building will, therefore,

only cause minimal 'additional' shading on the Terrace from the building when in reality 100% of the shading will come from the building.

- No actual physical measurements of solar exposure were undertaken at the Terrace, all data is guesswork and assumption modelled through a software program. LSH have admitted in a telephone call that this analysis was rushed due to being commissioned late in the process and being under time constraints from Smulders. All conclusions are only as good as the data input to arrive at them – in this instance the data is simply fabricated and it's claims of existing shading are easily disproven when physically viewed from the Terrace itself.

- Even with this inherent bias the analysis is still forced to conclude significant shading will envelop the Terrace, although this is then represented as constituting only a 3% increase in shading to the Terrace over a calendar year. This is a clear instance of "lies, damn lies and statistics" – the actual relevant finding from this skewed analysis is that the building will envelop the Terrace in shade for over 40% of the day-light hours during winter.

- The real world impact of this 40% enveloping in shade is that the houses closest to the building, due to the sun's movement and the Terrace geography, will not see any sunlight whatsoever throughout winter. This will render our homes almost uninhabitable due to the resultant cold and damp, and the fog endemic to the riverside, never lifting and will unavoidably have major health and mental wellbeing implications.

- It should also be noted that the analysis was based upon a building with a lower height of 40m not the actual 41m, as noted in the Capita report point 9.9, so the shading impact is even longer and deeper in duration than admitted to.

_ Devaluation

- The Noise Assessment was conducted from an unrepresentative location on Davy Bank where it was exposed to traffic and metro noise simply not experienced at the front of the Terrace. This allows the applicant to claim much higher existing noise levels than the Terrace experiences and claim the 'additional' noise of the proposed building is, therefore, only a small increase. Even with this inherent bias the assessment is still forced to conclude an "adverse" increase in night-time noise which will disrupt residents' sleep patterns. All recent scientific evidence has clearly shown that sleep disruption is hugely detrimental to general health and mental wellbeing. We also strongly dispute the projected noise levels of the building.

- The Townscape and Visual Impact Appraisal is conducted from an unrepresentative location which gives a false, vastly minimised view of the proposed building's visual impact upon the Terrace.

- Site visit requested.

- The applicant has not done any visual impact assessment from Railway Terrace, in fact our 10 houses are ignored.

- We already suffer from noise disturbance, dust pollution, and now if the building goes up, will block considerable daylight, which could effect our mental health.

- Smulders wish to build a shed that would be over 40 metres high and over 200 metres long. It is proposed that this huge shed is built on a spot that will have an enormous effect on the lives of the residents of Railway Terrace.

- The literature accompanying Smulders' proposal does not properly explain the impact of this structure on us. The structure is so large that the Terrace would not see daylight for over 40% of the day in Winter. As well as the direct impact on our day to day quality of life, the structure will cause the buildings of Railway Terrace to become colder and damper.
- Smulders currently use a crane with a height of approximately 40 metres at the site where they wish the building to end. This is helpful as it gives a good idea of how the proposed building would impact our houses.
- Smulders application admits that the shed is not "need-to-have" but merely "nice-to-have". Smulders suggest that having the shed could have a positive impact on jobs and I am concerned that, despite the huge impact on our lives that this shed would have, it may difficult for a planning committee to refuse the application.
- I have suggested to the planning committee that the building could be shortened or situated further to the East but I understand from a neighbour that Smulders are unwilling or unable to consider this request.
- Impact on quality of life and mental health. As I look out of my window now on a dull day there is still light coming through the window and I don't think that I could tolerate a situation where such a massive building blocks so much of that light.
- We have been made aware that we do not have the right to a view, and I feel Julie Lawson has unfairly said that this is the main thing as residents we are objecting to. This is untrue.
- I am primarily concerned regarding the loss of light into our properties which you will agree is immensely important for comfortable living and working. I know that the legal system recognises the value of natural light but must find a balance the need for new buildings and jobs etc.
- The sheer size, scale, and proximity to our terrace would have a massive effect on the reduction of our light. We were not even a part of original shadow assessments and feel that due to residents' objections have been included as an afterthought. There is also a misleading and false statement that the light is already blocked by trees. I extend an invite to yourselves, and I know some residents have sent pictures which clearly show this to be untrue.
- If you were to stand at my living room window and look out, the proposed structure is far above the 45degree angle, something which is relied upon when planning a proposed structure. It would completely dominate the skyline leading to a huge loss of light.
- The work at Smulders will continue if this structure does not go ahead but our lives on the Terrace would not be the same again. The loss of light and increase in noise (of which the effect would be adverse as stated in the applicant's own reports) would have a huge detrimental effect on us as residents.
- I hope that you can see how we feel unfairly treated, when not included in plans or informed of new documentation relating to this application.
- I sincerely hope that on balance, you can see that the proposed structure should not go ahead, or at least moved further to the East where the impact on us would be less as residents.
- If it does not go ahead or is moved to the East work at Smulders continues as it has done for years but our lives will not be so severely impacted.

- We ask for a fair hearing.
- We would like the decision delayed as we do not believe that the applicant has provided an accurate analysis of the impact of this proposed building on Railway 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. If we are in shadow for around 40% of the day during late autumn to early spring this will cause increased dampness, increased darkness, and colder houses which will lead to higher bills for heat and light when our energy prices continue to rise and we are already struggling. Additionally, this will have a detrimental effect on both our physical and mental health.
- We ask for an independent analysis to be commissioned – paid for by Smulders but commissioned by residents of the terrace to ensure it is done correctly.
- Railway Terrace is approximately 100m from the site, not the 250m mentioned in the reports. It is inevitable that noise will increase, much more than the report states. As the noise tests were done further down the road in a much noisier area.
- The summary of our objections has been totally misrepresented. It was stated that it is the view, that we objected to, but this is not the case. The proposed solution of growing a few trees will not resolve the issues our objections are based on. To reiterate, our objections are primarily on our need for the "right to light"
- Whilst we stand by our need to object to the planning and building of the shed if the planning is approved and needs to go ahead, please could you consider adding a condition/clause that it is moved 100m east down the river. This will reduce the impact on our houses.

Revised recommendation:

It is recommended that:

- a) *the Committee indicates that it is minded to grant the application; and*
- b) *the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:*
 - i) *the conditions set out in the planning officers report;*
 - ii) *the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;*
 - iii) *further consultation with the Biodiversity Officer following consideration of supplementary information requested from the applicant in relation to the Biodiversity Net Gain Assessment. If in the opinion of the Director of Regeneration and Economic Development any issues or objections arise from this consultation that were not previously considered by the Committee then the application be referred back to the Committee for reconsideration; and*

iv) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £43,660 towards employment and training initiatives within the borough.