

**Application No:** 20/02419/FUL Author: Julie Lawson  
Date valid: 21 December 2020 ☎: 0191 643 6337  
Target: 22 March 2021 Ward: Wallsend  
decision date:

Application type: full planning application

**Location: Hadrian Yard A B And C, Hadrian Way, Wallsend, Tyne And Wear, NE28 6HL**

**Proposal: Variation of condition 5 (Hours of Operation) - to allow 1no ringer crane to be operated between 07:00 and 19:00 hours only Monday to Sunday and 2no gantry cranes to be operated 24 hours a day Monday to Sunday. Variation of condition 6 (Noise Assessment) - remove reference to 'does not exceed the background noise' and replace with 'does not exceed the daytime background noise level by more than +5dB', of planning approval 16/01595/FUL**

Applicant: Mr Chris Edwards, C/o Agent Smulders Projects UK Hadrian Way Wallsend NE28 6HL

Agent: Mr James Cullingford, Lambert Smith Hampton 41-51 Grey Street Newcastle Upon Tyne NE1 6EE

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issue for Members to consider is the impact of the variation of conditions 5 and 6 on the amenity of existing residents.

#### 2.0 Description of the Site

2.1 The application site is an existing industrial site measuring over 18 hectares. The site is operated by Smulders and specialises in offshore construction.

2.2 There is residential development to the north of the wider site at Hadrian Mews residential estate and to the south is the River Tyne. To the east is Willington Gut. Point Pleasant Industrial Estate, and other light industrial and commercial developments and housing are to the north/north-east. The site is bound to the west by the Oceania Business Park/Industrial Estate and residential properties on Railway Terrace to the north-west.

### 3.0 Description of the Proposed Development

3.1 The application is for a variation of two conditions of planning approval reference 16/01595/FUL. That consent granted permission for one ringer crane and two gantry cranes. Conditions 5 and 6 currently state the following:

5. The 2no gantry cranes and 1no ringer crane are to be operated only between 07:00 - 23:00 hours Monday to Sunday.

Reason: To protect the occupants of nearby residential properties from noise disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

6. Prior to the operation of the 2no gantry cranes and 1no ringer crane a noise scheme must be submitted to and approved in writing by the Local Planning Authority in order to assess the impact of crane movement and overloading and uploading of goods. The noise assessment shall include for a re-assessment of the existing daytime background noise levels, without the cranes operating, at the boundary of the nearest sensitive residential premises about Railway Terrace and Coquet Gardens and Alwin Close and should be carried out at different periods of the day early morning, daytime and late evening. The noise assessment shall be carried out in accordance with BS4142, and appropriate mitigation measures taken where necessary to ensure the rating level of the cranes does not exceed the background noise.

Reason: To protect the occupants of nearby residential properties from noise disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

3.2 The applicant is seeking to vary condition 5 to allow the ringer crane to be operated between 07:00 and 19:00 hours only Monday to Sunday and the two gantry cranes to be operated 24 hours a day Monday to Sunday. A variation of condition 6 is also proposed to remove reference to 'does not exceed the background noise' and replace with 'does not exceed the daytime background noise level by more than +5dB'.

### 4.0 Relevant Planning History

17/00242/FUL - Removal of condition 5 of application 16/01595/FUL - operating hours of cranes – withdrawn

16/01595/FUL - Erection of 2no gantry cranes and 1no ringer crane – permitted 13.01.17

09/00937/FUL: Hadrian West Yard: Change of use from use class B8 (storage or distribution) to use class B2 (general industrial) with no operational development. S106 glazing to Railway Terrace. Permitted 12.06.09

09/00868/CLPROP: Hadrian West Yard: Use of the site for the fabrication, assembly, installation, decommissioning and repair services to onshore and offshore traditional and renewable energy projects. Refused 01.05.09

09/00867/CLPROP: Amec Hadrian Yards A and B: Use of the site for the fabrication, assembly, installation, decommissioning and repair services to

onshore and offshore traditional and renewable energy projects. Approved  
28.04.09

## 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

## 6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issue for Members to consider is the impact of the variation of conditions 5 and 6 on the amenity of existing residents.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in an appendix to this report.

### 8.0 Impact on Residential Amenity

8.1 The NPPF states that the planning system should contribute to the environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of noise pollution. Paragraph 123 of NPPF states that planning decisions should aim to avoid giving rise to significantly adverse impacts on health and quality of life as a result of new development.

8.2 DM1.3 'Presumption in Favour of Sustainable Development' states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted.

8.3 S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would

accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

8.4 DM5.19 Pollution states “Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.”

8.5 The site is currently used to construct metal structures to act as a mounting base for wind turbines operating out at sea. The application is for a variation of two conditions of planning approval reference 16/01595/FUL. That consent granted permission for one ringer crane and two gantry cranes. Consent reference 16/01595/FUL allows the ringer and gantry cranes to be operated between the hours of 07:00 - 23:00 Monday to Sunday. The applicant is seeking to reduce the operating hours of the ringer crane to 07:00 – 19:00 Monday to Sunday and to remove the restriction on the operating hours of the gantry cranes to allow them to be operated 24 hours a day Monday to Sunday. The application also seeks to allow an increase in the daytime noise level restriction for the operation of the cranes from background noise level to an increase by 5dB between the hours of 7am to 7pm.

8.6 Objections have been received to the application from residents of the housing estate to the north of the site (Hadrian Mews) and from residents of Railway Terrace to the north-west. The objections refer to noise complaints as a result of activity at the site and object to the current application on the grounds that it will result in an increase in noise from the site.

8.7 Two noise assessments have been submitted with the application: a Ringer Crane Noise Assessment and a Gantry Crane Noise Assessment. The surveys state that most operations conducted on site are related to metal fabrication, including the cutting and welding of metal and the loading of the finished product onto barges using a ringer crane. These operations can often occur at ground level and at heights exceeding 12m. To conduct this work at height, scissor lifts, telehandlers and cranes are often used as a platform for the metal fabricators. It is common for multiple operations to occur on one structure.

8.8 There are no hours of use restrictions related to the wider operation of the site. The established uses on the site relates to industrial development.

8.9 The Manager of Environment Health has advised that complaints have been received regarding operational noise from the yard and that a statutory notice was served in 2017 on Smulders due to noise issues from the existing work activities occurring at night from the yard predominantly from yard B which faces the residential development known as Hadrian Mews. This arose due to the large proportion of the work being carried out in an open yard and the noise arising from alarms on vehicles and contact noise from night time movement of metal against concrete. The notice imposes a night time (11pm to 7am) noise limit for activities at the yard to ensure activities, when measured over a 5 minute LAeq, to not exceed the background by more than 5 dB (A) or 45 dB(A), whichever is the greater, and to ensure no activities at night exceed the maximum noise level of 60 dB(A) when measured at the residential properties at Coquet Gardens. This notice still applies.

8.10 The Manager of Environment Health has viewed the noise reports for the gantry crane and the ringer crane. The noise report has considered the use of the cranes based on a BS4142 assessment. No consideration of associated noise has been taken into account for the assessment, it is based solely on the noise from the operation of the cranes in isolation, although noise will arise from other sources such as the movement of vehicles, plant etc. that is necessary as part of the crane operation.

8.11 The Manager of Environment Health advises that the noise assessment for the ringer crane appears to assume continuous use during the period 0700-1900 hours. This would be considered worst case and it is unlikely that the ringer crane would be used continuously. Given that the average background LAeq is around 53-56 dB it is considered that the overall noise impact from the operation of the ringer crane during the day would not result in significant adverse impacts for nearby residents.

8.12 The gantry noise assessment gave an overall rating level during the night of 37 dB and result in negligible noise impacts at the nearest sensitive receptors. The noise abatement notice specified a level of +5dB above background or 45 dB(A) for night-time operations and the operation of the gantry crane will result in noise levels well below the noise levels stipulated by the abatement notice. It is therefore considered that the operation of the gantry crane will not exceed the existing background noise level during the night and therefore the variation of condition 5 to permit the use of this crane is acceptable, as its use would not result in significant adverse impacts for neighbouring residential properties.

8.13 The Manager of Environment Health has advised that she has no objections to the variation of condition 5 for the hours of operation of the gantry crane to permit 24-hour use and use of the ringer crane between 0700-1900 hours and variation of condition 6 as it has been demonstrated that the operation of the cranes will not result in significant adverse impacts on existing neighbouring residential premises. A condition is proposed which stipulates noise levels and to prevent the noise levels of the cranes from exceeding the stipulated daytime background noise levels by +5dB between 07:00 and 19:00 and to not exceed the stipulated background noise levels at any other time. This ensures that any further increase in the background noise levels over time will not thereby allow an increase in the noise from the crane activity.

8.14 Members need to consider whether the removal of the condition would have a detrimental impact on the nearby residential and business occupiers. It is officer advice that the variation of conditions is acceptable in terms of impact on amenity.

### 9.0 Local Financial Considerations

9.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. It is not considered that the proposal results in any local financial considerations.

### 10.0 Conclusion

10.1 Members need to consider whether the proposal will have a detrimental impact on the amenity of nearby occupiers. It is officer advice that the variation of conditions 5 & 6 is acceptable.

**RECOMMENDATION:      Application Permitted**

### **Conditions/Reasons**

1. The development shall be carried out in accordance with the following approved plans:

- Site location plan
- Crane elevations
- Crane locations

Reason: To ensure that the development as carried out does not vary from the approved plans

2. The ringer crane shall only be operated between the hours of 07:00 and 19:00 hours Monday to Sunday.

Reason: In the interest of residential amenity with regards to policy DM5.19 of the North Tyneside Local Plan 2017.

3. The rating level of the cranes shall not exceed the daytime background noise levels set out below by more than +5dB between 07:00 and 19:00 and shall not exceed the night time background noise levels set out below at any other time:

Location	Background noise level LA90	
	Day	Night
Railway Tce	45	37
Coquet Gardens	44	35
Alwin Close	44	34

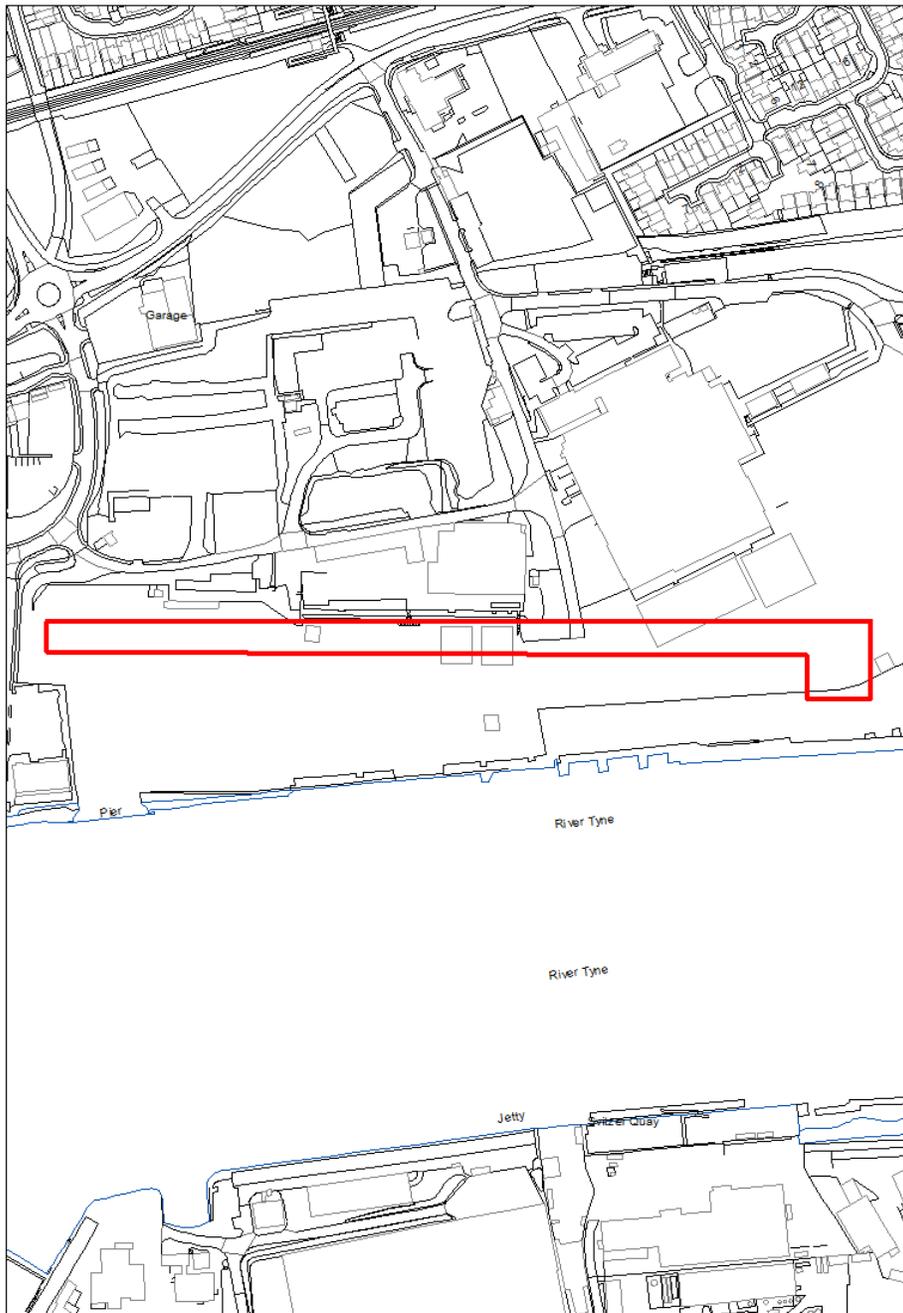
Reason: In the interest of residential amenity with regards to policy DM5.19 of the North Tyneside Local Plan 2017.

4. The cranes shall include dual fitting medium intensity red steady obstacle lights to be fitted to the top of the cranes and the lights arranged so that they indicate the highest points or edges of the cranes relative to the crane surface.

Reason: In the interests of aviation safety.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.



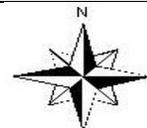
**Application reference: 20/02419/FUL**

**Location: Hadrian Yard A B And C, Hadrian Way, Wallsend, Tyne And Wear**  
**Proposal: Variation of condition 5 (Hours of Operation) - to allow 1no ringer crane to be operated between 07:00 and 19:00 hours only Monday to Sunday and 2no gantry cranes to be operated 24 hours a day Monday to Sunday. Variation of condition 6 (Noise Assessment) - remove reference to 'does not exceed the background noise' and replace with 'does not exceed the daytime background noise level by more than +5dB', of planning approval 16/01595/FUL**

Not to scale

Date: 04.03.2021

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**Appendix 1 – 20/02419/FUL  
Item 1**

**Consultations/representations**

1.0 Internal Consultees

2.0 Environmental Health (Pollution)

2.1 The site is located in close proximity to residential properties at Railway Terrace, Derwent Way, Alwin Close and Coquet Gardens, with rear gardens of properties overlooking into the yard.

2.2 Historically, complaints have been received regarding operational noise from the yard. A statutory notice was served in 2017 on Smulders due to noise issues from the existing work activities occurring at night from the yard predominantly from yard B which faces the residential development known as Hadrian Mews. This arose due to the large proportion of the work being carried out in an open yard and the noise arising from alarms on vehicles and contact noise from night time movement of metal against concrete. The notice imposes a night time noise limit for activities at the yard to ensure activities, when measured over a 5 minute LAeq, to not exceed the background by more than 5 dB (A) or 45 dB(A), whichever is the greater, and to ensure no activities at night exceed the maximum noise level of 60 dB(A) when measured at the residential properties about Coquet Gardens. This notice still applies.

2.3 I have viewed the noise reports for the gantry crane and the ringer crane. The noise report has considered the use of the cranes based on a BS4142 assessment. No consideration of associated noise has been taken into account for the assessment, it is based solely on the noise from the operation of the cranes in isolation, although noise will arise from other sources such as the movement of vehicles, plant etc. that is necessary as part of the crane operation. The noise assessment for the gantry crane has used background noise levels from monitoring carried out in October 2018 which are slightly lower noise levels than the noise report provided for the ringer crane, which is based on noise monitoring carried out in June 2018. Had a medium of both monitoring data sets been used this would have resulted in a maximum 2dB difference to the noise rating level for both the gantry and ringer crane for daytime use. Overall this would have resulted in the ringer crane being +5 dB above the background at Coquet Gardens.

2.4 The noise assessments used representative locations at the boundary of the site to assess the background. This was not unreasonable in that there was no site activity occurring at the time of the monitoring that would have influenced the background noise levels. It would appear that other industrial noise in the area influenced the higher daytime background noise levels for Alwin Close and Coquet Gardens. The ringer crane noise report uses background noise monitoring data from January 2017 for Railway Terrace, that are higher than those provided in the Gantry noise report. Review of the noise assessment for the planning application 16/01595/FUL confirmed that the daytime background noise levels from monitoring in 2012 was 50 dBLA90 for Railway Terrace. It is unclear as to why the lower daytime background noise levels from October 2018

was not used, but the overall noise impact at Railway Terrace from the use of the ringer crane would still be negligible.

2.5 The noise assessment for the ringer crane appears to assume continuous use during the period 0700-1900 hours. This would be considered worst case and it is unlikely that the ringer crane would be used continuously. Given that the average background LAeq is around 53-56 dB it is considered that the overall noise impact from the operation of the ringer crane during the day would not result in significant adverse impacts for nearby residents.

2.6 The gantry noise assessment gave an overall rating level during the night of 37 dB and result in negligible noise impacts at the nearest sensitive receptors. The noise abatement notice specified a level of +5dB above background or 45 dB(A) for night-time operations and the operation of the gantry crane will result in noise levels well below the noise levels stipulated by the abatement notice. It is therefore considered that the operation of the gantry crane will not exceed the existing background noise level during the night and therefore the variation of condition 5 to permit the use of this crane would not be unreasonable, as its use would not result in significant adverse impacts for neighbouring residential properties.

2.7 I therefore have no objection in principle to the variation of condition 5 for the hours of operation of the gantry crane to permit 24 hour use and use of the ringer crane between 0700-1900 hours and variation of condition 6 as it has been demonstrated that the operation of the cranes will not result in significant adverse impacts on existing neighbouring residential premises.

### 3.0 Highways Network Manager

3.1 No objections in principle to this proposal.

### 4.0 Representations

35 objections from 30 addresses on the following grounds:

- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - noise
- Precedent will be set
- Nuisance – fumes
- Out of keeping with surroundings
- Adverse effect on wildlife
- Inadequate parking provision
- Loss of privacy
- Loss of visual amenity
- Poor/unsuitable vehicular access
- Will result in visual intrusion
- I live overlooking the yard. Noise overnight will cause significant disruption to this residential neighbourhood. We have had examples of the noise over the last year when work was occurring in the yard overnight. It prevents us from sleeping and disturbs adults and children alike. Please do not grant permission for this work.
- The site is next to 90 homes in Hadrian Mews plus the Point Pleasant properties.

- The noise outside reasonable working hours would disturb family life and relation time.
- They are not good neighbours.
- The hours they want to operate is not conducive to family life.
- It was established that we have inadequate windows as triple glazing was never installed as Bellway got the council to downgrade to double glazing stating no industrial use was ever likely to happen, yet on complaining the council pretend they never saw this coming and accepted Bellway's lies on the land therefore they are mostly responsible for my hell.
- The noise throughout the day can be horrendous, now they want to move the goalposts and change to match the daytime noise which would mean we would no longer have any control of the noise basically in a nutshell. The parking is a massive issue to me as they park below my bedroom window, sometimes the car alarms go off at all hours and they leave in a noisy procession at 2am in the morning sounding horns and having a whale of a time. The cranes in operations at times have not laid loads quietly and the noise can be shocking. They still will not follow working practice and I have video evidence of them not working within the habitat which is causing damage to my windows and car with rust deposits.
- I have no doubt jobs will be heralded as an excuse to pass it through I see no reason to change the level at noise throughout the night and this only makes me fuming and distressed that my life is going to be hell if this is passed as my bedroom backs onto all this nightmare. My home is saturated throughout the day and I cannot leave doors or windows open when in full swing, the windows in my property simply do not support the level of noise now, but at least I get some sleep at night, I will no longer be able to do this if the conditions are changed. Please listen as I have no enjoyment from my home when I cannot sleep from the night shift. Why are they raising the bar in the sound? I have a full DVD of some of the noise in the past before the noise abatement, as this is how my life is going to be yet again when the council approves this, I wish they had to really experience what it is like to actually live here when it is in full swing.
- Also toolbox talks are given every morning and evening and names are given to the men of those who have complained so they know who we are, this I find very uncomfortable. I am actually named in these talks if I complain about the noise, I feel this is very unprofessional and defamatory and totally wrong to do so.
- No proper car parking is available anymore as the car park was taken over for storage etc., so they park below my bedroom and do not leave at a normal time, if it was a pub I would be able to stop this from happening.
- The council simply follow legal procedures and totally ignore the moral and ethical way of would they want their elderly relatives to have to put up with this or their families?
- I have a young child and a very sick partner. The noise levels from previous works has caused a great deal of sleepless and disturbed peace throughout the day and night. On numerous occasions in the middle of the night I have had to call Smulders to ask them to stop with the noise. Yet despite reassurances, the issues continued. I anticipate the same issues again and with no help whatsoever from the council.
- How is this good for the residents of Wallsend? It is not good for the residents of the surrounding area only for the profitable companies that the council support.
- The council has also stated that it will create jobs. How many are actually from the local community, or UK passport holders in comparison to overseas workers? I would like this information as the Mayor has posted on a public platform making

a statement with regards to the benefit of work opportunities. The previous company had many overseas workers so how does that help the local people with jobs?

- We understand works should be carried out there and support industry in the area. However, working through the night is unfair for us residents already living here and will adversely affect our lives.

- Living on the estate next to this site you can hear all noise from it. This includes the beeping noise of lifts, hammering of the metal work/welding joints, fizzing noise of the welding and crane noise. Trying to sleep with this noise is going on is a health risk to the community. I and my family very strongly object to this change in planning.

- The petition to change noise levels overnight possibly 7 days a week is not conducive to the residents of this small news. Infants, children and night shift workers live adjacent to this project and already noise levels overnight were previously objected to. It should also be noted that when selling the houses Bellway advised buyers that the only change would be further houses shops and leisure facilities not engineering works.

- The proposed change to through night noise from Smulders yard is totally unacceptable. The noise generated during the current hours of operation is significant and if extended to 24 hours will directly impact on personal health and well-being of every resident in Hadrian Mews.

- The noise from the yards can be heard from our garden and our house. In the day this noise is very intrusive with constant noise. This level of noise will be totally unacceptable at night as people will be disturbed in the whole of the estate. At the moment the yard is not running and it is amazing how much quieter it is.

- We live on the Hadrian Mews estate and our home backs on to Hadrian Yard. While we do not object to the yard being used at all, we do object to the noise, especially at night. My children's bedrooms back onto the yard and the noise levels throughout the night were often unacceptable. I could be home all day and not hear much noise from the yard at all but then the night shift would start (as my youngest was getting settled in bed) and the noise levels would become ridiculous. They seemed to save the shot blasting/ welding and banging of metal on metal for throughout the night which would produce unacceptable levels of noise. Our white window frames and doors are covered in rust because they did not use any type of cover/protection. We found the workers leaving/arriving a problem too. They would shout to each other, beep their horns etc. They used a gravel area just below our homes to park which was very noisy, it would be useful if the surface could be changed or the original car park (now storage) was put back into use. We will be happy to see the yard being used again, we would just like to be able to enjoy our home and garden at the same time.

- Smulders struggle to operate their business within the current rules, so any extension of the working hours would only exacerbate local residents' misery. Many times since 2019 the start of the Moray East wind farm contract we have either been disrupted or had to get out of bed to pick up the phone to contact the site. Smulders seem to forget people are trying to sleep only meters away from their site, we too need sleep so that we can function at our place of work the next day. Not only do we suffer from noise pollution, but our properties are showered in ferrous particles from the site carried on the wind, whilst Smulders continue to weld and grind metalwork outside without any means of dust extraction. our

properties have orange staining on the windows and doors which is embedded and our vehicles paint work is also coated in rust particles eating into the topcoat. What is this doing to our health?

- There is already a fair bit of noise and residents of this estate have complained frequently. There are children on this estate and we cannot leave the windows open in the summer to keep bedrooms cool because of the noise from the work people and machinery, the only current positive is it doesn't last all night.

- The particles from welding and other work is damaging cars and property, this would just allow for yet more damage and pollution in the area. We have been to the site and spoke with managers regarding noise and disturbance.

- Noise and air pollution is unacceptable.

- I have no problem with work being brought into the area but as a local resident I strongly object to increased noise when working at night. For the last few months of the latest projects standards dropped considerably - welding work was done without the protective screens, a lot more night work was done than was allowed, more dirt and waste came into the estate, workers parked their cars in the estate, there seemed to be an influx of foreign/cheap labour, the staff didn't always adhere to Covid regulations. This work causes enough problems for local residents who are very tolerant without increased noise at night. During last summer when work wasn't meant to be done at night, it could be heard all night long, which is not fair for adults but even worse when we have a young child whose sleep is disturbed.

- I am very concerned about the noise impact so close to residential homes. It is not only the noise of the cranes that you need to assess but also the impact of the workman noise so close to a residential area. I have suffered for the last two years with the noise of the workmen nearby talking through the night, beeping their horns at each other and the noise of traffic going in and out of the site it has been nice to have a reprieve from this over the last couple of months since work has stopped there.

- I feel the council should never have granted planning permission to build houses on my estate as I feel we live in the middle of an industrial estate. When I bought this property in November 2013 my father checked with the council and they assured us there was no work planned in the area since then I have endured years of work carried out on the building of wind turbines which are such an eye sore they have to have devalued my home if I ever come to sell.

- I feel to allowing this business to operate during the night to day time noise levels so close to residential property would affect sleep, especially our children's.

- I strongly object to any further activity at the site.

- (Resident of Railway Terrace): Noise from Hadrian Yard C (and to a lesser extent B) is heard easily by our houses. Any noise outside of normal business hours has adverse effects on our quality of life: an adverse effect on our ability to live outside of our houses with any degree of relaxation as the level of noise experienced is high enough to require raised voices for conversations and to intrude on quiet work such as gardening; a need to close windows for e.g. telephone conversations; the need for all doors and windows to remain closed, particularly during sleeping hours. The level of noise reaching our properties is significant and loud enough to prevent sleep for an average sleeper; an inability for me to cool my house during the summer by opening doors and windows during hot evenings/nights as the noise cost of doing so is too high. The current level of daytime noise appears to be increasing and already sometimes causes

high frustration during the day. This proposed variation is therefore very significant. I object to the proposed variation in condition.

- As a resident of Hadrian Mews, I strongly object to any proposal to extend any licenses/planning applications in respect of Hadrian's Yard A, B or C. I am fed up of hearing the yards were there before the estate. In order for planning approval to be granted for the estate all those years ago it was deemed these works would be scaled back and remain that way. You can't now move the goal posts. We pay a reasonable amount in council tax which should afford us the ability to use our outdoor space when the weather is nice without constant noise or not being able to hear the person next to us talk. Equally I'm aggrieved that my family are frequently disturbed during the night. You cannot have your cake and eat it!! You granted planning permission for the estate so you have a duty of care to every resident to reject this application.

- I'd like to express my concern regarding the planning request for 24 hour operation of cranes. As the home owner of 20 Alwin Close I don't think that is a reasonable request. I'd almost certainly have to replace my windows with triple glazing and it would deny me the option of ever opening my windows during warm evenings. I know it's even worse for my neighbours who back directly onto the Tyne.

- With respect to condition 5, the movement of the gantry cranes is always heard regardless of day or night operation. The submitted gantry crane noise assessment is over two years ago and no longer indicative of current yard operations. Additionally, paragraph 3 of page 14 section 5.4 is entirely subjective and has no founding in fact.

- As a resident whose home borders the yard, I can testify the alarm bell is always audible.

- With respect to condition 6, the desire is to render null and void, H13 of the North Tyneside Council Unitary Development Plan 2002. H13 seeks to protect residents from any changes to the residential amenity that will have an adverse effect, in this instance noise. Smulders are asking to be allowed to create as much noise as they desire, at any hour with impunity. I would implore our councillors to consider not only the above objections, but to also consider the following statement in reaching a decision.

- Smulders operate a 24/7 facility. They have a blatant disregard to obeying the rules on daytime and more specifically night-time noise and operate on what they know they can get away with. You are awoken in the early hours of the morning by noise coming from the yard. By the time you pull yourself together, get up, put on clothes, gather a camera to record the evidence, and get outside to capture the event, it may have ceased. You may wait awhile, but you're tired, you want to sleep, so you go back to bed, now fully awake and angry. Sometime later, it starts again. You can't spend the night chasing the cause, you may or may not be able to capture the event. But what if you do? Reporting it to Environmental Health is all but futile, they do not have the resource to monitor, and the unhelpful advice offered to "Contact Smulders Security" and inform them of the noise is totally unhelpful. Why should I have to engage with Smulders and ask them to cease and desist. That is what we have a council for, but sadly, residents are left to battle through themselves. Smulders can never have enough. Whatever concessions are given to them they will always want more. The more leeway you give them on noise generation, the more they will generate excessive noise. There is no end to this.

- I invite any councillor to visit my home and see and hear for themselves the effect Smulders have on those residents who look out onto the yard from their window. For all the documentation, the one-sided science to promote Smulders own agenda, the reality for residents is entirely different. Come and see for yourself, the experience will give you every reason you need to reject Smulders application.
- I would like to appeal to both variations. My home and garden are directly adjacent to the site. Having operating hours changed as stated, will provide no break to my family with regards to the noise and our privacy. The noise through the day is not likely to be an issue, however at night when there is no daytime background noise, the sound will no doubt be amplified. This is something I noticed in the past and almost felt the need to contact Smulders however, things improved.
- A change to the application with reference to raising the noise level concerns me as my family sleep directly adjacent to the site. It will also have an effect during the summer months when having windows open and accessing my garden during the evening when daytime noise is not present and noise from the yard will be amplified. With reference to the variation in working times, again, this will affect my family's privacy. With living adjacent to the site, structures/cranes will overlook the back of my house and garden. Due to the size of the structures/cranes, my family's privacy will be affected as work-persons will be overlooking my property and garden. The varied hours will mean my family will have no break from work-persons overlooking my home and will have an effect on my family's privacy.
- This application seeks, by stealth, to further erode the ability of local residents to enjoy the amenity of their own homes and gardens, without having to endure unreasonable noise levels.
- Given that Smulders have been working from the facility for some years now, presumably they feel more confident the application will be granted, compared to when they commenced working. The previous application conditions were imposed for a reason - has the applicant provided reasons why they are now seeking to vary the conditions? The adjacent Hadrian Mews development predates the current working by Smulders however the Council since 2009 has at every planning application capitulated in favour of job creation - to the extent of paying J1,603.52 for two of its own officers to spend a night in Brussels in 2016, with a view to attracting investment from Smulders. On this point, I appreciate the 'big picture' in terms of job creation but understand the current workforce at the facility is predominantly of overseas origin - how many UK employees are currently employed at the yard?
- I am particularly concerned at the proposed 24/7 working and if permitted, would remove the last of any protection that local residents have to be able to sleep through the night - something that everyone should be able to take for granted. I am not convinced that the Council's Environmental Health/noise team has the will or capacity to monitor existing and future noise issues - especially if it can be argued that jobs will be put at risk as a result. I note that Smulders feature on the Council's own Invest North Tyneside website with Smulders referring to the Council's help - to quote "They were very eager and very supportive of our move here and we can't thank them enough for their support".
- Will local residents continue to be viewed as 'collateral damage' in favour of job creation? If the application is granted in favour of Smulders, can it really

withstand external scrutiny and/or a legal challenge, given the Council's conflict of interest in this?

- I have been a resident of Hadrian Mews since 2008 and the council gave permission for Bellway to build houses, after the Secretary of State gave permission and houses buyers we told fabrication would be reduced. I have witnessed the planning application for the huge fabrication shed, which would have been an eyesore on the area, which the Council approved, after residents had objected, but thankfully this did not go ahead. With the obvious restart of steel fabrication I would like to make the planning committee aware of our concerns. I have contacted Smulders Yard and complained about the carbon particles and debris on our cars and window frames and garden furniture. I complained about the debris blowing over the estate and he said the wind does not blow over the estate and the debris does not come from the Smulders Yard. While steel fabrication is in progress our cars and many more are being contaminated with carbon deposits from welding and Plasma Arc Burning which turns into rust particles. This takes many hours to remove from our cars, not to mention the Air Pollution and long-term effect of this process. This is totally unacceptable to people living next to the yard and in today's society.

- I have been in touch with Councillor Bell and he tells me officers have been to the estate to inspect cars. I have invited him and officers to come to my address, many times to talk to me and view our cars. At the moment my car and partners car are clear of any rust particles and debris, because there is no steel fabrication in the yard but as soon as fabrication starts we have the problem again. This is my objection and it is not acceptable what will happen when steel fabrication starts.

- We live on the Hadrian Mews Estate and our back garden backs onto the yards. Day and night we have the noise sometimes if in the garden you can't hear yourselves speak. You can't sit in the back garden for the noise and sometimes the smell (depending on the wind) from the welding. The orange rust spots are all over the window and door frames plus the cars.

- We have solar panels on the roof. When Smulders put the big jackets next to our back gardens they over shadowed the panels causing them to shut down. We had a discussion with Smulders and they were moved to the water edge away from the houses.

- We can't put washing out for the orange dust especially when it's windy.

- The men go home at two in the morning and they make a noise with shouting at each other, banging doors and beeping their horns. Some of us have to get up at five in the morning for work. Everyone is entitled to a good night's sleep with fresh air through an open window. We can't all sleep in the front bedrooms even so the noise can be heard at the front even when listening to the TV.

- Excessive noise all hours of the day and night.

- Damage to property - rust particles damaging my property, including window frames and ledges, vehicles and garden furniture. Concerns of the ingestion of these particles.

- Fumes - acrid fumes coming from the yard where you have to shut windows and unable to sit outdoors.

- Welding - being actioned without coverage of the work.

- Smulders do not adhere to any rules set out from the council and we are informed as residents to ring the gatehouse etc. to raise the issue. The issue is the management must adhere to any conditions that the council stipulate and it is not for the residents to flag any shortfalls by poor management.

- The well-being of residents is at risk if this proposal goes ahead. In the past nothing has changed, and Smulders get what they want and the residents get left behind with no thought.
- I live right opposite the Hadrian Yard site, on Railway Terrace, changing the operation of times would provide noise disruption. There's already noise from the Yard during the day, although at times in the evening long ringing like that coming from a phone or alarm can be heard. In relation to The Noise Act 1996, further noise interferes with my right to enjoy my home and also means that it prevents having the windows open.
- During the night there is no background noise, meaning the noise from the Yard is amplified and heard within the house, even with our windows closed, and during the summer months when the windows need to be opened due to the rise in temperature, the noise will be even louder. There has been no account for this, and instead the variation to Condition 6 seeks to instead increase the acceptable noise levels by 5dB.
- Additional noise will affect my ability to enjoy my garden which sits adjacent to the site, as well as the shared areas of the terrace, which myself and neighbours enjoy. The additional noise and extended hours will diminish the opportunity to enjoy my outdoor amenities which provide the essential respite and health benefits for myself and neighbours. It will be dreadful if moving forward I find myself finishing work and unable to enjoy the peace of my garden because of excessive and council-permitted noise.
- I object to the variations proposed and believe they will have an adverse effect on my quality of life if they were to be granted.
- I live opposite the Hadrian Yard site and changing the operation of times would provide no break for my family due to noise disruption. There is already noise that emanates from the Yard during the daytime, which cannot be mitigated as planning has already been granted and business must commence. However, adding this to the evening and through the night would provide no cessation of noise and no opportunity for my family to relax, which I question violates The Noise Act 1996 and interferes with my right to enjoy my home.
- I work from home full time and the noise levels would be damaging for my job as I am in a telephony based role. This would have a complete negative impact on me doing my job. I strongly believe does not give people (private individuals and/or a building firm) permission to annoy neighbours at all hours of the day and night especially when they have to work from home, look after young children and be able to relax without any nuisance. I believe that 'best practicable means' will not be used for the above reasons.
- I have lived on Railway Terrace since 1980. This little street of 10 cottages and separate extensive gardens was built in the late 19th Century to house the railway workers of the nearby station. We are a unique community who cherish our local history and love our homes which nestle within the industrial landscape on this part of the Tyne.
- There is a fine and respectful balance between the quality of life in our little street and the industry that surrounds us. I feel that the proposals of this application would entirely upset this balance and disregard our right to a decent home life outside of the currently designated industrial working hours and noise restraints. It would not only have a hugely detrimental impact on our daily lives but also, of course, on the intrinsic and market value of our homes.
- The proposal of increasing the regulated noise level to 'does not exceed the daytime background noise level by more than +5dB' alarmingly disregards the

impact this will have on people's daily lives, mental well-being and right to family life.

- In addition, many people have to work from home in these exceptional times. My niece has had to conduct her telephone shift work from home. The additional noise would make this untenable.

- I wholeheartedly reject these proposals and strongly recommend that representatives of the council visit us and the site in person to get a comprehensive understanding of where and how we live, and the potentially devastating consequences of their decision.

- Impact on property prices.

- We have a 5-month-old daughter who needs to nap throughout the day. To have cranes operating from 07:00 to 19:00 and 2 cranes operating 24 hours Monday to Sunday would cause a huge disruption. This is exacerbated in the summer months where I have no choice in opening windows to keep her cool and where she will undoubtedly awake due to the noise.

- I find it unfair the 'goal posts' are being changed in favour of business rather than the residents of the community who contribute to towards the council's taxes. Whilst the Yards have been there several years, planning permission was nevertheless granted for the construction of surrounding dwellings, such as Railway Terrace and Derwent Way and I question the reasoning behind such decisions if they are continually impacted by increasing noise in the area.

- Gantries are close to Railway Terrace and I now risk having to endure noise 24/7, affecting my enjoyment of my home, ability to have windows open in summer, and enjoyment of my garden and outside space.

- Increase in potential level of noise. The revision will allow that the noise level at night can be + 5dB of daytime background noise.

- This may create a significant increase in the level of noise pollution experienced at our home and as such may expose us to the well documented, devastating physical and mental health impacts of sleep deprivation due to the resulting disturbance.

- Our objection is focused on the inadequacy of, and deficiencies within, the two noise surveys supporting this application; Gantry Crane Noise Assessment and Ringer Crane Noise Assessment. These surveys are contradictory in their measurements and demonstrate poor methodology, and as such they can carry no value or weight in support of this application as they are unsuitable for accurately assessing the noise impacts we will experience.

- It is worth noting the original conditions applied to 16/01595/FUL and why they were applied by North Tyneside Council:

Reason: To protect the occupants of nearby residential properties from noise disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002

The question begs to be asked - if the Council is minded to approve this application are we, the local residents, no longer in need of, or worth, being protected?

- Gantry Crane and Ringer Crane noise measurements:

a) Table 4-3 Gantry Crane Noise Assessment /Tables 5-5 and 5-8 Ringer Crane Noise Assessment: The noise measurements recorded for Coquet Gardens and Alwin Close in Table 4.3 (Oct 2018) of the Gantry Crane report differ significantly from those provided in the Ringer Crane report Table 5.3 (June 2018), and both of those differ significantly with the measurements recorded in Ringer Crane Table 5-8 (Aug 2019). Note that Railway Terrace was not even measured in the

Ringer report to compare but uses results of an old study from a completely different location than NSR3. Which is the correct set of measurements? This application is highly dependent upon the measurements recorded to argue it is within the noise pollution conditions applied to 16/01595/FUL - it is clear these measurements are unreliable as they cannot even agree with each other so, therefore, logically they cannot be relied upon to deliberate this application's outcome.

- Gantry Crane;

a) 4.1.1 Survey Locations - measurements were taken within the site's boundary not at the actual NSR locations. The assessment says these are 'considered representative of the closest NSRs'. How and by who? What criteria was used to make this 'consideration' and how does it relate to the actual location of the actual NSRs? A 'consideration' is a guess, nothing more. The reason for this guesstimate approach is apparently due to security concerns for the equipment used being left unattended. This is patently nonsense as noise measuring equipment was left unattended in 2016 for another planning application without issue, and further, as has been offered on many occasions in the past, we and other local residents would happily have allowed the equipment to be located safely to, or inside, our properties for the measurement exercise but on these occasions neither SLR or Smulders bothered to ask.

b) The actual locations of the equipment within the site also raise serious questions as to the validity of the measurements recorded. We can only speak for Railway Terrace, but it is clear the 'representative' NSR location bears absolutely no resemblance to our actual property, and so the measurements are worthless to derive the conclusions the assessment promotes. The NSR location is near the foot of a hill between our property and the site apron. Google Earth suggests the apron is 14 metres below our property 'ground' level. Google Earth suggests the measurement to be at least 7 meters below our ground level (if it is located on the hill itself). If the equipment was then "2.5 meters above ground level" it is still 4.5 metres below our ground level - and yet it is supposedly representative of our property! The assessment authors themselves show the assumption built into this report CadnaA Noise Model, and as such its conclusions, is for a 4 metre height to represent a bedroom window. Point 5.2 in the report states that "A receptor height of 4m for night time (representing a bedroom window)" is included in their calculations and conclusions. Overall the NSR location is, at best, 8.5 metres below this assumption height. This data set is sub-standard and not fit for purpose.

c) 4.2.1 Survey Location

The site operations were suspended during the noise measurement exercise. The report admits crane was only operated to 'simulate' typical activities so is again no more than guesswork. This is insufficient to base a decision upon that can have a devastating effect upon local residents' health and wellbeing through lack of sleep - we expect and demand the Council insist on accurate evidence to base any decision upon.

d) 4.2.5 Survey Results

It was "not possible to measure within close proximity of the cooling fan" so data was used from the fan's product data sheet. This is again inadequate and insufficient - the product data sheet will list characteristics for a fan performing at 100% efficiency which is a completely unrealistic assumption for a product, any product, operating in the real world.

e) 5.1 Noise Modelling

The report states that the conclusions reached are a combination of measurements and calculation. We have shown above that the measurements are unreliable in both location choice, methodology and measurement repeatability, a central tenet of scientific studies. Bad data gives erroneous conclusions and it is therefore unavoidable to conclude anything other than that that this report is worthless in its predictions of noise pollution and in its overall conclusions.

- Ringer Crane report

a) 5.1 Daytime Background Noise Survey One - no day-time Railway Terrace measurements performed. This is a failure we demand corrected if we are to be subject to its impact.

b) 5.1.4 Soundscape and Context - the site was operating "at a reduced capacity" and therefore the report is unrepresentative of normal operations.

c) Table 5-10- 5 + 34 minutes only of operation is measured on two occasions. This is a ridiculously low measurement period and far below an acceptable standard to derive an average noise level.

d) 6.2 to 6.6 are all based upon an unreliable information dataset as shown above, and are, therefore, worthless.

e) Even based on unreliable data the report concludes +8dB at NSR 1 and +6dB at NSR 2. This is highly likely to be an underestimate but even at those measurement levels this application will result in an adverse health impact upon the local residents surrounding NSR 1 and 2.

Page 4 clearly states;

Table 4-1 BS 4142:2014+A1:2019, Assessment of Impacts Rating Level minus Background Sound Level Assessment of Impacts

Around +10dB or more - a difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context.

Around +5dB - a difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.

This application should, therefore, be refused by North Tyneside Council to protect the health of those residents.

- Sleep Deprivation: excessive night-time noise will, unavoidably, result in disturbed sleep for local residents. Lack of sleep has been well documented to lead to mental and physical health problems. The negative effects of sleep deprivation impact on almost every area of our psychological and physical health, including an increased risk of stress, anxiety and depression, cancer, heart attacks, hypertension, cancer, dementia, obesity and diabetes. A quiet bedroom commonly has a noise level of 20 to 30dB(A) according to the Glossary of the Ringer Crane Assessment. Should any subsequent increase in noise pollution over existing levels be experienced by local residents due to North Tyneside Council approving this application, and if that then leads to any of them suffering sleep deprivation health impacts, then it is strongly arguable that North Tyneside Council will be liable for legal redress should any resident wish to pursue it.

- This application must be refused until accurate, applicable, consistent, and up to date measurements are provided and assessed independently. These noise measurements must also be 100% independently commissioned by the Council (and paid for by the applicant), conducted at appropriate locations, times and over a sufficient time period to provide an accurate average noise measurement to arrive at definitive assessment.

- In requesting 24 hour operation in this application the applicant seeks to not only make more noise at night but to even exceed the noise levels local people

only currently experience during daytime hours by a further 5dB. This is an outrageous request.

- We strongly advise and urge local resident participation/consultation for these future noise assessments.

#### 5.0 External Consultees

#### 6.0 South Tyneside Council

6.1 No objections in principle, however please take note of the following comments:

Environmental Health (Noise):

Given the separation distance to the nearest residential receptors in South Tyneside, I am satisfied that any controls that are put in place in order to protect residents of North Tyneside, i.e. those in close proximity to the application site, will be sufficient to ensure that there is no negative impact on residential receptors in South Tyneside.

#### 7.0 Tyne and Wear Archaeology Officer

No comments.

#### 8.0 Newcastle International Airport

No objections. Guidance for cranes information supplied.