

Item No: 1
Application No: 21/00739/FUL Author: Julie Lawson
Date valid: 15 March 2021 ☎: 0191 643 6337
Target 14 June 2021 Ward: Wallsend
decision date:

Application type: full planning application

Location: O G N Offices, Hadrian Yard A B And C, Hadrian Way, Wallsend, Tyne And Wear

Proposal: Variation of condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. gantry cranes of planning approval 16/01595/FUL (resubmission)

Applicant: Smulders Projects UK, Mr Chris Edwards Hadrian Yard Hadrian Way Wallsend NE28 6HL

Agent: Lambert Smith Hampton, Mr James Cullingford 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 condition 5 and the partial discharge of condition 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 condition of planning approval reference 16/01595/FUL. That consent granted permission for one ringer crane and two

gantry cranes. The applicant seeks to vary condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. 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 unloading 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 two gantry cranes to be operated 24 hours a day Monday to Sunday. They are also seeking to agree the noise scheme details relating to the gantry cranes on the site.

3.3 The agent has advised that the ringer crane has been removed from the site. The applicant has advised that the gantry cranes will be employed in their normal role of production, however they are actively looking for a replacement option for the ringer crane before they do any loadouts. They advise that they do not see any loadouts in 2021 so it will be part way through 2022 when a replacement needs to be in place.

4.0 Relevant Planning History

20/02419/FUL - 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 – withdrawn 11.03.21

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 condition 5 and the partial discharge of condition 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 seeks to vary condition 5 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 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 includes details relating to noise and the gantry crane, as required under condition 6 of the consent.

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 A Gantry Crane Noise Assessment has been submitted with the application. The survey states 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 report for the gantry crane. The noise report has considered the use of the crane 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 gantry noise assessment gave an overall rating level during the night of 37 dB and results 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.

8.12 The Manager of Environmental Health therefore has no objection to the variation of condition 5 for the hours of operation of the gantry crane to permit 24 hour use and partial discharge of condition 6 as it has been demonstrated that the operation of the gantry crane during the night will not result in significant adverse impacts on existing neighbouring residential premises. She advises that condition 5 will need to reflect that if the ringer crane is operated on the site it is still restricted to 0700-2300 hours and that a noise assessment of the ringer crane noise will need to be submitted for the full discharge of condition 6.

8.13 Members need to consider whether the variation of condition 5 to allow the gantry cranes to be operated for 24 hour usage would have a detrimental impact on the nearby residential and business occupiers. It is officer advice that the variation of condition 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 to 23:00 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. Prior to the operation of the 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 unloading 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. The operation of the cranes shall thereafter only be undertaken in accordance with the approved mitigation.

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.

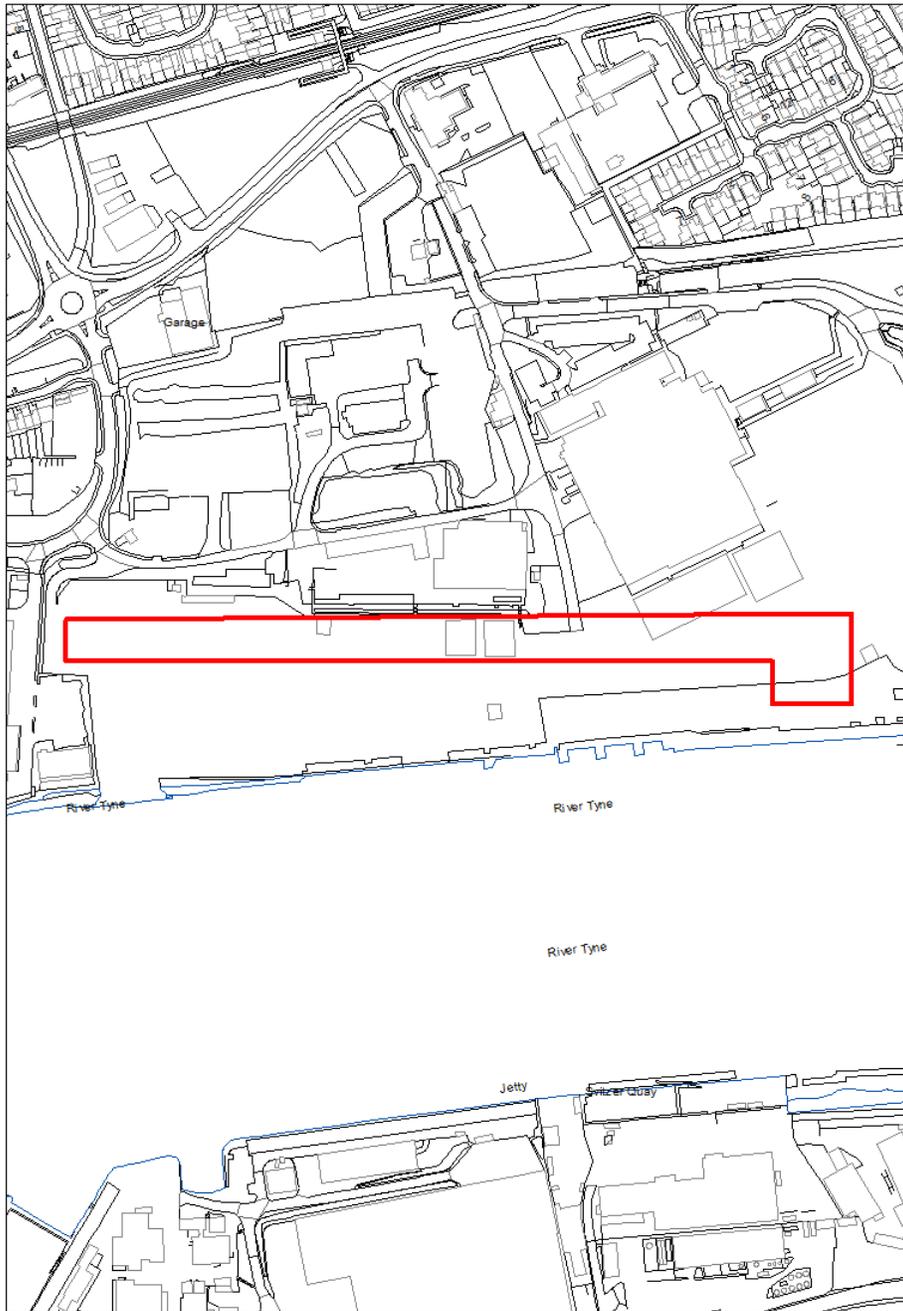
Reason: In the interests of aviation safety.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the mitigation measures detailed within the FRA as submitted with application reference 16/01595/FUL. The mitigation measures shall be fully implemented prior to use and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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 Paragraph 38 of the National Planning Policy Framework.



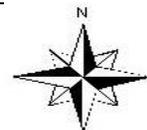
Application reference: 21/00739/FUL

Location: O G N Offices, Hadrian Yard A B And C, Hadrian Way, Wallsend
Proposal: Variation of condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. gantry cranes of planning approval 16/01595/FUL (resubmission)

Not to scale

Date: 06.05.2021

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Consultations/representations

1.0 Internal Consultees

2.0 Manager of Environmental Health (Pollution)

2.1 Thank you for consulting Pollution with regard to this application for the variation of condition 5 (Hours of Operation) variation of condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. gantry cranes of planning approval 16/01595/FUL (resubmission). 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 report for the gantry 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. The noise assessment 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. 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.

2.4 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 partial discharge of condition 6 as it has been demonstrated that the operation of the gantry crane during the night will not result in significant adverse impacts on existing neighbouring residential premises. Condition 5 will need to reflect that the ringer crane is operated on the site it is still restricted to 0700-2300 hours and that a noise assessment of the ringer crane noise will need to be submitted for the full discharge of condition 6.

3.0 Representations

24 objections on the following grounds:

- Loss of privacy
- Nuisance - disturbance
- Nuisance - noise
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Loss of residential amenity
- Loss of visual amenity
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Inadequate parking provision
- None compliance with approved policy
- Not in accordance with development plan
- Precedent will be set
- Adverse effect on wildlife
- Will result in visual intrusion

- I wholly object to this variation. The conditions were set partly due to residents living nearby. This has not changed! We still live near the site! 24 hour operation will affect not only our daily lives as it did but now disturb our sleep. This was not in operation when the houses were built, we did not know about it therefore it should not happen.

The associated document states the noise assessment was done in 2018. It does not mention Derwent Way and does not consider the noise impact of the ringer crane - therefore surely it can't be used as it doesn't include everything it should and could be totally different once the impact of the ringer crane is included within the assessment. BS4142:2014 notes that adverse impacts include annoyance and sleep disturbance - we already have annoyance throughout the day, we should not have to live with sleep disturbance as well. There's already a lack of consideration from Smulders with residents from Hadrian Mews ringing them or visiting their site directly when they've went against the noise abatement order in the past. I appreciate the local employment and understand the work will be done, but 24 hour working is unreasonable given the close proximity to Hadrian Mews and the application should not be approved.

- 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. In essence, 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 14/7 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. Picture the scenario, 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 a while, but you're tired, you want to sleep, so you go back to bed, now fully awake and angry. Sometime later, it starts again. What do you do? 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 Control 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. Lastly, 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 wish to object to this application. I have 2 young children and their sleep has been affected due to the late working of the yard and this will only be made worse if they are allowed to operate 24 hours a day.

- As a community we live right next to this so know first hand what it is like. Doing this work over night is not acceptable in any way; previously they worked as late as they were possibly allowed and that was too much noise - trying to get small children to sleep among their banging was impossible. Also as time pressed with the project they broke more and more rules so lost a lot of our goodwill. They need to make the project last longer and do all the work during day light hours. I would not object to them working early AM (say 6am) to late PM (say 9pm) but I strongly object to overnight work. I also hope the council is paying as much attention to the rules they break as to the ones they seem to be trying do properly. It was clear to everyone last time that welding in the last few months was done without proper barriers in place and their also seemed to be use of foreign/cheap labour.

- The noise can already be over-whelming from the current work taking place there.

- The majority of the homes on the estate have children and during the warmer months, this prevents us from opening bedroom windows at night. The temperature in my baby's room last summer was 34 degrees as we couldn't

leave her windows open. Having working operating this life machinery later and earlier would be a huge disruption.

- This is unacceptable. The previous application was withdrawn due to objections from the estate here. The noise is high during the day. At night this will mean we are unable to keep our windows open and get any sleep, especially for the children.

- Cranes operating 24 hours a day 7 days a week is not acceptable so close to Hadrian Mews development and surrounding residential properties.

- Noise and flood lighting would disturb residents' rest and I believe will cause issues for people's well being.

- This is not environmentally friendly. Noise, dust and general disturbance to home lives.

- I am aware that Council and Smulders have had several issues raised with them before this recent application. It is not acceptable to have 90 plus homes disturbed and the request should be denied. Would you want to live under the proposed conditions?

- The noise from the yard is not acceptable late evening and night. It is disturbing sleep for residents in proximity especially in summer when windows are open. I am an NHS worker and do not want overnight noise.

- My house is directly adjacent to the site. Rooms overlook the site including a bedroom. 24/7 crane operations will disrupt my family's life and right to privacy due to the noise created and workers overlooking my home address 24/7.

- Sleep is the biggest risk to people's health it is a verified fact. The shift pattern does not allow for this. No parking facilities means they park below our inadequate windows and leave at 2am in the morning on a gravel pathway. In effect it would never be allowed at a pub or nightclub. Noise from cars and their alarms and shouting are all an issue. The current abatement notice should continue, as the extra noise created by work being done is much worse than just the ringer and gantry cranes in operation. The council should take a long hard look at previous issues which they know and have allowed this company to break many rules as I have the letters to prove it. The lack of control of the nightshift workforce is very evident as I have supplied video of them welding and grinding uncovered and unprotected which has caused damage to our homes and cars. The council's reply was well they have finished for now. Not good enough. The positioning of the crossing on Hadrian Road was an idiotic decision, as children will have to cross a massive increase of traffic leaving the yard to get to the crossing, these are men in a hurry to get home. Nothing has changed and both the company and the council know this. I want to be able to open my window and not have to find my mobile phone and ring at all hours to complain about the noise. The filth from the dust is unreal and I would ask the company to come and witness this. Birds roost when the yard is closed and on return we hear birds making an unholy row all night as they are forced from their nests.

- My family and I live directly behind this yard and have a right to a peaceful family life in our home without disruptive noise. A member of the household suffers from a serious health condition and sleep deprivation will have an enormous adverse effect on their health.

- It is like living on an industrial estate. The noise, dirt and pollution that affects the properties is not satisfactory and the council tax bands have not been fairly assessed to take this into account.

- A 24 hour operation so close to a residential area is unacceptable.

- Please advise who will benefit from this apart from multi million pound companies? Exactly how many jobs are created for local people in this area?
- Would the Council support such an application had it been proposed in a more affluent residential area such as Tynemouth?
- I recently bought a property at Derwent Way which backs onto Smulders Yard. Had I known about the proposed planning application I would never have bought the property. At no stage was the operation of cranes 24/7 mentioned to me.
- Impact on value of homes.
- I am a teacher working in a special needs school and therefore work long hours, both weekdays and weekends. My bedroom is at the back of the property and so 24/7 noise will severely impact my sleeping and working which will in turn impact my ability to work at my extremely demanding job.
- 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 near-by 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 strongly object to any further applications to run this site 24/7. It is positioned next to a residential site and in doing so it compromises the quality of life for all residents, a lot of whom have children. There are a number of factors the council need to consider:
 - 1) the noise - in the summer it is difficult to sit in our gardens for any long periods of time. You are unable to hold a conversation because you can't hear over the noise. And then at a night time it is disturbing everyone's sleeping including my two young children.
 - 2) the air quality - there is constant dirty and orange particles flying everywhere. Surely this isn't good for anyone and I think you should consider carrying out some air quality testing on the estate.
 - 3) the behaviour of the staff especially their driving. They drive along Hadrian Road all hours of the day as if they were on a race track and frequently shoot out of the junction on Amec Way with little or no regard to other road users or pedestrians at the crossing. How there hasn't been a serious accident I will never know.
- The proposed change to through night noise control 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.
- We strongly object to allowing gantry cranes operating 24 hours Monday-Sunday. You must take into account that this is a small mews and families here have very young babies and children plus a number of people working nights so all need to have less noise not more especially at night. The houses overlooking the yard were sold by Bellway with the information that that yard would eventually be a shopping precinct and houses it would seem that this was never going to be.

The variation requested will cause sleep deprivation and mental fatigue- this is an unacceptable request by the firm and should not be granted.

- I wholly object to this variation. The conditions were set partly due to residents living nearby. This has not changed! We still live near the site! 24 hour operation will affect not only our daily lives as it did but now disturb our sleep. This was not in operation when the houses were built, we did not know about it therefore it should not happen.

- The associated document states the noise assessment was done in 2018. It does not mention Derwent Way. It does not consider the noise impact of the ringer crane - therefore surely it can't be used as it doesn't include everything it should and could be totally different once the impact of the ringer crane is included within the assessment. BS4142:2014 notes that adverse impacts include annoyance and sleep disturbance - we already have annoyance throughout the day, we should not have to live with sleep disturbance as well.

- There's already a lack of consideration from Smulders with residents from Hadrian Mews ringing them or visiting their site directly when they've went against the noise abatement order in the past.

- I appreciate the local employment and understand the work will be done, but 24 hour working is unreasonable given the close proximity to Hadrian Mews and the application should not be approved.

- Smulders have failed to operate their business within the current rules, so any extension of the working hours would only exacerbate the misery of local residents.

- Since 2019 and the start of the Moray East wind farm contract, we have either been disrupted or have had to leave our bed to pick up the phone to contact the site, on many occasions. Smulders seem to forget people are trying to sleep only metres away from their site. We too need sleep so that we can function at our place of work the next day, and so our children can attend school without sleep deprivation affecting their learning.

- Not only do we suffer from noise pollution, but our properties are showered in ferrous particles from the site carried by the wind, a result of Smulders continuing 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 have also been damaged after a coating of rust particles eating into the paintwork. What is this air pollution doing to our health?

- As the Occupier of 9 Railway Terrace I am concerned about the potential impact on my family this proposal may have. I have 2 young children, my wife works as a front line nurse at the RVI and I myself work as an HSE Advisor. We all require respite to allow us to recharge in order that we may carry out our duties at work and do our best in education. I am concerned that excess noise for consistent periods would have a detrimental effect on my family's life. Lack of sleep caused by high levels of noise can have physical and psychological effects. Therefore, I seek support from North Tyneside Council to reject this planning application in order to protect my families well being.

- I am a resident of Hadrian Mews, our home backs directly on to Hadrian Yard. We fully support work being carried out during the day but not at night. My children's bedrooms back on to the site and they struggled to get to sleep when the yard was operating through the night. Once they were asleep, they were often woken up through the night due to workers welding/shot blasting without the correct screening, workers shouting to each other, the noise of site vehicles and workers vehicles moving around. The current car park is not acceptable, it

couldn't be closer to our homes and as it is gravel, it is extremely noisy when driven on. I found a lot of the workers were ignorant to the fact that there are people sleeping when they are coming and going. They would often beep their horns, shout and race each other out of car park. All residents deserve the right to a decent night's sleep. The amount of times my children have been disturbed is unacceptable. They still have to get up and go to school the next day. Please think about the house we have to put up with at night and do not grant a 24hr permit.

- Another concern of mine is the crossing on Hadrian Road, it has been moved to accommodate cyclists on the cycle path but this means my oldest child and several others that live on the estate and walk to school or the Metro station have to cross the site entrance/exit road to get to the crossing on their way to/from school. Either this or take a chance crossing a 40mph road which any parent would not want their child to do. I would urge the council to think about a crossing island or road calming measure on the site entrance/exit road as it really is an accident waiting to happen.

- Rust particles in the air, they have stained my white window/door frames and neighbours' cars. My car is dark so you cannot see them but it is unacceptable to have damage to our property.

- I have been a resident at Hadrian Mews for 13 years and over the years have had to put up with steel fabrication fall out, on property and our cars and noise nuisance during that time. I complained to Smulders and emailed Councillors during the last contract to fabricate wind turbine jackets, about rust debris that had appeared on our cars and property window sills, but had no response for the Council to visit our property and cars to view the damage. Since Smulders completed the fabrication contract during November and after hours of cleaning our cars we have had no rust debris on the cars. This because no steel fabrication has been carried out in Smulders yard. This is obviously a health hazard to the residents on Hadrian Mews. Smulders are not working to fabrication procedures during the working contract of welding and plasma burning. We can see the debris from these procedures during the dark nights of the year, therefore when wind blows over the estate we have the fall out of welding and burning. I do not want Smulders coming to my house telling me to use a £5 spray can to remove the rust from our cars and that wind never blows over the estate and it's not Smulders responsibility for the rust on cars and windows.

- 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 a reason/s why they are now seeking to vary the conditions? In any event, 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 £1,603.52 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.

- Going forward, I am not convinced that the Council's Environmental Health (Pollution) 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. In this respect, I am dismayed by their supporting comments in favour of the previous application 20/02419/FUL and cannot help but wonder whether the author of those comments has been 'leaned on'. How would they like to live here with 24/7 noise?

- I also 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". Given the above, will local residents continue to be viewed as 'collateral damage' in favour of purported UK job creation? In the event of Smulders being successful and on the assumption that the Council's Environmental Health (Pollution) team will also support this application, can their supporting comments really withstand external scrutiny and/or a legal challenge, given the Council's conflict of interest in this?

- I feel that this planning application should be refused due to the impact of noise levels from the site. The combined noise of both cranes and other equipment used will make the noise levels too high. This will have a bad effect on the standard of life on people living in the local area.

4.0

1 representation which states support with the following comments:

- Nuisance – dust/dirt

- I live in the estate next to the one built beside OGN and we are never sent the letters for planning applications, but we are just as close as the estate that was build closest to OGN and need to be included please as well as Ford Terrace when these are being made.

- I have ticked dust and dirt only because last year we had a lot of red type dust on our windows that I had not noticed before and would like to know if this application is going to cause this again if possible.

5.0 South Tyneside Council

No objections.