

APPENDIX 4

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REC 1315120
PREVIOUSLY ACKNOWLEDGED

The Licencing Section

The Killingworth Site

Harvey Combe

Killingworth

Newcastle upon Tyne

NE12 6UB

6 May 2020

Woods, 1&2 King Edwards Court, Front Street, Tynemouth, NE30 4BX

Dear Sirs,

Your decision of 28 June 2019 to grant Woods Café a premises licence for the sale of alcohol instantly blighted our lives by rendering our property unsaleable given that mortgage finance cannot be secured on residential properties located above licenced premises. You are now proposing to blight our lives even further by allowing off sales and the consumption of alcohol to the outside of our premises, with all the associated public nuisance, increased noise and disorder, and alcohol-related, anti-social behaviour that this entails.

The incessant noise and raised voices from people drinking coffee and smoking cigarettes outside at present until 6.00pm is inconvenient enough. However, as we are all well aware, when alcohol is involved, the volume rises dramatically. This is what we are now being asked to endure all day, every day, until 9.00pm (7.00pm on Sunday) plus, in reality, a further hour after closing time to allow for the drinkers to disperse and to clear up after them. Add to that the constant scraping of metal chairs on the pavement, the collection and emptying of beer bottles into refuse bins, and the increased levels of cigarette smoke. This will make continued living here untenable.

As for the applicant's proposal to include signage to encourage drinkers to be mindful of the residents, this is both laughable and delusional if he seriously thinks the public would take any notice of it. Even your own Environmental Health department objected to the original application citing the detrimental effect of additional noise from the external areas due to intensification of use. Given the minimal toilet facilities available inside the café, this will also include increased use of the rear exterior of the building adjacent to our front door as a public urinal, not to mention other nefarious activities also witnessed here through our entry door security camera including open drug dealing.

The crowds gathered outside the café are already extensive. It is the largest outdoor area by far of any licenced premises on Front Street. If this application is allowed, it will inevitably become the mecca for the drinking hordes who descend on Tynemouth every weekend. It will be a glorified pub in all but name. The noise and associated public nuisance will make our lives intolerable. With respect, would you tolerate close to 100 drunken revellers outside your window all day and every night ?

Once off sales of alcohol is also granted, the applicant, or any subsequent owner of the premises, could of course then readily seek to extend the opening hours until 11.00pm and convert the premises into a fully fledged public house.

Our understanding is that the café has planning permission for 16 tables providing outside seating for 64 people based upon 4 seats per table. Of these, 50% are within the boundaries of the property and 50% are on the public footpath. This includes two rows of seating to the pavement on East Street. However, this designated area is routinely flouted by the applicant with four rows of tables and chairs deliberately set out across the public footpath.

By his own admission, he currently operates with 22 tables outside. This is in clear breach of the terms of his planning permission. Given the Council's continued failure to enforce this breach then, by simply adding more chairs, he has potential seating capacity for up to 88 people. This both obstructs and intimidates pedestrians, particularly, when groups of motorcyclists gather here and park their vehicles on the same pavement.

There is currently a complete bottleneck at weekends on the return pavement to Front Street due to customers outside his café. The narrow two meter wide pavement in this area is regularly totally blocked with the result that pedestrians have to step out onto the road to get past. This footpath obstruction is already a serious public safety issue with both children and adults at risk of being hit by a car. By granting consent for off sales of alcohol the problem would only be compounded by drinkers also gathering here and causing even further obstruction.

This danger is readily evident outside the next door premises, the Turks Head public house where smokers and drinkers regularly spill out from beyond the designated seating area and block the entire public footpath. On the pavement outside of these two premises alone there are more than enough fixed obstacles that members of the public have to negotiate including a bus stop, two street lamps and a mounted security camera column.

Clearly the rights and concerns of the residents of Tynemouth are subordinate to the interests of the night time economy by virtue of the Council's presumption to grant alcohol licenses anyway. Witness some 20 plus licensed premises now already within a 200 metre stretch of Front Street to facilitate the current all day, binge drinking culture. Even with a food and drink-led licence, this can be readily circumvented when even a bag of crisps or a packet of nuts shared among 5/6 people can be legally interpreted as being food-led.

We object therefore in the strongest possible terms to this application given the negative impact that this amount of public nuisance would have on the quality of our lives, and that of our neighbours, as well as the quiet enjoyment of our home.

Yours Faithfully

Gary Callum

From: Stephanie Graham
Sent: 11 May 2020 09:38
To: Gary Callum
Subject: FW: Woods, 1-2 King Edwards Court, Tynemouth
Attachments: Woods 15_01046_FUL-SITE_LOCATION_AND_SITE_LAYOUT_PLAN-436369.pdf

From:
Sent: 10 May 2020 13:12
To: Stephanie Graham <Stephanie.Graham@northtyneside.gov.uk>
Subject: RE: Woods, 1-2 King Edwards Court, Tynemouth

EXTRNL

Stephanie Graham
Senior Licensing Officer

Thank you for your email dated 05 05 20 and I wish to submit an objection as stated below.

Licensing Section

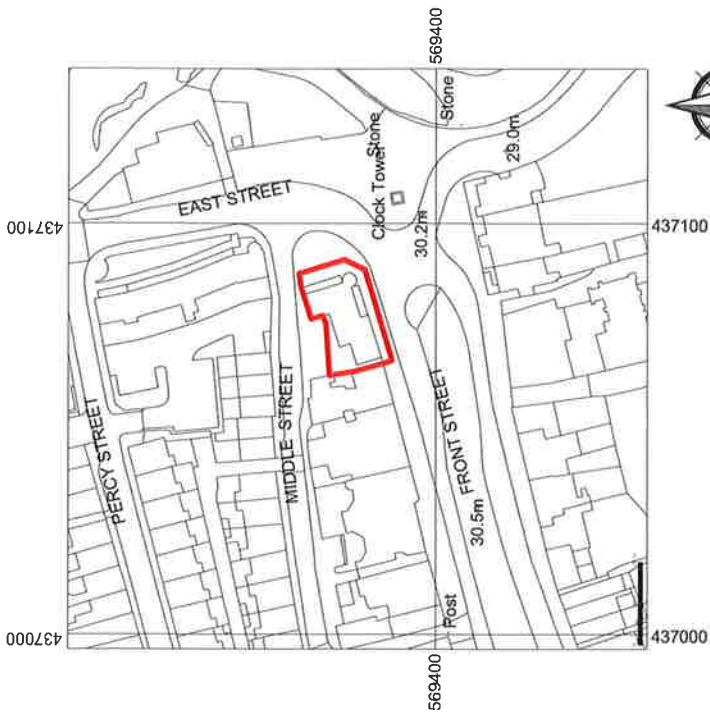
Woods 1&2 King Edwards Court, Tynemouth – Variation to a Premises Licence

I wish to object to the above referenced Licensing application.

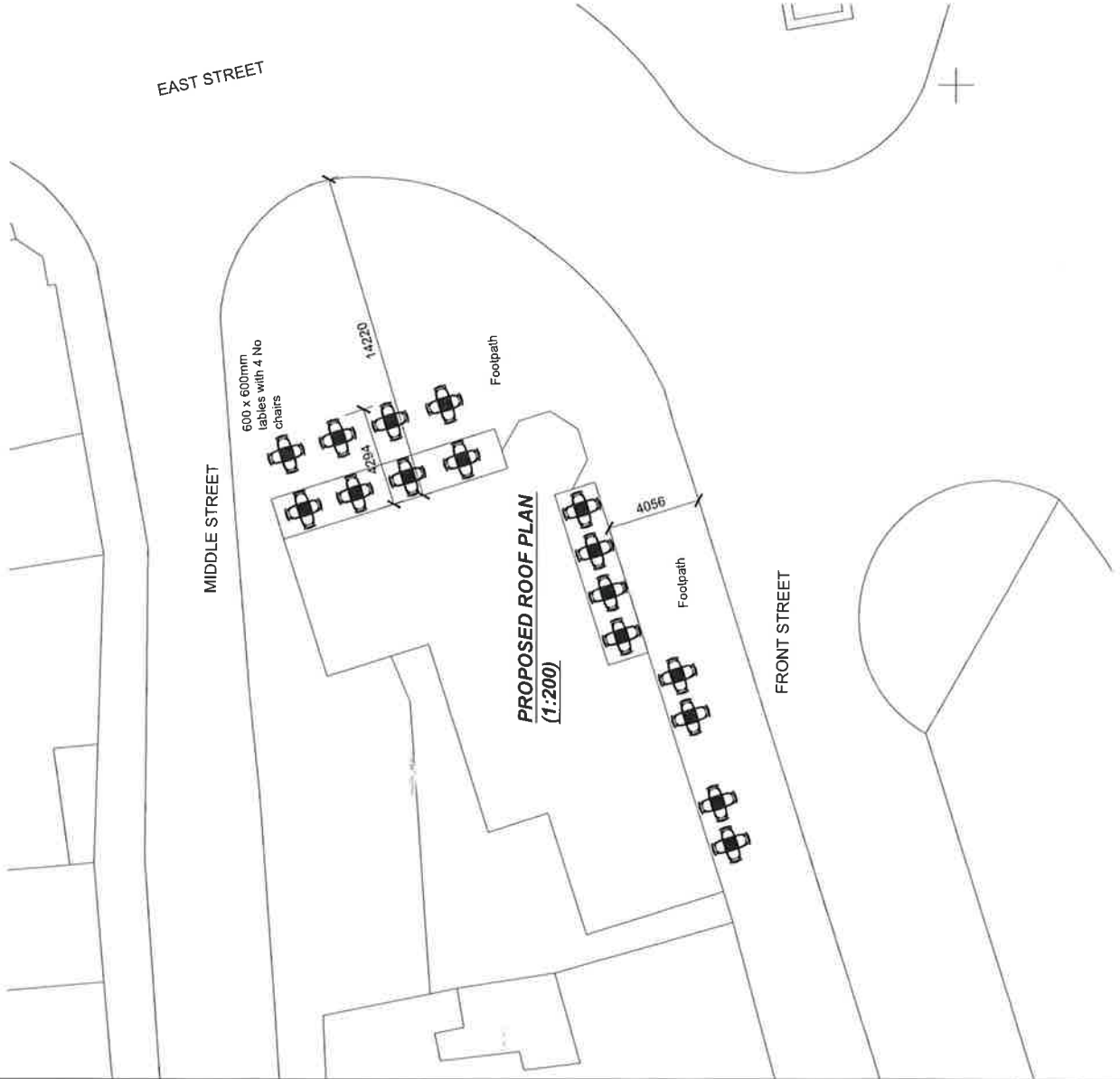
This business, in King Edward's Court, is part of Prior's Haven which is a residential development completed 23 years ago in the heart of the Tynemouth Conservation Area. The development includes two ground floor retail units which were intended to be compatible with the residential dwellings above and nearby. The change to a coffee shop and now licensed premises is adversely affecting what was intended to be a predominantly residential community.

- Tynemouth already has more than enough licensed premises with external alcohol opportunities and another one in this location will adversely add cumulative impact to undesirable noise, behaviour and disruption.
- The area and location of the tables shown by the applicant in the Variation Plan is greater than the boundary of the premises and encroaches on the public footway. This is a safety risk for pedestrians using the footway.
- The area and proposed number of tables are located beyond that which has planning approval by reference to 15_01046_FUL and related Location plan (copy attached).

I ask that the application be rejected.



Location Map
(1:1250)



| Rev. | Revision Note | Date |
|--|---------------|---------------|
| PROPOSED EXTERNAL TABLES TO: MISTER WOODS | | |
| Scale | | 1:1250, 1:200 |
| No. 1-2 KING EDWARDS COURT | | Date |
| TYNEMOUTH - NE30 4BT | | 19.11.15 |
| Title | | Sheet No. |
| SITE LAYOUT AND LOCATION MAPS | | 001 |

Gary Callum

From:
Sent: 06 May 2020 15:12
To: Liquor Licensing
Subject: FW: Licence Number 00CK/19/1244
Attachments: -196501.tif

EXTRNL
Good Afternoon,

I write with reference to the proposed alteration to the Licence Number 00CK/19/1244 for Woods Café at 1 & 2 King Edward Court Tynemouth.

Having received notification that the premises intends on altering its licence to sell alcohol outdoors I feel as the property manager I must make you aware that this is against the terms of the lease.

The terms of the lease for 1 and 2 King Edwards Court state that the property is not to be used for any other purpose than as a retail shop within the uses stipulated in Class A1 of the Town & Country Planning (Use Classes) Order 1987, relevant clause set out below:

Covenants enforceable by the Lessor and Lessees of other Properties

Not to use or suffer to be used the Demised Premises for any purpose other than as a retail shop within the uses stipulated in Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any re-enactment thereof
... caravan or boat or other similar chattel to be brought

The lease is clear that the property is only to be used as A1 and the use as A3, in our view, is a breach of the terms of the lease.

It appears that the Woods Café have previously been given Council approval for a change of use from A1 retail use to A3 café/coffee shop in 2010 (document attached). Within this document it also states that the premises should not be using an outdoor seating area of any form to avoid disruption to neighbouring properties.

There have been no applications made to alter the use class noted in the lease and applications of this nature would be rejected due to the risk of disruption to the domestic properties above the café.

I hope that you can consider this information when reviewing the approval of this alteration.

Thank you for your time,



North Tyneside Council

Development Directorate
North Tyneside Council
Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Tel: (0191) 643 2310
Fax: (0191) 643 2426

Misterwoods Cafe
FAO Mr Steven Smallwood

Application No:
10/00022/FUL

Tyne And Wear

Date of decision issue:
10 March 2010

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country (General Development Procedure) Order 1995
Town and Country (Applications Regulations) 1988

GRANT OF PLANNING PERMISSION

TAKE NOTICE that in pursuance of its powers under the above mentioned Act and Regulations North Tyneside Council as Local Planning Authority hereby **GRANTS** planning permission

For: Change of use from A1 retail use to A3 cafe/coffee shop

at: 1 - 2 King Edwards Court Front Street Tynemouth Tyne And Wear NE30 4DZ

in accordance with the application numbered 10/00022/FUL, deemed valid by the Council on 19 January 2010, and the plans stamped as approved on 10 March 2010.

SUBJECT TO CONDITIONS as follows:

- 1) The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.
Reason: To ensure that the development as carried out does not vary from the approved plans.
- 2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 3) No deep fat frying of foods shall occur, only the re-heating of foods and use of domestic kitchen equipment at the host premises.
Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policies H13 and DCPS 16 of the North Tyneside Unitary Development Plan 2002.

- 4) Notwithstanding the approved plans, the premises opening hours shall be restricted to 08:00 - 20:00 hours Monday to Saturdays and 09:00 - 19:00 hours Sundays and Bank Holidays.
Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policies H13, DCPS 8, DCPS 16 and E16/2 of the North Tyneside Unitary Development Plan 2002, and the Tynemouth Village Conservation Area Character Statement 2002.
- 5) There shall be no outside seating or eating or drinking facilities including furniture, heaters and canopies fixed or otherwise.
Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policies H13, DCPS8, E16/2 and DCPS16 of the North Tyneside Unitary Development Plan 2002, and the Tynemouth Village Conservation Area Character Statement 2002.
- 6) No development shall take place until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.
Reason: In order to safeguard the amenities of the area having regard to policy DCPS No. 8, E16/2 and H13 of the North Tyneside Unitary Development Plan 2002.
- 7) No development shall take place until details of facilities to be provided for the storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. The facilities which shall include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.
Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents having regard to policy DCPS No. 8, E16/2 and H13 of the North Tyneside Unitary Development Plan 2002.
- 8) No extraction equipment or chimneys shall be attached or fixed to the external walls of the premises without the prior written approval of the local planning authority.
Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13, DCPS 8, E16/2 and DCPS16 of the North Tyneside Unitary Development Plan 2002, and the Tynemouth Village Conservation Area Character Statement 2002.
- 9) No activity shall take place at the premises outside of the hours of 07:00 and 23:00 on any day.
Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policies H13, DCPS 8, E16/2 and DCPS 16 of the North Tyneside Unitary Development Plan 2002, and the Tynemouth Village Conservation Area Character Statement 2002.

- 10) No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.
Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

Summary of reasons for granting permission and policies and proposals in the development plan relevant to the decision:

The proposals are considered to accord with the policies and provisions of the North Tyneside Unitary Development Plan 2002 and in particular policies DCPS No. 8, E16/2, DCPS No. 16, H13 and S7.

Signed



Head of Development, strategy and planning

INFORMATION FOR APPLICANTS

- 1) The applicant's attention is drawn to the requirements of the Building Regulations. The applicant must submit a formal Building Regulation application to ensure full compliance with the Building Regulations. The Council's Building Control offer a pre-submission facility where major design issues such as fire safety, means of escape, access to buildings, structural stability and sound resistance can be agreed. Contact Building Control on: Tel.: 0191 643 2200 Fax: 0191 643 2426 or by Email: building.control@northtyneside.gov.uk or via the web site at www.northtyneside.gov.uk/environment/buildingcontrol
- 2) This permission does not include consent for the display of advertisements. Therefore separate application must be made to this Authority in respect of any advertisement which requires consent under the Town and Country Planning (Control of Advertisements) Regulations 1969.
- 3) It is an offence to obstruct the public highway (footway and/or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Highway Authority.

Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a particular hazard to those who are disabled, either by lack of mobility or impaired vision.

Please assist the Council by instructing your building contractor and materials suppliers that obstruction of the highway will not be tolerated by the Council, which is prepared to take legal action against those responsible for such obstructions.

Should you find it impossible to avoid placing materials on the public highway, contact the Highways Maintenance Section (tel 0191 643 6130) in advance to discuss the circumstances. In such cases the Council may authorise the placing of materials subject to specified conditions being met.

- 4) Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over adjoining property.

All foundations, gutters and downpipes should be wholly within the application site.

Note 1 This approval must not be construed as giving approval under Building Regulations or for improvement grant purposes. Building Regulations consent may be required for development involving the extension or construction of a building for which an application may be required. For further information telephone Building Control on 0191 6432200.

Note 2 A condition of this permission requires that the development shall be carried out in complete accordance with the approved plans. Failure to do so could render the development unauthorised. Any material change to the approved plans will require a formal planning application to vary this condition, make a minor material amendment or apply for a non-material change to the plans through an appropriate submission to and the approval of the Local Planning Authority prior to any change being made. For further information telephone Development Control on 0191 6432310.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal you must do so within six months of the date of this notice, using a form which you can only get from: The Planning Inspectorate, Registry/Scanning, Room 3/01 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0117 3726372)or e-mail: enquiries@planning-inspectorate.gsi.gov.uk
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practise, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonable beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In Certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

REC 18/5/20
④ PREVIOUSLY ACKNOWLEDGED

8th May 2020

North Tyneside Council
The Licensing Section
The Killingworth Site
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

Dear Sirs,

Re: Woods Cafe, 1-2 Front Street, Tynemouth, NE30 4DZ - Variation to Licence Application

I formally object to the above licence application to allow the sale and consumption of alcohol to the outside of the premises. This is on the grounds of (1) public nuisance, (2) public safety, and (3) prevention of crime and disorder.

Until very recently I was the owner of 4 Arcade Park, Tynemouth and I know only too well about the frequent rowdiness and drunken behaviour that the residents of Front Street in particular have to endure, as well as the often hostile and intimidating atmosphere that all day drinking creates. Consequently, after years of experiencing increasing anti-social behaviour and disorder in the village, I decided to sell my property.

Sections of footway in Front Street often become congested by customers congregating outside of premises such as Woods Café resulting in the general public being unable to pass safely by and forcing them to walk out onto the busy road. Extended opening hours and intensified use to now accommodate alcohol consumers outside of the premises will result in endangering the general public even further.

Yours sincerely

Gary Callum

ACKNOWLEDGED
⑤ 18/5/20

From: publicaccess@northtyneside.gov.uk
Sent: 13 May 2020 11:20
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0808/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:20 AM on 13 May 2020 from

Application Summary

Address: 1 - 2 King Edwards Court Front Street Tynemouth Tyne
And Wear NE30 4DZ

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: MAKE REPRESENTATION ie.object or support

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Opening Hours
- Planning
- Prevention of Crime Disorder
- Prevention of Public Nuisance
- Public Safety
- Traffic

Comments: 11:20 AM on 13 May 2020 Dear Sir / Madam
I wish to object to the proposed application on the grounds that this application will only exacerbate the current problems that resident living above and near Woods already face. Crime and disorder persists on Front Street Tynemouth residents will get little if any respite if the application is allowed, people living close by are faced, on a daily basis, public nuisance from noise and anti-social behaviour caused by excessive alcohol consumption on the street.

I strongly object to the application and recommend that it is not accepted by the licensing committee.

Rec B. 05.20.

ACK. 18-5-20.

②

THE LICENCING SECTION

THE KILLINGWORTH SITE

HARVEY COMBE

KILLINGWORTH

NEWCASTLE UPON TYNE

NE12 6UB

07 MAY 2020

WOOD'S 1-2 KING EDWARDS COURT, FRONT STREET, TYNEMOUTH, TYNE & WEAR NE30 4DZ

Dear Sirs,

I wish to formally object to the above license application.

Yet even more outside drinking of alcohol on Front Street than there is currently would I consider only create increased public nuisance, crime and disorder than we already have, particularly, at weekends when the external seating areas to cafes and bars are at saturation point.

It is difficult enough currently to walk past Woods Café given the volume of seated customers, as well as passers by standing talking to them and obstructing the narrow public pavement in this location. Added to this is the large number of standing customers awaiting takeaway service from the open window counter. I regularly have to step out on the road to get by them. The serving of alcohol will I consider only add to the congestion with vertical drinkers who refuse to sit and compound what is already a significant public safety problem.

Approval of this application would also be detrimental to any residents living in the immediate area due to the increased levels of noise and public nuisance. I note that the applicant is also seeking to extend his operating hours from his current closing time of 6.00pm until 9.00pm. This means therefore that nearby residents would be disturbed even longer and well into the night by the time drinkers actually disperse. This to me does not prevent public nuisance but, on the contrary, only increases it by extending the period for a further three hours.

Yours Faithfully

Stephanie Graham

From: .
Sent: 24 May 2020 18:16
To: Stephanie Graham
Subject: Fw: Variation to premises licence Woods 1-2 King Edwards Court NE304DZ

Importance: High

EXTRNL

Dear Stephanie
Please see below.
Regards

Sent from my Huawei phone

----- Original message -----

From: .
Date: Sun, 24 May 2020, 18:12
To: Liquor.licensing@northtyneside.co.uk
Subject: Variation to premises licence Woods 1-2 King Edwards Court NE304DZ

Sent from my Huawei phone
24th May 2020

Dear Sir

My objection to the above is the same now as it was to the previous application. So please see below.

Please confirm receipt of this.

I look forward to hearing from you.

Regards

----- Original message -----

From: .
Date: Tue, 7 Apr 2020, 20:21
To: Liquor.licensing@northtyneside.co.uk
Subject: Licensing allocation Woods 1-2 King Edwards Court NE304DZ

Dear Sir

I am writing to object to the above application to sell and allow people to consume alcoholic drinks outside the cafe up until 9pm Monday to Saturday and until 7pm on Sunday.

This will cause significant noise and nuisance to me as I live immediately above the cafe. When the cafe is open I can hear noise from customers constantly already. This will be significantly worse should customers be allowed to sit /stand outside drinking alcohol. The noise will be worse firstly because people will be drinking alcohol and therefore their voices more likely to be raised and also because people will be outside as opposed to inside the cafe. This will be a

significant nuisance to me also because of the opening hours of up to 9pm Monday to Saturday and also to 7pm on Sunday. This will be a significant disturbance to me every day and evening of the week therefore.

I hope you will take notice of my objection and refuse this licensing application.

Yours sincerely

Sent from my Huawei phone

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Gary Callum

From:
Sent: 27 May 2020 09:01
To: Liquor Licensing
Subject: Mr Woods

EXTRNL

I would like to object to the change of licence applied for by Mr Woods in Front Street in Tynemouth.

Whilst I am a supporter of the business I am also responsible for representing the residents and particularly those who live directly above the premises

I believe the the use of the outside area for drinking would the not only be detrimental to the immediate residents but also to Front Street in general as as it would potentially create a huge area of outside drinking.

Despite the best intentions of the the applicant the the area would undoubtedly increase crime disorder, anti-social behaviour and public nuisance, not only for those living immediately adjacent but also those passing by.

I am aware that Mr Woods is a responsible and professional business but once this is granted any future tenant could also so take advantage of this in a less responsible fashion.

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T:
FB:
A:

The Licensing Section
The Killingworth Site
Harvey Combe
Killingworth
NE12 6UB

Te

6th May 2020

Dear Sirs,

Woods Café - 1 & 2 King Edwards Court, Tynemouth
Variation to Premises License - 04th May 2020

As owners of residential flat above the Woods Café premises, we would have objections to the granting of any alcohol licensing for these premises.

The outside seating around the café covers a large pavement area which is often full with people sitting with coffee, soft drinks etc. If alcohol was being served, the noise levels would increase significantly.

Please bear in mind that there are 4 residential flats above Woods Café which would suffer adversely from alcohol being added to the current trading license.

We appreciate that businesses should be allowed to operate in what is a popular tourist area, but not at the expense of the residents right to peace and quiet.

Yours faithfully