

## **Planning Committee**

**Tuesday, 31 August 2021**

Present: Councillor W Samuel (Chair)  
Councillors K Barrie, T Brady, M Green, M Hall,  
John Hunter, C Johnston, F Lott, W Lott, J O'Shea and  
P Richardson

Apologies: Councillors J Cruddas

### **PQ22/21 Appointment of substitutes**

Pursuant to the Council's Constitution the appointment of the following substitute members was reported:

Councillor W Lott for Councillor J Cruddas

### **PQ23/21 Declarations of Interest**

There were no declarations of interest or dispensations reported.

### **PQ24/21 Minutes**

**Resolved** that the minutes of the meeting held on 3 August 2021 be confirmed and signed by the Chair.

### **PQ25/21 Planning Officer Reports**

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning applications listed in the following minutes.

### **PQ26/21 21/01029/FUL, Parking Bays Opposite 50 And 50B, Bell Street, North Shields**

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from 55 Quay Limited for use of part of the parking area opposite the Quay Taphouse, River Café and Dodgins Yard, to be used as additional external seating for customers of these businesses. The external seating would provide socially distanced amenity space and would feature a roadside barrier and waiter/waitress table services.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Mr Keith Powell of Bell Street, North Shields, had been granted permission to speak to the Committee. Mr Powell

stated that as the Covid 19 restrictions had eased the premises had operated between 240 and 168 external seats on a temporary basis. The proposed permanent provision of an external seating area had scant regard to neighbouring residents and the safety of road users and had drawn objections from the Police and Environmental Health. Noise monitoring had indicated that the seating area would result in noise that would be difficult to manage and that this would have an adverse effect on the wellbeing of neighbouring residents and their right to family life. Mr Powell expressed his concerns regarding the safety of staff and the public crossing the road to and from the seating area. He stated that the premises had failed to implement one way systems and display signage and he explained how it would be difficult for staff to manage noise levels.

Mr Paul Sample of 55 Quay Limited addressed the Committee to respond to the Mr Powell's comments. Mr Sample was accompanied by his agent Mr Laurie and a representative from Wardell Armstrong. Mr Sample explained that 55 Quay Limited was a responsible business which was seeking to delicately balance the recovery its business and the amenity of neighbouring residents. The provision of external additional seating would satisfy customer's changing expectations and was a vital part of the businesses' recovery from lockdowns and falling revenues. The proposed seating area would be an attractive asset to the Fish Quay and had the support of local businesses and residents. The venue would be food led, activity would cease at 9.00pm and there would be no music. Mr Sample believed there was little evidence to demonstrate that the area would create a noise nuisance.

Members of the Committee asked questions of Mr Sample and officers and made comments. In doing so the Committee gave particular consideration to the:

- a) location of the seating area in relation to Quay Taphouse, River Café and Dodgins Yard, the Western Quay and the River Tyne;
- b) location and quantity of car parking in the area;
- c) safety of staff, customers and road users and details of the risk assessment carried out by the applicants relating to the carrying of food across Bell Street from the premises to the seating area;
- d) alternative options available to the applicants for the recovery and development of its businesses;
- e) expected level of use of the seating area during the cold winter months;
- f) conditions suggested by the applicant if planning permission were granted including closure of the seating area at 9.00pm and a noise management plan incorporating CCTV, signage and staff training;
- g) evidence presented by both the Environmental Health Officers and the applicant's consultant arising from the noise assessments carried out at the location;
- h) timing of the noise assessments during a bank holiday weekend and during the Euro 2020 football tournament;
- i) location and numbers of residents who had submitted representations objecting and supporting the application;
- j) circumstances relating to an incident reported by Northumbria Police when people had jumped into the River Tyne and its relevance to the application; and
- k) statements contained within the Fish Quay Neighbourhood Plan 2013 and The North Tyneside Local Plan 2017 relating to the development of the Fish Quay as a vibrant mixed use area.

**Resolved** that planning permission be refused on the grounds that the proposal would lead to an unacceptable increase in noise and disturbance resulting in significant harm to the amenity of surrounding residential occupiers; contrary to the NPPF and Policies S1.4 and DM5.19 of the North Tyneside Local Plan 2017.