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South Tyneside Council,
Planning Department
Town Hall & Civic Offices,
Westoe Rd,
South Shields
NE33 2RL

Our Ref. 23/407

2nd January 2024

Dear Sir or Madam,

RE: APPLICATION FOR A SECTION 73 (S.73) AMENDMENT TO PLANNING PERMISSION ST/0353/20/FUL AT FORMER BRIGHAM AND COWAN DOCK 4 ENTRANCE, LONG ROW, SOUTH SHIELDS, NE33 1JA.

I write with reference to the above-mentioned application that has been submitted via the Planning Portal for a S.73 amendment to planning permission ref. ST/0353/20/FUL, which relates to the installation of floating pontoon and wave break, with access ladder at the above site.

To confirm, the scheme seeking approval now is unchanged from what has been approved previously in terms of its nature, and the current proposals simply seek approval for the amendment of the following:

1. Variation to condition 6 that sought to restrict usage to recreational users, varied to include safety vessels or vessels engaged in educational use.

The proposal to vary condition 6 would broaden the scope of use by allowing for the use of safety vessel(s) or those engaged in educational use. Such use refers only to a very small leisure type craft that would not be outwardly distinguishable from any other leisure craft, so much so that to a layperson the difference if a vessel was being used for educational purposes or any given leisure use would be scarcely noticeable. The only difference is that they would have a commercial endorsement, in order to be able to carry out some commercial activities such as those ones being requested and would carry the necessary approvals and insurances to do so.

In addition, the occurrences would be extremely infrequent, perhaps once per month for educational purposes, equating to one boating trip amongst many hundreds already occurring along the river. In addition to the above, it should be noted that the maximum number of people of a safety vessel would be 3 and for an educational trip up to 4 so the quantum of vehicular trips to access the facility will be negligible and will certainly have no impact on residential amenity.

The safety boat(s) themselves would be extremely small, approximately a 5m vessel and would be an imperative part of any marina activities. Its operational activities, if conducting safety support within the Marina, would be extremely rare, generally its activity would be away from the marina at other places within the Port of Tyne and therefore there would only be a small boat leaving and returning to the facility, again no different to a leisure boat conducting the same activity.

Moreover, as part of this application the applicant has gained support from the following parties:

- South Shiels Marine School
- Port of Tyne
- Groundwork North East
- Tyne Coast College

The letters of endorsement from the above parties have been included in the application, but to highlight some of the statements of support, the South Shields Marine School express their wholehearted support for the revised application and state how it would undoubtedly elevate the quality of education and hands-on experience they provide. The Port of Tyne also emphasises how, by allowing training from the Marina it would greatly benefit the Port, as well as providing local financial input into the region. Moreover, Groundwork North East fully endorses the proposals for South Shields Marina to be able to provide properly insured safety vessels for their ecologists and marine biologists to enable them to gather the necessary data. Finally, the Tyne Coast College urges the local planning authority to consider the broader implications of this revised application, not just for Tyne Coast College and the Academy Trust but for the entire community that stands to benefit from such a facility.

The reasoning for condition 6 as stated in the decision notice (ST/0353/20/FUL) was:

'To prevent the development from being used for non-recreational leisure activities such as pleasure tour excursions and commercial fishing in the interests of safeguarding the residential amenities of the area from undue noise and general disturbance in accordance with South Tyneside Local Development Framework Policy DM1(B).'

Therefore, the proposed amendment to the condition would still achieve the intended prevention of commercial trips such as excursions and fishing. It is also our considered view that the activities of such educational use would have no adverse effect on the residential amenities of the area than those undertaken by the current use, due to the nature of the activities they are likely to be undertaken during the working day and will be conducted in a controlled and supervised manner so as not to create unacceptable levels of noise and disruption to residential amenities.

In view of the above, we suggest that the approved condition no. 6 be reworded from:

> *'06 The development hereby approved shall be used solely for the mooring of recreational leisure boats and for no other purpose.'*

To as follows:

> '*06 The development hereby approved shall be used for the mooring of recreational leisure boats and/or safety vessels or vessels engaged in educational use only.'*

In 2021 an appeal was made against South Tyneside Council (APP/A4520/W/21/3282918) to dispute condition 6, the appeal was subsequently dismissed on the grounds of an unacceptable impact on residential amenity, namely:

'The appellant's list of connections, associated activities and possible uses is extensive, and all have the capacity to attract groups of people. In the context of a peaceful residential setting, the comings and goings associated with groups of people and those arriving for commercially-based activities combined with restricted parking and dropping off-arrangements close by, would be likely to lead to an increased level of disruption and disturbance for local residents.'

However, this amendment does not seek the removal of the condition, simply the amendment to include safety vessels or vessels engaged in educational use, making it much more restricted than the original appeal which sought the removal of the condition altogether. Furthermore, the Inspector found that the increased level of disruption and disturbance for local residents would come from:

'The comings and goings associated with groups of people and those arriving for commercially-based activities combined with restricted parking and dropping off-arrangements close by'

Again, the revised amendment to this condition refers to safety vessels engaged in educational use and therefore their associated comings and goings would be much less significant than those discussed in the Inspector's report. Consequently, it is envisaged that the reasons for dismissal in the case of the appeal would not be applicable for this proposed amendment to the condition.

Conclusions

When viewed in the context of the approved plans, it is clear that the proposed amendment does not conflict with the description on the planning permission or make any changes that go to the heart of the consent. Accordingly, it is our considered view that the proposal remains acceptable in all respects, having regard to the requirements of the Development Plan, National Planning Policy Framework, and all other material considerations.

I trust the proposal is acceptable and can allow the application to be considered at your earliest opportunity. Should you require any further information or wish to discuss any aspect please do not hesitate to contact me.

Yours faithfully,

Philippa Hirst
Planning Assistant