



South Tyneside Council

Reference:	260500
Location:	BLUE MARLIN RESTAURANT, OCEAN BEACH AMUSEMENT PARK South Promenade, South Shields, NE33 2LA
Ward:	Beacon and Bents
Description:	Replacement outdoor dining area. Refreshment Kiosk
Recommendation:	Grant Permission with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site and Proposal

These proposals seek planning permission for a replacement outdoor dining area to the rear of the Blue Marlin Fish Shop on South Promenade, South Shields. The decked platform would measure approximately 7 metres by 20 metres. It would have 2 sets of stairs at the front, and a level access provided to the southern side. The decked platform would be approximately 0.5m from the ground and would align with the internal floor of the existing fish and chip dining area. The decked platform would be made from treated timber and would be set under steel posts and beams for the roof forming a pergola approximately 3.8 metres in height, and would have white coloured steel roller shutters infilling external gaps in the supporting posts when the unit is closed.

The proposal also includes a new refreshments kiosk which would measure approximately 5.1 metres by 2.3 metres, and 2.5 metres in height. The kiosk would be a container clad with walnut cladding. This would be positioned to the eastern side of the decked area.

This scheme would replace the existing rear decked area which has been damaged by fire.

Relevant Planning History

The planning history of the site is as follows:

ST/0356/86/DM Change of use from cafe to amusement centre and café. Approved 19/06/1986

ST/0702/87/DM Extension to café to provide hot food takeaway facility. Approved 26/11/1987

ST/0204/92/UD Proposed conservatory extension and change of use from part of building to Amusement Arcade. Approved 20/05/1992

Summary of Consultation Responses

N/A

Summary of Representations

Countryside: My comments on this proposal relate to potential impacts on biodiversity including: statutorily and non-statutorily designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

No ecological information has been submitted as part of the application. The area within the red line boundary does not have any features of ecological significance.

The proposal is within 500m of a number of designated sites, as shown below:

- ~20m to the South Shields Dunes LWS
- ~110m to South Marine Park Lake LWS
- ~260m to the Northumbria Coast SPA
- ~200m to the Durham Coast SSSI

The proposal will not have a direct impact on any of the habitats associated with the designated sites as all works should be confined to the area within the red line boundary. Given the nature of the proposal, it is not considered likely to have a significant impact on any protected or priority species.

Habitats Regulations Assessment

The legal protection for European Sites is set out in the 'Conservation of Habitats and Species Regulations 2017 (as amended)'.

The proposal is a 'project' which should be subject to screening under the Habitats Regulations assessment process.

The proposals are within approximately 260m of the Northumbria Coast SPA. The Durham Coast SAC is over 1km away.

The proposals are to alter an existing café external seating area, not to provide a completely new facility and therefore they are not anticipated to bring extra visitors to this section of the coast. Therefore, indirect impacts caused by increased visitor numbers are not anticipated.

The proposals will involve a relatively modest amount of building work around a building which is frequented all year round by people. The nearest part of the SPA is South Shields pier, which is used by the SPA bird species primarily for foraging on the rock armour on the north side of the pier away from this development. The birds are therefore shielded to some extent from both noise and visual disturbance by their location in relation to the café.

This location is typified by seafront car-parks, a busy coast road and businesses such as an amusement arcade, fairground, cafes and pubs. It is therefore considered reasonable to classify it as an already highly disturbed area. As such, no indirect impacts from aural disturbance of the SPA bird species is anticipated.

Having considered the nature, scale, duration and location of the project, it can be eliminated from further assessment on the grounds that it could not have any conceivable effect on a European site.

Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted South Tyneside Local Plan 2023-2040. Relevant policies are listed below:

- Policy SP1: Presumption in favour of Sustainable Development
- Policy 1: Promoting Healthy Communities
- Policy 2: Air Quality
- Policy 3: Pollution
- Policy 23: Employment Development beyond Employment Allocations
- Policy 25: Leisure and Tourism
- Policy SP26: New Development
- Policy 33: Biodiversity, Geodiversity and Ecological Networks
- Policy 47 Design Principles

The Local Development Framework (LDF) development plan documents also remain part of the development plan at the current time. The following LDF policies are relevant to this planning application:

DM1 - Management of Development (A, B, C and G)
EA5 - Environmental Protection
SS1 - Strategic Vision for South Shields Town Centre and Waterfront
SS5 - Tourism and Culture in South Shields
DM7 - Biodiversity and Geodiversity Sites

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

The key issues in the assessment of this planning application are as follows:

The main issues relevant to the determination of this application are:

- Design and visual impact;
- Impact on neighbouring amenity;
- Impact on highway capacity and road safety; and
- Ecological impacts

Design and visual impact

The works to alter and extend the existing outdoor seating area would be carried out within an existing terraced area of hardstanding used for outdoor seating to the rear of the cafe building, which has been fire damaged. The area is also adjacent to the public promenade. A

mixture of fixed and removable seating would be used, enclosed by a white powder coated steel pergola. The terraced area would have the same footprint as the previous fire damaged terraced area.

The refreshment kiosk would be sited within the terraced area and would be clad with Walnut cladding. This would be similar in appearance to other kiosk structures in the immediate area.

Based on the setting of the site, including the surrounding leisure and café/ restaurant premises, the outdoor seating area and kiosk would be in keeping with the character of the area and would be acceptable in terms of their design and appearance; while also still appearing subordinate in scale to the main restaurant building.

The works would support the enhancement and continued operation of the existing Blue Marlin restaurant, and would meet the objectives of policy 25 of the Local Plan in promoting the role of existing facilities along the foreshore as all-year-round leisure and visitor attractions. It is considered that the proposal would convey sensitive consideration to its surroundings having regard to its scale, design and use of materials. It is therefore concluded that the proposal would accord with Local Plan policies 25 and 47, and LDF Policy DM1 (A and C).

Neighbouring amenity

Having regard to the existing use of the site (including the outdoor seating that was previously already available at the cafe) and the surrounding commercial, recreational land uses within Ocean Beach Pleasure Park (this includes the adjacent Smiths Seaview Cafe which also has outdoor seating), as well as the substantial separation distance to the nearest residential dwellings, it is not considered that the new kiosk or outdoor seating area would result in any unacceptable impacts on neighbouring amenity through noise generation or general disturbance.

The development would therefore accord with Local Plan policies 1, 2, 3 and 47, and LDF Policies DM1 and EA5.

Highway capacity and road safety

The works to the outdoor seating area of the existing cafe would utilise an existing terraced area to the rear of the building. It would be set back from the pedestrian promenade and would not result in any obstruction of the public highway.

The development would not result in an unacceptable impact on highway capacity or road safety, through any obstruction of the public highway, with adequate access to car parking provided for customers, in accordance with Local Plan Policy 47 and the requirements of LDF Policy DM1 (G).

Ecological impacts

The proposal is within 500m of a number of designated sites, as shown below:

- ~20m to the South Shields Dunes LWS
- ~110m to South Marine Park Lake LWS
- ~260m to the Northumbria Coast SPA
- ~200m to the Durham Coast SSSI

The council's Countryside team was consulted and, having reviewed the proposal, confirmed that it would not have a direct, or indirect, impact on any of the habitats associated with the designated sites, as all works should be confined to the area within the red line boundary. They acknowledge that the proposals will involve a relatively modest amount of building work around a building which is frequented all year round by people, in a location which is typified by seafront car-parks, a busy coast road and businesses such as an amusement arcade, fairground, cafes and pubs, and replaces an existing terraced area. It was therefore considered reasonable to classify it as an already highly disturbed area.

Having considered the nature, scale, duration and location of the project, the council's Countryside Officer has confirmed that it can be eliminated from further assessment on the grounds that it could not have any conceivable effect on a European site, or any impact on any protected or priority species.

It is therefore concluded that the development would not adversely affect the integrity, natural character or biodiversity and geodiversity value of any designated wildlife site; and would accord with the requirements of Local Plan Policy 33 and LDF Policy DM7.

Summary

For the reasons set out above, it is considered that the proposal would accord with the relevant development plan policies, and so would be an acceptable form of development.

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Recommendation

Grant Permission with Conditions

1. The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2. The development shall be carried out in accordance with the approved plans as detailed below

Proposed Elevations Sheet 01 Drg No ST-PL-0218v01-005 received 14/07/2026
Proposed Elevations Sheet 02 Drg No ST-PL-0218v01-005 received 14/07/2026
Proposed Plans Drg No ST-PL-0218v01-004 received 14/07/2026
Proposed Site Plan Drg No ST-PL-0218v01-002 received 14/07/2026

To define this permission and for purposes relating to section 73 of the Town and Country Planning Act 1990.

3. The external surfaces of the development hereby permitted shall be as detailed on the approved plans below

Proposed Elevations Sheet 01 Drg No ST-PL-0218v01-005 received 14/07/2026
Proposed Elevations Sheet 02 Drg No ST-PL-0218v01-005 received 14/07/2026

To ensure a satisfactory standard of development and in the interests of visual amenity, in accordance with Local Plan Policy 47 and LDF Policy DM1.

Informatives

1. Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

Case officer: Adam Williamson

Date: 11/09/2026

Authorised Signatory: *G. Simonette*

Date: 11/09/2026