

ADDENDUM

(18 July 2017)

Item No: 1

Application No: 16/01906/FUL
Date valid: 13 March 2017
Target decision date: 8 May 2017

Author: Julia Dawson
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Ward: Monkseaton North

Application type: full planning application

Location: 12 Front Street Whitley Bay Tyne And Wear NE25 8DF

Proposal: Change of use to A3 - restaurant and cafe and installation of ventilation and ducting systems (additional information uploaded to application file 11 July 2017)

Applicant: Omni Cafe Partnership, FAO Mrs Susanne McGarry 34 Kenilworth Road Monkseaton Whitley Bay Tyne And Wear NE25 8BD

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

Condition No.19 (amendment requested)

Condition No.19 is set out as follows:

The premises shall not be open for business outside of 08:00 hours to 22:00 hours Monday to Saturday, and 09:00 hours to 21:00 hours Sundays and Bank Holidays.
Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

The applicant would like this condition amended so that closing time is 10pm Tuesday to Thursday and 11pm on Friday and Saturday. The applicant has submitted the following statement in support of this:

Applicant's Comments on Condition No.19

Although our advertising on social media states our hours are 10am - 8pm, they should state LAST FOOD ORDERS AT 8pm as most of our correspondence over the past 12 months has done, along with the large sign on our front door. This is our oversight and one that probably dates back to our earliest days. We will rectify this.

We take last food orders at 8pm and last drinks orders at 9pm. Most customers ordering at 8pm will have their food served at about 8.30pm, lingering over puds and coffees until at least 10pm. A closing time of 10pm would put us in the position of hurrying out customers who may only have ordered coffee a few minutes before. Could we ask for the closing time to be extended until 11pm - given that it's a very few folk who linger this long and given that we have never had any complaints about customers leaving noisily (we have notices up asking that they are considerate) and the police have never had reason to call at Omni.

I would draw attention to the fact that we have received NO COMPLAINTS OVER 22 MONTHS ABOUT CUSTOMERS LEAVING NOISILY.

I would also draw attention to the close proximity (200m) of a public house where the consumption of alcohol without food is much more likely to mean inhibitions are compromised and customers exiting will be heard.

We think it would be difficult to distinguish noise from customers leaving from the general pedestrian traffic along Front Street at this time in the evening. We are less than 200m from the Ocean Chop Suey House which is open until midnight, serving last orders by 12.30am. We are so close to the Metro there is constant light pedestrian traffic down to the Metro station. Ambient noise will be difficult to attribute.

We do remind customers both in written notices and sometimes verbally to be considerate and they are - we haven't once needed to go outside and encourage folk to be quieter.

IMPACT:

The imposition of a 10pm curfew would significantly impact our income on at least two out of the five nights we are open, a cost which we can estimate at about £23,400 per annum. The calculation is based on the following: our current system on Friday and Saturday nights is to seat our last customers (all of whom will have waited for a table) at 7.45pm. Average spend of £45 per table x 5 tables being seated at this time x 2nights per week = £23,400pa

This is a huge potential loss to the business, coming at just the time when we are looking at our accounts and planning finance to meet the stringent requirements of the extraction system.

66% of our income comes from the evening menu and the condition that we close at 10 will significantly reduce that income, i.e we are open for approx 12-12.5 hours daily and most of our money is made in the three hours we take orders in the evening.

We cannot know the knock-on effects of curtailing our hours, but it is universally understood that to offer something and then take it away results in feelings of resentment and could affect the decision whether or not to choose Omni. We already struggle to seat all comers.

When we went before the licensing committee we were advised to request longer hours than we actually required to allow for some flexibility. This is what we are looking for here. An 11pm closing would be rare and I can evidence this with our rotas. We have always said we prefer to be closed before the pubs close (and we do) but not at the cost of hurrying customers out.

Maybe the committee would look at 10pm close for Tuesday to Thursday and 11pm for Friday and Saturday?

We have also run a very successful New Years Eve feast two years running and I don't think a 10pm finish would work well.