

North Tyneside Council

Report to Council

Date: 23 October 2014

ITEM 4

Title: Petition in respect of the demolition of The Boardwalk, Watts Slope, Whitley Bay

Portfolio(s): Elected Mayor

Cabinet Member(s): N Redfearn

Report from Service Area: Business and Economic Development

Responsible Officer: Paul Buie, Head of Business and Economic Development

Tel: (0191) 643 6091

Wards affected: Monkseaton North

PART 1

1.1 Purpose:

The purpose of the report is to inform Council of a petition that has been received objecting to the demolition of The Boardwalk Café, which lies on Watts Slope, Whitley Bay. The report provides information on the petition, the reasons why the demolition of The Boardwalk Café is being undertaken and makes recommendations. The petition is required to be considered by full Council in accordance with the provisions of the Authority's Petition Scheme contained in the Constitution.

1.2 Recommendation(s):

It is recommended that Council:

- (1) acknowledges the petition;
- (2) endorses the decision to demolish the Boardwalk Café as an essential step towards delivering significant regeneration improvements to the seafront; and
- (3) notes that the draft masterplan will be displayed in venues across the borough - reflecting the seafront being a leisure resource for all residents and visitors.

1.3 Forward Plan:

It has not been practicable to give twenty eight days notice of this report. However, it is required to be considered without the twenty eight days notice being given because it has been confirmed that the number of signatures on the petition had reached the threshold required by the Authority Petition Scheme to be reported to a meeting of Council.

1.4 Council Plan and Policy Framework

This report relates to the following priority in the 2014/18 Our North Tyneside Plan

Our Places: 1. Key regeneration projects will be delivered

2. More people live in North Tyneside and more tourists visit the borough

1.5 Information:

The Petition

- 1.5.1 In August 2014 the Authority issued a press release and erected a site notice at the Boardwalk Café, notifying the intention to demolish the building. In response, a number of objections were received directly by the Authority, a 'Save and Revamp the Boardwalk' Facebook site was established to oppose the demolition and subsequently a composite petition, comprising a handwritten and an electronic submission was received.
- 1.5.2 Under the Authority's Petition Scheme (the Scheme) the Council may decide how to respond to the petition at this meeting. Full Council may:
- decide to take the action the petition requests (should this be within their powers to do so);
 - not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee; and
 - where the decision is one on which the Authority's Elected Mayor and Cabinet are required to make a final decision, the Council will decide whether to make recommendations to inform that decision.
- 1.5.3 In respect of the action requested by the petition, this matter is an Executive responsibility and therefore not within the powers of Full Council to determine. It is therefore only possible for Full Council to either accept the recommendations set out in paragraph 1.2 above or reject those recommendations and recommend that the petition be referred to Cabinet to reconsider the decision taken in respect of demolition.
- 1.5.4 At the meeting, the petition organiser may address Full Council for five minutes to present the petition. Members may then debate the petition for a maximum of 15 minutes.
- 1.5.5 The petition states "We want you to stop the demolition of the Boardwalk Café'. In addition the petition comments 'If it is still standing, next year will see the 150th birthday of the current Boardwalk Café. Under current proposals North Tyneside Council are set to demolish the café to 'improve the view' and provide additional seating for the performance area. For nearly 150 years there has been a café on this site. Thousands of us have happy memories associated with this place. Let's not wait until it no longer exists to mourn its passing."
- 1.5.6 This comment is not factually correct. The current Boardwalk Café is only approximately 35 years old which is apparent from the building's current architectural style and materials. It is also not an extension of the previous buildings on the site as these were constructed of timber and cleared to make way for the current Boardwalk Café. It is however, correct to say there has been a café on this site for a considerable number of years, which was known as Watts Cafe. The current café building is not listed, or in a

conservation area or on the Authority's local list of building of architectural or historic importance.

- 1.5.7 The Authority has not indicated that the reasons for demolition include providing additional seating for the new performance area as this cannot be seen from the lower level of the Northern Promenade.

The Boardwalk Cafe

- 1.5.8 The Boardwalk Café is a late 1970's two storey building with a large single storey extension on the seaward side of the building. The upper floor provides residential accommodation and the ground floor is mainly used as a café/restaurant with a small area on the north side of the building used for selling snacks for beach users. The building is of brick construction with a tiled pitched roof on the main two storey part and a felt covered flat roof over the single storey extension.
- 1.5.9 The building is located on the north side of Watts Slope (see Appendix), which provides vehicular access to the beach and also access to a public toilet block located on the south side of Watts Slope.
- 1.5.10 The current Boardwalk Cafe building replaced a single storey wooden chalet style café that had been on the site for an unknown but considerable number of years. This building was demolished to make way for the current building.
- 1.5.11 Whitley Bay Waterfront Limited was granted a 21 years lease of the Boardwalk Café by the Authority with effect from 1 April 2000. In early 2009 rental payments were in arrears and debt recovery processes were commenced by the Authority. In 2010 Whitley Bay Waterfront Limited went into liquidation with debts owed to a number of creditors including £31,538 being owed to the Authority and the lease ended.
- 1.5.12 In February 2011 the Authority entered into a Tenancy at Will with Forest Meadow Limited at a monthly rent of £1,000 with a view to entering into a long lease provided outstanding debts and other pre-conditions were satisfied. The lease was not granted and Forest Meadow Ltd. went into liquidation in August 2013 with substantial debts owed to Creditors.
- 1.5.13 In 2014 a new occupier Forest Medow Limited took possession of the Boardwalk Cafe. This occupier failed to make the required rent payments and in July 2014 notice to quit was served with the occupier relinquishing possession by agreement on 10 September 2014.

Whitley Bay and associated Coastal Regeneration

- 1.5.14 By way of context the following information is provided for Members. The visitor economy is very important to North Tyneside and its residents. Over 5 million day and 0.5 million overnight visitors result in nearly £250m being spent in our local economy, supporting many businesses and nearly 4,000 jobs. Many of these visitors will visit the Coast and the Authority has significantly invested in providing new and improved facilities at the Coast for visitors and residents of the borough.
- 1.5.15 In the last 10 years the Authority has completed the following key projects in the Whitley Bay Seafront area:

- The revitalisation of Waves at Whitley Bay, which is one of the most popular and most visited leisure centres in the North East region;
- The refurbishment of the Playhouse Theatre, which continues to provide a successful programme of local, national and international productions for the benefit of residents and visitors;
- A range of new children's facilities for children of all ages has been provided in Whitley Park, which is one of the most popular parks in the borough.
- A new skate park;
- Internal and external works to prevent further deterioration in the condition of Spanish Dome, pending the bid to the Heritage Lottery Fund.
- A new Customer First Centre in Whitley Bay town centre, which has brought frontline services into the heart of the town, increasing footfall and benefiting local businesses;
- Spanish City Plaza, which was opened in April 2014 has provided a new venue for a successful summer events programme;
- A new car park on the site of the former library;
- The former High Point Hotel, The Avenue and Whisky Bends have been acquired. Both properties have been closed for many years and, despite action by the Authority, their appearance has concerned local residents and is detrimental to the impression of the area to visitors. Demolition of the High Point Hotel is now well advanced and will shortly be followed by demolition of The Avenue. Both cleared sites will be redeveloped for new housing;
- Two modern primary schools to replace the inadequate Victorian buildings that housed the Marine Park and Coquet Park schools. These new schools are an important part of the local community and help ensure the Authority delivers one of the best education services in the country for our young children;

The following complementary developments support the overall regeneration of the coast and the borough tourism offer:

- The restoration of the grade 2* listed Tynemouth Station, including provision of a large events area;
- A range of refurbishment and new build projects in the Fish Quay area to deliver new businesses, jobs and the restoration of the historic Clifford's Fort Scheduled Ancient Monument, including a new Heritage Centre, which opened recently in the historic Old Low Light; and
- Widening footpaths for pedestrians and to help cafes extend into the street; a new childrens play site; a new beach kiosk, improving and extending car parking at Beaconsfield, providing new pedestrian crossing facilities; improvements to the ramp to Long Sands South (including replacing modern railings with a heritage style in keeping with the historic character of the area and providing new streetlighting) across the Cullercoats Bay and Tynemouth Long Sands areas;

1.5.16 These projects have seen significantly more than £60m invested by the Authority alone.

1.5.17 The Authority also has a major programme of investment projects that will continue to develop the assets at Whitley Bay Seafront and the wider Coast; in the next 5 years the Authority will complete:

- A new visitor car park to the south of Spanish City Dome early in 2015. This will bring visitor car parking into the heart of Spanish City Island alongside the Spanish City Dome and the Plaza.

- The demolition and rebuilding of the Central Lower Promenade. This structure is an essential part of our sea defences but must be reconstructed to enable it to continue to protect the road and businesses above into the 21st century and meet the challenges of extreme events such as the storm surge in December 2013. This will also see the removal of the derelict former commercial units. At footpath level the promenade will be improved to link into the new Spanish City Plaza area;
- The restoration of Spanish City Dome following the completion of the bidding process with the Heritage Lottery Fund;
- Restoration of St Mary's Lighthouse and a new visitor facility on the Headland;
- A range of environmental improvements to the Northern Promenade;
- The restoration of the historic Tynemouth Volunteer Life Brigade Watch House at Spanish Battery;
- A new café at Long Sands North that will provide new public toilets;

1.5.18 These projects will see a further £18m invested by the Authority and its partners.

1.5.19 Many of these existing and future projects have required significant community engagement and residents of the borough have continued to be supportive as the Coast is recognised as an economic and leisure asset for the whole borough and indeed the region. However, a constant message from public engagement events held over the years, particularly in relation to the regeneration of Whitley Bay Seafront, has been the strong desire of the local community to see work progress more quickly.

The Masterplan for Whitley Bay

1.5.20 In the light of the above the Authority is preparing a masterplan for the Whitley Bay Seafront area to the north of Spanish City Island including The Links and Northern Promenade up to St Mary's Lighthouse that will be shared with residents of the borough by the end of the year and which the Authority will use in future to put individual projects into context. The masterplan will draw together existing and new leisure opportunities; will include committed projects as well as new proposals and set standards for investment in the improvements. In particular, the masterplan will ensure that the variety of leisure opportunities are effectively linked together, including the Plaza, the revitalised Spanish City Dome, Watts Slope/Northern Promenade and The Links northwards as well as the important linkages into Whitley Park and the town centre. These linkages are essential to ensure that maximum benefit is gained by co-ordinating the proposals into an overall masterplan.

1.5.21 For this reason, preparation of the masterplan is being co-ordinated with similar proposals recently announced by "Whitley Bay Big Local" to enhance a large part of the town centre and adjacent seafront area. This will ensure the proposals complement each other and deliver initiatives that restore a unique sense of place to Whitley Bay and re-establishes it as a destination of choice for visitors and a high quality area for local residents to enjoy.

1.5.22 In preparing the masterplan it is already clear that the Northern Promenade, which is generally several metres in width and around a kilometre in length not only provides a critical sea defence but also links and provides various leisure activities, including access to the beach. However, despite its generous width over most of its length it is severely constrained at its most critical point, the southernmost access from Watts Slope.

1.5.23 The Boardwalk Café building significantly reduces the physical width of the promenade to the front and side and to the front this is narrowed further by the placing of tables and chairs in this area by tenants of The Boardwalk. Demolition of the building will allow the

entrance to Northern Promenade at this critical point to be widened and a real gateway to this leisure resource can be created. The widened access will allow better use by pedestrians (including runners) and cyclists.

1.5.24 There are also other cafes nearby with “sit in” accommodation, including the Rendezvous Café and Links Art Gallery nearby at Dukes Walk (where there is also car parking) both of which are on the promenade itself and a number of cafes and refreshment offers very close by. For beach and promenade users during fair weather a replacement kiosk will be provided similar to the successful kiosk in Whitley Park, serving a variety of refreshments. In the longer term other new café and restaurant facilities may be provided in the restoration of Spanish City Dome.

Conclusion

1.5.25 It is clear from recent coverage and concerns that, while the community are clearly supportive of the Authority’s strategic efforts to regenerate the Coast and indeed wish them to succeed, the Authority needs to ensure it does more work to put individual projects into context. This is particularly the case with the Boardwalk Café, where the petitioners and the wider community and media are under the misapprehension that this is a longstanding, successful Whitley Bay business in a building that has historical merit. It is important to note that building the Boardwalk Cafe has no architectural or heritage merit and the business has been run by a series of companies that have been wound up owing substantial debts to creditors.

1.5.26 To ensure the individual projects can be seen in the broader context a masterplan is currently being finalised for Whitley Bay Seafront that will be shared with residents and other stakeholders across the borough, beginning in Whitley Bay later this year.

1.5.27 In the meantime, demolition of the Boardwalk Café is considered to be an essential first step, which is key to opening up the Northern Promenade area and unlocking the improvements to Whitley Bay Seafront that borough residents are expecting to be delivered by the Authority.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

To agree the recommendations set out in paragraph 1.2 above.

Option 2

To reject the recommendations as set out in paragraph 1.2 above.

Option 3

To refer the petition to Cabinet for consideration and determination of appropriate action by the Authority. Council may make recommendations to inform and assist Cabinet in dealing with this matter.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

This option allows Council to acknowledge the petition submitted with respect to the proposed demolition of the Boardwalk Cafe. The petition demonstrates the need to undertake public engagement on the overall proposals for Whitley Bay Seafront as soon as possible and that it has been confirmed that this will begin in Whitley Bay by the end of the year.

This option also allows Council to endorse the decision to demolish the Boardwalk Cafe. The regeneration of Whitley Bay Seafront will be significantly enhanced by opening up access to Northern Promenade and creating a new gateway to this significant leisure resource. Demolition of the Boardwalk Café will also improve the appearance of the area and enhance views up the coastline towards St Mary's Lighthouse.

1.8 Appendices:

Appendix: Location plan of The Boardwalk Cafe

1.9 Contact officers:

Francis Lowes, Senior Manager, Regeneration Team Tel. 0191 643 6421
Julie Bews, Regeneration Project Manager, Regeneration Team, Tel. 0191 643 6428
Dave Brown, Governance Services Manager, Law and Governance Tel. 0191 643 5358
Rob Alexander, Senior Surveyor, Property Services, Tel: 0191 643 6527
Sarah Heslop, Manager Commercial Team, Law and Governance Tel:- 0191 643 5456
Alison Campbell, Finance Business Manager, Finance & Commercial Services Tel: 0191 643 7038

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the offices of the report author:

- (1) Petition entitled "We want you to stop the demolition of the Boardwalk Cafe."
- (2) Cabinet Report dated 16 August 2005 – Whitley Bay Regeneration.
http://www.northtyneside.gov.uk/minutes/cabinet/2005_08_16/Whitley%20Bay%20Regeneration.pdf
- (3) Cabinet Report dated 18 April 2006 – Spanish City Island/Whitley Bay Seafront Regeneration.
http://www.northtyneside.gov.uk/minutes/cabinet/2006_04_18/Spanish%20City%20Whitley%20Bay%20Seafront%20Regeneration.pdf
- (4) Cabinet Report dated 13 November 2007 – Whitley Bay Regeneration Update.
http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=19056
- (5) Cabinet Report dated 8 March 2010 - Whitley Bay Regeneration: Spanish City Development CPO.
http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=513018
- (6) Report to Cabinet 11th October 2010: The Coast Strategic Regeneration Framework
http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=518423

- (7) Cabinet Report dated 11 April 2011 - Spanish City Development Opportunity http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=524461
- (8) Cabinet Report dated 11 April 2011 - Spanish City Development Opportunity – Final Bid Evaluation Report (report not publically available)
- (9) Cabinet Report dated 12th November 2012 - Coastal Regeneration report including Spanish City Progress and external funding (report not publically available)
- (10) Cabinet report dated 8 July 2013 - Coastal Regeneration Strategy and Spanish City Island Regeneration http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=545717
- (11) Cabinet report dated 10 March 2014 - Whitley Bay Seafront and Spanish City Island Regeneration Update and Compulsory Purchase Order (report not publically available)
- (12) Cabinet report dated 8 September 2014 – Spanish City Island – amendment to Heads of Terms with the developer (report not publically available)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The estimated cost of demolition, including disconnecting utilities is around £75,000. To make good the site and install the kiosk further work will be required but can only be assessed once the demolition is complete, enabling a thorough investigation of the site.

Funding for the demolition of the Boardwalk Café and additional funding for making good the site and installing the kiosk is available in the 2014–18 Investment Plan from within the existing Coastal Regeneration budget.

Funding from the overall Coastal Regeneration budget has also been retained, pending agreement of the masterplan, to begin implementing improvements immediately.

2.2 Legal

The Authority's Petition Scheme forms part of the Constitution. The petition received in relation to the proposed demolition of the Boardwalk Cafe has triggered the relevant provisions of the Authority's scheme and requires consideration by Council.

The decision to demolish the Boardwalk Cafe is an executive responsibility pursuant to the Local Government Act 2000 and is delegated to officers pursuant to the Authority's Officer Delegation Scheme

Prior to undertaking demolition of the Boardwalk Cafe it was necessary to notify the Planning Authority of that intent and to advertise the proposal by placing notice on the property to be demolished (i.e. the Boardwalk Cafe). Although public consultation prior to the demolition of such a building is not required some representations were received

from residents. These are referred to in Paragraph 2.3 below. The representations made were not on matters that could be taken into account in relation to the consideration of the notification of the proposed demolition.

At this point the Planning Authority requires additional information regarding the methodology for demolition and site restoration to be provided to satisfy conditions imposed. This information must be submitted and agreed by the Planning Authority prior to any work commencing on site.

The required approval of the demolition under the Building Act 1984 has also been issued.

Provided the conditions referred to above as required by the Planning Authority are satisfied the demolition may lawfully proceed.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation took place with planning officers before submission of the notification of demolition under the Town and Country Planning (General Permitted Development) Order 1995. Internal consultation also took place with Building Control officers.

2.3.2 External Consultation/Engagement

Extensive public engagement has taken place over many years regarding the regeneration of the coast and Whitley Bay Seafront. Key engagement events took place in June 2005 prior to the approval of the Whitley Bay Seafront Regeneration strategy. Further public engagement took place following the appointment of Robertson as the Council's preferred developer for the regeneration of the Spanish City Island and The Avenue development sites.

Views on the regeneration of the seafront were also gathered as part of the Communications and Engagement Team Summer Programme 2014, which demonstrated borough wide support for the restoration of The Dome and the coast as a whole.

As a result of the demolition notice placed on site the Planning Authority received 11 representations from residents in respect of the demolition, of which 8 were objections and 3 were in support. The issues raised related to retention of the building for future use.

Further public engagement, specifically on the master plan is proposed to take place towards the end of 2014. Details of this event will be announced soon.

2.4 Human rights

There are no human rights issues arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity issues arising from this report. However, improving the access to Northern Promenade as proposed will enhance access for people with mobility difficulties.

2.6 Risk management

The building has been surveyed and asbestos has been identified that will be removed by an approved contractor prior to the main demolition contract. The demolition will be undertaken in accordance with a method statement to be agreed with the planning officers and Building Control. This will include securing the site to prevent unauthorised access during the works.

2.7 Crime and disorder

There are no crime and disorder issues arising from this report.

2.8 Environment and sustainability

The demolition of the Boardwalk Café will improve residents and visitors experience of the environment by restoring the spectacular coastal views towards St Mary's Lighthouse. It will also increase opportunities to enhance walking, cycling and other activities, particularly by making more use of the Northern Promenade.

PART 3 - SIGN OFF

- Chief Executive
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy