

Item No: 5.3
Application No: 16/01830/LAREG3 Author: Julia Dawson
Date valid: 22 November 2016 ☎: 0191 643 6314
Target decision date: 14 March 2017 Ward: Whitley Bay

Application type: planning application by local authority

Location: Promenade and Central Lower Promenade, Whitley Bay, Tyne And Wear,

Proposal: Works to Central Promenade comprising of: Cladding the existing lower promenade sea wall; Construction of a mechanically stabilised earth retaining wall on the lower promenade and subsequent widening of the upper promenade; Improvement of existing lower promenade and coastal frontage access, and associated public realm works (Updated - DESIGN STATEMENT: POTENTIAL UNDERLYING MINE WORKINGS)

Applicant: North Tyneside Council, FAO Mr Mark Newlands Quadrant East Silverlink North Cobalt Business Park North Tyneside NE27 0BY

Agent: Hartlepool Borough Council, FAO Mr Scott Parkes Civic Centre Level 4 Victoria Road Hartlepool TS24 7BT

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Planning Issues

- Principle of the development;
- Impact on ecology;
- Impact on amenity and cultural heritage;
- Other issues.

2.0 Description of the Site

2.1 The application site, the central promenade, is located within Whitley Bay Town Centre, close to Spanish City. It runs parallel to the adjoining public highway, part of the A193. The section subject of this application extends from a point just north of The Rex Hotel and extends northwards for a length of approximately 300m to a point opposite Brook Street Gardens, where it adjoins the Spanish City Plaza at the upper level and an existing grass slope at beach level. Located to the west of the site is East Parade, which includes a three

storey block of commercial and residential properties. Brook Gardens, Brook Street and a recreational grassed area are located to the north of the site.

2.2 The site is designated as a wildlife corridor within the Council's Unitary Development Plan (UDP) (2002). It is also located within a coastal protection area. The promenade and adjacent beach forms part of the Tynemouth to Seaton Sluice Site of Special Scientific Interest (SSSI). The site overlaps with the Northumberland Shore SSSI and the Northumbria Coast Special Protection Area (SPA) which lies immediately adjacent to the southern edge of the site.

2.3 The central promenade is a coastal defence structure, dating back to the late 1920s, consisting of a beach fronting two tier promenade. The lower level comprises of two distinct areas – the northern and southern sections. The shoreline of the southern section is a concrete sea wall, which supports the lower promenade. There is a paved area above this, with an access ramp that connects to the road level above. Underneath the ramp is an electrical transformer station. A set of steps leads down from the promenade to the beach.

2.4 The shoreline of the northern section comprises a lower concrete seawall with brick panels above. At the northern end are two large doors. Behind the brick panels is a void or basement. Within the void is a Northumbrian Water (NWL) "egg" shaped sewer which runs the length of the promenade to the combined sewer overflow (CSO). At the northern extent of the wall, an outcrop of bedded sandstone is present at the approximate level of the base.

2.5 Above the brick panels is the northern part of the lower promenade, which is a similar level as the southern section. Previously, there were several disused commercial units located here, these have now been demolished. The upper promenade is a wide surfaced, pedestrian walkway which also duels up as the long distance National Cycle Route. Four sets of steps and one ramp currently provide access to the beach along this section.

2.5 The upper and lower promenades are designated as General Open Space within the Council's UDP (2002). In the Green Space Audit it is identified as being of medium quality/ medium value. Vehicular access to the upper promenade is restricted. There is no vehicular access to the lower promenade. A set of steps at the northern end of the promenade provide access for non motorised users (NMU's) to the lower portion of the structure. A further set of steps and a ramp provide access on to the beach (Whitley Sands).

3.0 Proposed Development

3.1 The proposed scheme consists of the following works:

- Cladding of the existing lower promenade sea wall
- Construction of a mechanically stabilized earth retaining wall on the lower promenade and subsequent widening of the upper promenade
- Improvement of appearance of existing lower promenade and coastal frontage access
- Associated public realm works

3.2 The proposal is for a coastal defence scheme. Currently the central lower promenade is fronted by a sea wall of approximately 300m in length. The approximate development area is 7440m². This is an increase of 240m² in footprint, this can be attributed to the construction method proposed for the cladding of the sea wall. This increased footprint will be realised in additional area across the central lower promenade. The footprint of the former retail units will be reinstated as footway to form part of the upper promenade, this area is approximately 835m².

3.3 The proposed scheme will mirror the existing layout. There are no proposals to undertake major work to rearrange the layout of the site. Slight modifications are proposed to access routes to the site, namely the improvement of accessibility along two pedestrian ramps and the installation of a ramp to replace an existing staircase.

3.4 The lower promenade will incorporate one constant surface finish to the footway. This finish is to be designed to incorporate the theme of the adjacent performance area. The upper promenade will be tied into the existing footway and will also be designed to incorporate the theme of the adjacent performance area development.

3.5 Traditional concrete balustrades are proposed to the upper promenade and polyurethane railings to the lower promenade. The existing sea wall is to be clad in pre cast concrete panels. The panels will be designed to incorporate a textured surface finish. This will provide ensure a natural rock/stone effect finish and uneven surface. The panels are designed to mimic natural rock/stone blockwork. The rear wall will also be clad utilising the same pre cast concrete panels, thus providing continuity across the development.

5.0 Relevant Planning History

12/01753/EIASCO - The proposed redevelopment of the Central Lower Promenade – Opinion given 14.01.2013

15/00201/LAREG3 - Removal of units and improvements to the sea defences at the Central Promenade, Whitley Bay and subsequent landscaping – Approved 22.05.2015

6.0 Development Plan

6.1 North Tyneside Council Unitary Development Plan (adopted March 2002)

6.2 Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

7.0 Government Policy

7.1 National Planning Policy Framework (March 2012)

7.2 National Planning Practice Guidance (As Amended)

7.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining

development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main Planning Issues

- Principle of the development;
- Impact on ecology;
- Impact on amenity, including visual and residential;
- Impact on cultural heritage;
- Impact on highway

7.1 Consultation responses and representations received as a result of the publicity given to this application are set out in the appendix of this report.

8.0 Background

8.1 Planning permission was previously granted via 15/00201/LAREG3 for the removal of the units and improvements to the sea defences at the Central Promenade, along with subsequent landscaping. The units were subsequently demolished in accordance with the approved scheme, however the planning permission has not been fully implemented. The current proposal seeks planning permission for an alternative, albeit similar, scheme. The main differences are that soft landscaping no longer forms part of the proposal, and concrete balustrades are now proposed to the upper promenade.

8.2 The applicant has advised that the proposed works will primarily provide coastal defences for 56 residential properties, four commercial buildings and key highway and utility infrastructure. The proposed scheme will offer protection to these assets for 100 years. The provision of refurbished coastal defences will allow for the upgrading of the existing lower central promenade and the reinstatement of the upper central promenade. This work will increase the quantity of existing public open space, creating areas which will be utilised for amenity purposes.

8.3 The applicant held a public consultation event on 20th and 21st October 2016, the purpose of which was to gauge the opinion of the public with regard to the proposed scheme. The event took the form of drop in sessions at Whitley Bay Customer First Centre, Whitley Bay. Both sessions were advertised in advance in the News Guardian, North Tyneside Council's website and on social media. Consultation material was available for the public to view and discuss with the Project Team.

8.4 The applicant has advised that the two day event was well attended, with a large number of the public visiting the consultation event. The quantitative results (returned questionnaires) showed that over 90% of respondents were in favour of upgrading the defences in the manner set out within the current planning application.

9.0 Principle of the development

9.1 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means where the development plan is absent, silent or relevant policies are out of date, granting permission for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies indicate that development should be restricted.

9.2 NPPF paragraph 94 states “Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations”.

9.3 NPPF paragraph 100 goes onto to state “ Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.....”.

9.4 NPPF paragraph 105 states “In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes”. NPPF goes onto say that LPA’s should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. Coast Change Management Areas should be identified.

9.5 NPPF paragraph 108 states “Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions where necessary to reduce the risk to people and the development”.

9.6 NPPF paragraph 120 states “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

9.7 UDP Policy E26 states “An area of coastal protection whose open character will be maintained and where possible enhanced. Its tourism and recreational potential will be encouraged to the extent that it does not adversely affect its landscape and nature conservation value”.

9.8 The site, subject of this application, is sited on the North East coastline within an area of coastal protection. The submitted Flood Risk Assessment (FRA) confirms that site lies within both Flood Zones 1 and 3a. The site also lies within a critical drainage area as defined by NTC Strategic Flood Risk Assessment (SFRA). The site is also at risk from tidal flooding.

9.9 The central promenade forms a vital part of the coastal erosion defence network for the Whitley Bay area and is a key project within the Whitley Bay Seafront Regeneration Master Plan. As previously set out within the recommendation report for planning application 15/00201/LAREG3, Members are reminded that the existing defences on this site are in need of repair to ensure the long term future of a critical sea defence. The renewal of the seawall has been identified in the Hartley Cove to the River Tyne Coastal Strategy (2007) and the Shoreline Management Plan 2 (2009). The improvement of this existing coastal defence is required to maintain coastal protection along this part of the Whitley Bay frontage. The proposed development is an engineering solution to produce a coastal defence scheme. Furthermore, the rebuilding of the structure also provides an opportunity to improve the visual amenity of the area.

9.10 The EA's Flood Map indicates that the application site is within an area at risk from tidal flooding and storm surges associated with the North Sea. The re-development will project sea walls slightly further into the inter tidal zone compared to the existing structure. This design is to enable the structure to be aligned with structures both to the north and south of the Central Promenade. This increase in the footprint of the development in the inter tidal zone will have a negligible impact on tide levels at the site itself and areas to the north and south along the coastal fringe. The proposed development is classified as "Essential Infrastructure" according to the NPPF, and is acceptable within Flood Zones 1 and 3a. Officers consider that the proposed improved sea defences on the central promenade will reduce the risk of flooding from the sea.

9.11 Surface water is currently managed through existing road gullies and combined kerb drainage units prior to entering an existing sewer which runs through the central promenade. All surface water generated on the central promenade itself drains onto the beach via surface water runoff from the impermeable structure. The redevelopment of the Central Promenade will not amend surface water flow routes. It will not increase flooding elsewhere. The middle and lower decks already drain onto the beach/into the North Sea and this arrangement will continue. This will assist in reducing the chance of flooding. Northumbrian Water have been consulted and do not object.

9.12 The EA have raised no objections. They have advised that the proposed development will provide will meet the requirements of the NPPF if the measures outlined in the FRA and accompanying documents are implemented and secured by way of a planning conditions.

9.13 As identified during assessment of the original planning application (15/00201/LAREG3), a primary constraint in the central promenade project is the possibility of old mine workings located beneath the structure as advised by the Coal Authority. Any new structure that is built at this location must not increase the weight and bearing pressure on the underlying ground. If the weight were to

be increased then the mine workings at risk would have to be properly addressed and mitigated. The proposed development negates the need to properly address and mitigate the mine workings. The design of the previously approved development was pursued as it allowed the use of a lightweight landscape embankment above a relatively light new sea wall so no increase in loading to the ground. The Coal Authority were satisfied that the information previously submitted was sufficient for the purposes of the planning system and to meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

9.14 The lightweight landscape embankment no longer forms part of the proposal. However, the Coal Authority has noted the content of the submitted *Design Statement: Potential Underlying Mine Workings* (Revision A, dated 19 December 2016), which advises that the weight of any overburden generated by the proposed works will not be significant will not exceed the ground bearing pressure limit of 150kN/m as identified by Capita in connection with the original scheme and therefore poses no greater risk in terms of mining legacy than the original design. As such, they have raised no objection to the proposed works.

9.14 UDP Policy LE2 states, “The LPA will support proposals for the development of tourist and leisure facilities provided they are acceptable in terms of their impact on the natural and built environment, and on surrounding land uses. In the case of uses which are appropriate to a town centre location proposals will be accepted only where the impact on the town centre is acceptable”.

9.15 The Council’s Regeneration Team have advised the proposed works will support the continued regeneration of North Tyneside's coast and specifically Whitley Bay and also safeguard the coastal defences through the construction of a retaining wall. Improvements to the existing lower promenade and coastal frontage access as well as associated public realm works will help to establish a cohesive public realm treatment as part of the masterplanning of the Northern to Central Promenades in Whitley Bay and will enhance the town and coastal area making it more attractive for residents, visitors and businesses. This is in accordance with policy LE2.

9.16 It is officer advice that the proposed scheme is acceptable.

10.0 Impact on ecology

10.1 NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils. Impacts on biodiversity should be minimised and development should provide net gains in biodiversity where possible. This will contribute to the Government’s commitment to halt the overall decline in biodiversity.

10.2 NPPF paragraph 118 encourages local planning authorities to conserve and enhance biodiversity when determining planning applications. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on

to state that proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Furthermore, Special Protection Areas (SPAs)/RAMSAR sites should be given the same protection as European sites.

10.3 UDP Policy E12/2 states “Development which all adversely affect a designated site of Special Scientific Interest (SSSI) will not be permitted unless no alternative site is reasonably available and the benefits of the proposed development would outweigh the intrinsic national importance of the designation and the national value of the network of such sites. In all cases where development is permitted appropriate measures of mitigation of or compensation for any adverse effects will be secured”.

10.4 UDP Policy E12/3 states “Development which would adversely affect a Regionally Important Geological Sites (RIGS) will not be permitted unless no alternative site is reasonably available and the benefits mitigation of, or compensation for, all the adverse effects are secured where appropriate through planning condition or planning obligations. In all cases any adverse effects of development shall be minimised”.

10.5 UDP Policy E12/5 states “Development which would have an adverse effect on wildlife species or their habitats protected by law or international obligation will not be permitted unless any such effects can be mitigated, where appropriate through planning condition or planning obligation, and the overall effect will not be detrimental to the species”.

10.6 UDP Policy E12/6 states “Development which would adversely affect the contribution to biodiversity of a wildlife corridor will not be permitted unless amongst other matters appropriate measures of mitigation or compensation for all the adverse effects are secured”.

10.7 The promenade and adjacent beach forms part of the Tynemouth to Seaton Sluice Site of Special Scientific Interest (SSSI). The site overlaps with the Northumberland Shore SSSI, a site designated due to the present of nationally important populations of wildfowl and waders. To the south lies the Northumbria Coast Special Protection Area (SPA) which lies immediately adjacent to the southern edge of the site. The SPA is an area of international importance for the bird assemblage it supports, primarily during the winter period.

10.8 The applicant has submitted an Extended Phase 1 Habitat Survey, Habitats Regulations Assessment (HRA) Screening Opinion (including Wintering Bird Report) and a Bat Survey Report, which were submitted in support of approved application 15/00201/LAREG3. In addition, the original Environmental Statement and an updated Environmental Statement Addendum Report have also been submitted. The Addendum Report contains a detailed appraisal of the impacts upon the original environmental statement caused by the changes in the amended/current proposal. It was not deemed necessary for the applicant to undertake a new Environmental Impact Assessment for the current application, given that the overall scheme impact remains low.

10.9 Since the compilation of the original Environmental Statement, the baseline condition of the site has slightly changed. The demolition of the units on the lower promenade, which formed the structure for the upper promenade/footway, was a large consideration when assessing environmental impact. As this work is now complete, the impact on the environment is largely reduced, which would have been considered as part of the scheme. Now this work has been complete, the baseline condition is altered by the loss of this structure. The submitted ecology reports advise that the site is of low ecological value.

10.10 The Council's Biodiversity Officer and Natural England have considered the submitted information and raised no objections to the proposals.

10.11 The Biodiversity Officer has advised that the mitigation measures set out in section 9.6 of the original Environmental Statement are still relevant except the one relating to seeding the bankside with a coastal grass mix, as the plans have now to omit this. However, if there is any landscaping as part of this scheme, she has requested that this include native coastal planting in keeping with the status of the coast and a condition on the application to ensure that a landscape plan will be submitted for approval by the LPA. In addition, with regard to the condition relating to the provision of interpretation panels for the SPA/SSSI, details should be submitted to the LPA for approval to ensure the correct information is set out on the panels.

10.12 Subject to appropriate mitigation to be secured through conditions neither Natural England nor the Council's Ecologist has raised any objection.

10.13 The Marine and Coastal Access Act 2009 allows for the creation of Marine Conservation Zones (MCZs). MCZs protect a range of nationally important marine wildlife, habitats, geology and geomorphology, and can be designated anywhere in English and Welsh territorial and UK offshore waters. As noted, in the original application (15/00201/LAREG3), the Coquet to St. Mary's recommended MCZ is a material planning consideration. An addendum to the original ES considered this and concluded that the potential for significant adverse impacts on the nearby Coquet to St Mary's recommended MCZ would be negligible given the scale of the proposals and lack of change of use to the site. This position remains the same given that the nature of the proposed works has reduced since the original application was considered.

10.14 Members need to determine whether the proposed scheme is acceptable in terms of its impact on ecology, including the SSSI and SPA. It is Officer advice that it is acceptable subject to appropriate mitigation measures.

11.0 Impact on amenity and cultural heritage

11.1 In relation to air quality the NPPF states that all planning policies should sustain compliance with and contribute to the EU air quality limit value or national objectives for pollutants.

11.2 NPPF states that "Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development,

including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them”.

11.3 NPPF paragraph 56 states “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and contribute positively to making places better for people”.

11.4 NPPF paragraph 60 states “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.

11.5 NPPF paragraph 64 states “Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions”.

11.6 UDP Policy E3 states that the Local Planning Authority will seek to minimise the impacts from pollution of the environment, including existing land uses and on proposed development. Measures will be supported where these reduce existing pollution to the lowest practicable level.

11.7 UDP Policy H13 states that applications for non-residential development within or adjacent to residential areas will be approved where the Local Planning Authority consider that they would not adversely affect residential amenity. Uses that generate excessive noise, smell, fumes, traffic, or on street parking problems will not be allowed.

11.8 UDP Policy E17/4 and E17/5 sets out local planning policy for development that would adversely affect the setting of a listed building or buildings of local architectural or historic interest.

11.9 Policy LE2/1(4) states that the Spanish City is appropriate for leisure development.

11.10 UDP Policies R2/1 and R2/2 set out local planning policy for the protection of open space. Policy R2/2 states “Development of land shown on the proposals map for open space will not be permitted where this will either: result in a reduction in open nature of the land where this causes significant loss of local amenity; or result in insufficient provision for informal recreation in the locality; or adversely affect the environment or adjoining land uses; unless the existing use is shown to have had an excessive adverse impact on the local neighbourhood in terms of noise, disturbance or other reasons”.

11.11 The site is also adjacent to a recreation corridor. Policy R4 states that recreation corridors will be protected for that purpose by ensuring that no development is approved which would prejudice their accessibility and intended use.

11.12 The upper and lower promenades are areas of designated open space within the Council's UDP (2002). North Tyneside Council's Green Space Strategy (2015) states "The coastal area is one of the borough's most important areas of open space, combining beaches and many other varieties of open space".

11.13 The central promenade was constructed during a period of seaside improvements in the late 1920s and 1930s, replacing a Victorian garden. Members are advised that the central promenade is not recognised as a historic asset through designation as a listed building, nor is it locally listed. The site is not located within a conservation area. Members are advised that, whilst she has submitted no comments in response to the public consultation on this application, the Tyne and Wear Archaeology Officer raised no objections to the previously approved scheme.

11.14 A Landscape Visual Impact Assessment (LVIA) forms part of the submitted Environmental Statement (ES). The LVIA seeks to identify the impact of the proposed development on visual amenity, focusing on the potential change in views and the extent of the effect from representative viewpoints, residential receptors and significant routes.

11.15 The application site is located to the south of Spanish City. The upper promenade runs alongside part of the A193. This site is within an area where predominantly the land use is residential housing. It is located where there are identifiable constraints including SPA's, SSSI, National Cycle Routes and Listed Buildings. The site is visible to residents, pedestrians and other users along the promenade but the more significant effects will be experienced from users of the nearby beach during the construction phase. The main visual impact will be now be the construction of the retaining wall on the lower promenade and subsequent widening of the upper promenade, the cladding of the existing lower promenade sea wall and the associated works such as the balustrades and railings.

11.16 The closest residential receptors to the proposed development are located on East Parade to the west of the site. Other receptors are Whitley Park (200m to the west) and Spanish City (approximately 100m to the west). The Coast and Castles Cycle Route runs along the promenade. The LVIA, as set out within the original ES, highlights that the proposal has the potential to impact upon highly sensitive visual receptors during both construction and operation. Views of the proposal will be afforded from a range of receptors including nearby residential properties, pedestrians along the upper promenade, cyclists using the cycle route and recreational users of the beach and sea.

11.17 The Council's Landscape Architect has advised that the supporting LVIA report has been undertaken to a methodology prepared on the basis of 'Guidelines for Landscape and Visual Impact Assessment (3rd Edition 2013)' published by the Landscape Institute/Institute for Environmental Management and Assessment (GLVIA3). Overall the significance of visual impacts is slight to moderate adverse in year one, changing to slight to moderate beneficial by year 15, however the overall significance of effect upon the landscape is beneficial with a positive contribution to the local landscape. The assessment describes the existing landscape resource in context with the wider landscape together with

the potential viewpoints, and considers the proposed development in respect of potential effects upon the landscape resources and visual receptors.

11.18 The ES Addendum removes reference to the previously proposed seed mix for the grass slope and states that this is no longer needed as this element of the scheme has now been replaced with the reinstatement of the lower promenade. The Council's Landscape Architect has advised that this change to the proposal does not significantly change the outcome, and that there are no significant landscape features associated with the site and on this basis there is no objection to the proposal.

11.19 In terms of the 'Preliminary Construction Impacts', receptors on the promenades and beach will experience significant adverse visual impacts having a clear view of the construction site. Receptors at Whitley Bay Park are more remote from these impacts and will experience these only in part although the site offices and compound will be within this view. Members are advised that these effects are only temporary in nature. Officers consider that the construction impacts of the proposed development are far greater for visual receptors within the immediate vicinity of the site than for the wider landscape area.

11.20 In terms of the 'Preliminary Operation Impacts' the receptors north of Spanish City, south of the Rex Hotel and west of East Parade are largely unaffected by the operational impacts owing to the screening effect of the built up nature of the townscape and distance. To the west, residential receptors on East Parade will be impacted by visual change to the width of the promenade, installation of new paving and the new boundary treatment. Officers do not consider that the level of change will significantly alter the visual appearance of this part of the application site, particularly now that balustrades are proposed. The LVIA considers this level of visual impact to be negligible. Officers consider this level of impact acceptable, particularly in terms of the setting on the listed building.

11.21 The LVIA states that the receptors from the beach and shore will be adversely affected (ranging from moderate to large adverse). These receptors are sensitive affording clear views of the site. The proposed retaining wall will be set against a built up backdrop which will reduce the impact of the new boundary treatment. The new public realm will not be visible to these receptors; the LVIA concludes that this impact will be neutral. Receptors from Grants Clock (locally listed) have a high sensitivity affording a clear view of the full length of the development at beach level all the way back to the pavement.

11.22 The submitted LVIA (and ES Addendum) concludes that overall, the significance of visual impacts during the construction phase is in the range of negligible, to major adverse. Members are advised that these effects are temporary. The visual impacts in Year 1 (without mitigation) will be slight to moderate adverse. The mitigation is to include reinstatement of the lower promenade. This will reduce the visual impact on sensitive receptors from the beach, shore and Grants Clock with the visual impacts in Year 15 (with mitigation) being unaffected ('slight to moderate beneficial'). Officers accept that although there would be localised significant impacts, the overall effect on the landscape resource of the study area is not considered to be significant.

11.23 The central promenade is designated as general open space. It is noted that the current upper promenade/footway is of reduced width due to the demolition on the units on the lower promenade. This has had a negative effect on usability of this area. The original scheme included developing a 200m length of the lower promenade into 'coastal slope'. Under the current proposal, this length of promenade will be retained as General Open Space. In the original Environmental Statement, this is determined to have 'Significant Negative Effect'. However, in retaining and improving this section of promenade the ES Addendum now determines this to have a 'Significant Positive Effect'.

11.24 Air quality and noise during the construction period have been assessed and submitted as part of the ES. This information was assessed by the Council's Environmental Health team as part of the original application.

11.25 The original ES advised that the application site is located in an area where air quality is mainly influenced by road traffic emissions. There are no dust complaints in the area and there are no designated air quality management areas. Sensitive receptors from ecological habitats include Whitley Sands beach, SSSI and a designated RAMSAR site for its international wetlands importance for the Northumbria Coast.

11.26 It was considered that the greatest potential for dust will arise during the demolition process, which no longer forms part of the proposals. The ES Addendum has considered the impacts of the revised scheme and notes that this impact is not removed. The impacts from earth works, construction and temporary traffic movements remain at medium, low and medium risk respectively.

11.27 The impact on local air quality from temporary traffic movements will have a negligible impact due to the current local air quality for the area. The potential effects from the demolition and construction works are temporary in nature. The assessment has concluded that through good site practice and implementation of the mitigation measures outlined in this report, the impact from construction dusts will be minimised.

11.28 As detailed in the original application report, the application site is predominantly affected by traffic noise from East Parade. Noise monitoring was carried out along East Parade to establish the baseline noise levels. Existing ambient noise levels were carried out about the residential properties closest to the central promenade. The data collected identified that there will be a slight adverse temporary impact upon residential and commercial premises from the construction phase of the development. Conditions restricting the hour of demolition and construction are recommended. Construction works for the seawall foundations may require an extension of operating hours beyond the standard times of operation, due to tidal access constraints and for health and safety reasons.

11.29 Subject to conditions controlling the hours of demolition and construction and dust suppression Environmental Health has raised no objections.

11.30 Members need to determine whether the proposed scheme is acceptable in terms of its visual impact, the impact on the setting of surrounding listed buildings and local buildings of architectural and historic interest. It is officer advice that it is acceptable in each of these respects.

11.32 Members also need to assess whether the proposed scheme is acceptable in terms of its impact on residential amenity, including noise and disturbance. It is officer advice that it is.

12.0 Other Issues

12.1 NPPF paragraph 32 states "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

12.2 UDP Policy T8 states that cyclists' needs are taken into account as part of new development.

12.3 UDP Policy T9 states the needs of pedestrians, including people with disabilities and special needs will be given a high priority when considering transport and development issues.

12.4 Transport impacts were assessed as part of the original ES. It was considered that the previously proposed works would not be a generator of vehicular trips as a standalone development. Therefore, there were no impacts associated with the completed development. The ES Addendum removes the impacts associated with demolition, removal of demolition waste and importing of soils, including fill for the previously proposed slope. However, the current proposal will generate the following movements (including those still relevant within Environmental Statement):

- Site clearance waste, mainly surplus edge protection and excavated hard material;
- Pre cast concrete panels to clad the sea wall and mechanically stabilised wall;
- Concrete for sea wall;
- Imported surfacing;
- Imported fill material for the lower promenade and mechanically stabilised wall;
- Street furniture and edge protection

12.5 These movements are determined to be less than those considered in the original ES.

12.6 The construction period has been rationalised into one phase therefore reducing the length of impact from two summers to one. Even with this amalgamation on construction phases, the estimated HGV's per day reduces. This can be attributed to the reduction in concrete and fill required and the removal of the demolition phase. It would therefore be fair to assume that the allowance for the percentage of traffic increase detailed in the Environmental Statement is more than adequate.

12.6 It is acknowledged that there will be an increase in traffic, especially HGV traffic, during the construction phase. An assessment of the impact of these additional trips on the defined construction route (A193 The Links, A1148

Monkseaton Drive, A192 Earsdon Road, A186 Shiremore By-Pass, A19 Strategic Road Network) has been made. This construction route uses the primary road network to facilitate the movement of construction vehicles along appropriate roads rather than through residential streets or Whitley Bay town centre.

12.7 The assessment concludes that for the construction year (reduced from two years) there will be a negligible impact for all traffic movements and HGV movements throughout the construction route with the exception of the A1148 eastern section (Monkseaton Drive between The Links and Claremont Road) where there will be a slight impact for additional HGV movements.

12.8 The Highways Network Manager has been consulted. He has recommended conditional approval.

12.9 The site is also adjacent to a strategic cycle route. Use of the National Cycle Route 1 (including the Souter to St Mary's and Coast to Castle South Route) and England Coastal Path Long Distance Route will be affected during the construction phase. However the effects are not considered to be significant due to their temporary nature. Subject to appropriate mitigation measures (appropriate diversions/signage) should minimise the impacts of these temporary closures. One objection has been received, which states that a designated cycle lane should be included in the proposals. This suggestion is noted. However, there will be ample space for both pedestrians and cyclists and a cycle lane may be installed at a future time.

13.0 Conclusions

13.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

13.2 Specifically NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

13.3 The proposed scheme is considered to be acceptable. The retail units have already been demolished and this is therefore not a point to be considered as part of this planning application. However, it is noted that the widened promenade will provide ample space for the provision of 'pop up' units, which is in line the positive feedback provided at the public consultation events. Members are advised that the proposed works are required to improve sea defences and protection for important local infrastructure and are in accordance with the wider aims of the Whitley Bay Masterplan. Members must also consider whether the proposed scheme is acceptable in terms of its impact on ecology, amenity and accessibility. It is the view of Officers that, overall, the proposed scheme as it stands is acceptable.

13.4 Approval is therefore recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. In accordance with approved plans MAN01 *

2. Standard Time Limit 3 Years FUL MAN02 *

3. The construction site subject of this approval shall not be operational and there shall be no demolition, construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays unless otherwise agreed in advance and approved in writing by the Local Planning Authority. Thereafter, the agreed works shall only take place in accordance with these agreed hours.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

4. All builders and contractors compounds, site huts, and storage of plant and materials shall be located in accordance with the submitted Environmental Statement (February 2015) Volume 2 VS-SO2/0004 Site Compound Location and Traffic Management Logistics Plan (May 2015).

Reason: In the interests of the amenity of neighbouring residents having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

5. Dust and mud mitigation measures shall be carried out in full accordance with the mitigation measures set out in the submitted Environmental Statement (February 2015) Volume 1 Section 7 Construction Air Quality and Environmental Statement (February 2015) Volume 3 Appendix V3/S17/001. These mitigation measures shall remain in place until construction works for each phase are complete.

Reason: To safeguard the occupiers of surrounding properties and users of the public highway from any discomfort or loss of amenity arising from construction activities on the site having regard to Policy H13 of the North Tyneside Council Unitary Development Plan 2002.

6. Heavy construction vehicles to and from the development site shall only follow the specified route as set out in the submitted Environmental Statement (February 2015) Volume 1 Section 12 Transport and Traffic Management Logistics Plan (May 2015). Signage shall be provided at locations along this specified route and shall remain in situ until construction works for each phase are complete.

Reason: In the interests of safeguarding the amenities of local residents and to minimise danger and inconvenience to highway users having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

7. No construction/demolition works shall take place during the winter period (November to March).

Reason: In the interests of wildlife protection having regard to policy E12, E12/2, E12/5 and E12/6 of the North Tyneside Unitary Development Plan 2002.

8. Hoarding shall be provided to shield the construction area from the foreshore. This hoarding shall remain in situ until the completion of each phase.

Reason: In the interests of wildlife protection having regard to policy E12, E12/2, E12/5 and E12/6 of the North Tyneside Unitary Development Plan 2002.

9. Notwithstanding the details submitted, prior to the commencement of any landscaping a fully detailed landscaping scheme and management plan shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include full details of the proposed planting in a marine environment, including native coastal species. Thereafter, the agreed landscaping shall be planted in accordance with these details within the first available planting and seeding season. Any planting which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E12, E12/2, E12/5 and E12/6 of the North Tyneside Unitary Development Plan 2002.

10. Notwithstanding the submitted details, prior to the installation of any balustrades/fencing/railings to be erected these final design details shall be submitted to and approved in writing by the local planning authority following consultation with Royal Society for the Protection of Accidents (ROSPA). Thereafter the approved fencing shall be implemented in accordance with the approved details.

Reason: In the interests of safety and character and appearance of the site and the surrounding area in accordance with policy LE2 of the North Tyneside Unitary Development Plan 2002.

11. Notwithstanding the submitted details, prior to the installation of any surfacing materials final details shall be submitted to and approved in writing by the local planning authority. Thereafter the approved fencing shall be implemented in accordance with the approved details.

Reason: In the interests of safety and character and appearance of the site and the surrounding area in accordance with policy LE2 of the North Tyneside Unitary Development Plan 2002.

12. The temporary diversion measures (cycle and footways) shall be carried out in full accordance with the mitigation measures set out in the submitted Environmental Statement (February 2015) Volume 1 Section 10 Outdoor Access and Recreation. These mitigation measures shall remain in place until construction works for each phase are complete.

Reason: In the interests of safeguarding users and to minimise danger and inconvenience to highway users having regard to Policy H13 of the North Tyneside Unitary Development Plan (2002).

13. Interpretation boards shall be installed within the site (on the upgraded promenade) within one month of the completion of the approved works. Full details of the boards, which shall highlight the presence of the SPA and SSSI and other qualifying interests, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the boards shall be installed in accordance with the approved details and retained thereafter.

Reason: To ensure that the correct information is displayed on the interpretation panels.

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) date February 2015 Document Ref: CS072812-CAP-00-3009-RP-0-0001 and the flood risk mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to future users, local infrastructure and property in accordance with the NPPF.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

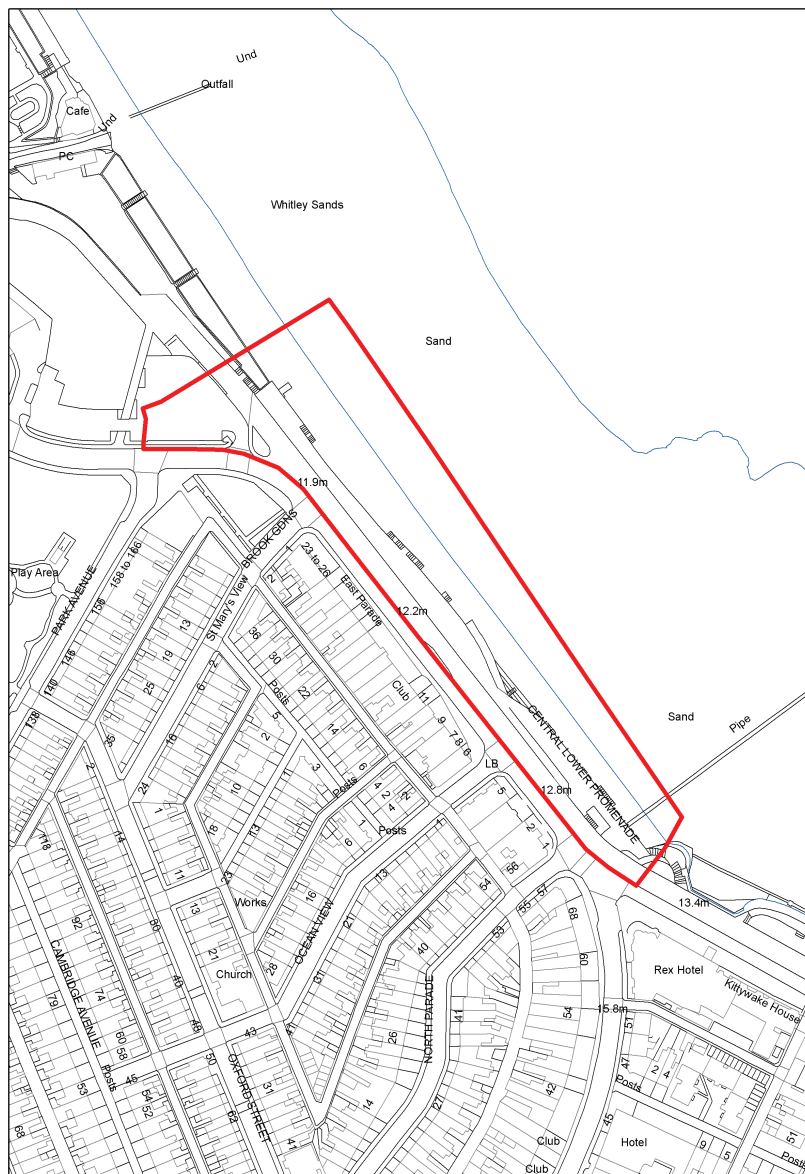
Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

Coal Mining Standing Advice (FUL,OUT) (I44)



Application reference: 16/01830/LAREG3

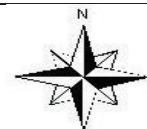
Location: Promenade And , Central Lower Promenade, Whitley Bay

Proposal: Works to Central Promenade comprising of: Cladding the existing lower promenade sea wall; Construction of a mechanically stabilised earth retaining wall on the lower promenade and subsequent widening of the upper promenade; Improvement of existing lower promenade and coastal frontage access, and associated public realm works

Not to scale

Date: 09.02.2017

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Appendix 1 – 16/01830/LAREG3 Item 3

Consultations/representations

1.0 Representations

1.1 One objection has been received, this is set out below:

- No cycle way is indicated though this forms part of the national coastal route. There is a danger that if the intention is that pedestrians and cyclists will share the pavement this will not happen. Cyclists will simply use and block the seafront road which at average speeds of 13mph will be detrimental to the smooth flow of traffic. Alternatively if they use the promenade there is a danger of hitting pedestrians who when walking at 2 to 3 mph who turn without looking first, why should they? It's a walkway.

2.0 Internal Consultees

2.1 Highway Network Manager

2.2 There are no objections in principle to this proposal subject to a condition regarding construction management. Recommendation - Conditional Approval

2.3 Conditions: SIT05 - Construction Management

2.4 Informatives:

- I05 - Contact ERH: Construct Highway Access
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I46 - Highway Inspection before dvlpt

2.5 The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

2.6 Regeneration

2.7 This application will support the continued regeneration of North Tyneside's coast and specifically Whitley Bay and also safeguard the coastal defences through the construction of a retaining wall. Improvements to the existing lower promenade and coastal frontage access as well as associated public realm works will help to establish a cohesive public realm treatment as part of the masterplanning of the Northern to Central Promenades in Whitley Bay and will enhance the town and coastal area making it more attractive for residents, visitors and businesses.

2.8 Biodiversity Officer

2.9 With regard to the above application, the previous comments (made in respect of the original scheme 15/00201/LAREG3) are still relevant, as are the conditions that were attached to the application.

2.10 The mitigation measures set out in section 9.6 of the original Environmental Statement (see below) are still relevant except the one relating to seeding the bankside with a coastal grass mix, as the plans have now changed and I believe this will now not be happening. However, if there is any landscaping as part of this scheme, I would like to see some native coastal planting in keeping with the status of the coast and a condition on the application that ensures a landscape plan will be submitted for approval by the LA.

2.11 In addition – with regard to the condition relating to the provision of interpretation panels for the SPA/SSSI – details should be submitted to the LA for approval to ensure the correct information is set out on the panels.

2.12 Original Biodiversity Comments (15/00201/LAREG3):

2.13 The habitats within the site are concluded to be of low ecological importance, with the section of sandy beach immediately adjacent to the existing promenade, being of negligible ecological importance. The demolition works will result in the loss of existing areas of hard standing and built structures of low ecological value. The construction of the new seawall will result in the permanent loss of 315 square metres of sandy beach, currently of negligible ecological value.

2.14 The wintering bird surveys of the promenade and adjacent foreshore recorded a limited number of shorebird species and no significant aggregations of birds were observed. The southern rocks and exposed rock areas which lie within the SPA/Ramsar boundary were found to be the favoured feeding areas for birds. These are sufficiently far away that disturbance on the promenade would not be expected to elicit a disturbance response in the birds.

2.15 Works are to be timed to avoid the winter period (November – March) and as such no impact on wintering birds is predicted.

2.16 Conditions:

2.17 The Mitigation and Enhancement Proposals contained within section 9.6 of the Environmental Statement must be conditioned. These can be summarised as:

- Demolition works will be carried outside of the bird nesting season (March to August inclusive), unless a checking survey carried out by a suitable qualified Ecologist.
- Construction works will be timed to avoid the winter period (October-March) to ensure there are no impacts on wintering bird species associated with the SPA
- Hoarding will be provided to shield the construction area from the foreshore.
- Installation of interpretation boards on the upgraded promenade structure site highlighting the presence of the SPA and SSSI and qualifying interests.
- A requirement for dogs to be on a lead if using the foreshore during the winter period.
- The newly created bankside is to be seeded with a native coastal grass mix.

2.18 Landscape Architect

2.19 The supporting LVIA report has been undertaken to a methodology prepared on the basis of 'Guidelines for Landscape and Visual Impact Assessment (3rd Edition 2013)' published by the Landscape Institute/Institute for

Environmental Management and Assessment (GLVIA3). Overall the significance of visual impacts is slight to moderate adverse in year one, changing to slight to moderate beneficial by year 15, however the overall significance of effect upon the landscape is beneficial with a positive contribution to the local landscape.

The assessment describes the existing landscape resource in context with the wider landscape together with the potential viewpoints, and considers the proposed development in respect of potential effects upon the landscape resources and visual receptors.

2.20 However the design has evolved but the Visual Amenity assessment still refers to the original scheme, which proposes '*an appropriate seed mix for naturalised planting on the sloping banks as a permanent mitigation measure*'. Whilst this is incorrect it does not significantly change the outcome, there are no significant landscape features associated with the site and on this basis there is no objection to the proposal.

3.0 External Consultees

3.1 The Environment Agency

3.2 The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment and accompanied planning submission documents with this application are implemented and secured by way of a planning condition on any planning permission.

3.3 Condition:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) date February 2015 Document Ref: CS072812-CAP-00-3009-RP-0-0001 and the flood risk mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to future users, local infrastructure and property.

3.4 The Coal Authority

3.5 No objection, subject to the attachment of an advisory note/informative to the planning permission.

3.6 Northumbrian Water Ltd

3.7 Having assessed the proposed development I can confirm that at this stage we would have no comments to make.