



## Strategic Applications Sub Committee

<b>Date:</b>	Tuesday, 2 November 2021
<b>Time:</b>	6.00 p.m.
<b>Venue:</b>	Palace Suite - Floral Pavilion

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### AGENDA

3. **DPP4/20/01627: WEST KIRBY MARINE LAKE, SOUTH PARADE, WEST KIRBY, PROPOSAL: THE PROPOSED DEVELOPMENT CONSISTS OF THE CONSTRUCTION OF A NEW LINEAR SECONDARY DEFENCE WALL, SET BACK ALONG THE EDGE OF THE SOUTH PARADE PROMENADE IN WEST KIRBY WHICH WILL OFFER A HIGH STANDARD OF PROTECTION TO LOCAL RESIDENTIAL AND COMMERCIAL PROPERTIES. (AMENDED PILLING METHOD RECEIVED) (Pages 1 - 12)**

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### **STRATEGIC APPLICATIONS SUB-COMMITTEE 2<sup>nd</sup> NOVEMBER 2021**

#### **ADDENDUM LIST**

#### **SUMMARY OF REPRESENTATOIN**

##### **Ward members comments**

On the 7<sup>th</sup> December 2020 Councillor Tony Cox requested that the application be taken out of delegation and brought before the Planning Committee on the following grounds

We have been led to believe that the parade is an 'Area of special landscape value' and as such it is reasonable to expect this application to be heard by a planning committee.

I have been informed that there is a petition in circulation which will also, no doubt, exceed the 25 signatures necessary.

This is such a big scheme, and we are being contacted with varying points of view, that it seems right for this to be decided in public.

Also, this application spans both West Kirby ward and Hoylake & Meols, yet we were not informed of the submission.

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## STRATEGIC APPLICATIONS SUB-COMMITTEE 2<sup>nd</sup> NOVEMBER 2021

### ADDENDUM LIST (3)

Letter received on behalf of the of SEDEF, the informal Sea Defence Focus Group. These can be summarised as -;

Gate/Crossings – departure from the original consultation which envisaged a series of gates positioned opposite the side roads, and opposite residential properties. If gates are open on an overtopping tide the water will be channelled directly at those properties. There are no crossings shown between Salisbury Avenue and Dee Lane, several crossings terminate on the landwards side which appears at odds with advice in Local Transport Note 2/95. The crossings will create an illusion and expectation of safety. Where gates are necessary can the position be reverted to original position of gates. Further problems for delivery drivers parking which will create a hazard crossing users and cyclists. None of the gates include safety barriers could these be built in?

#### **Response**

##### Gate / Crossings

There is an operational plan for the closing of gates which is triggered by tidal and meteorological conditions. The risk therefore that gates will not be closed for flood events is low as predictions for triggers are given several days in advance.

The proposed location and design of the pedestrian crossing points are indicative at this stage and are subject to a road safety audit and detailed design. Subject to the outcomes of this there maybe scope to relocate, remove or add further crossing points. Parking and loading activity on the landward side of South Parade will be considered as part of the detailed design.

The crossing points include build-outs which increase visibility for pedestrians and road users, however again all elements will be subject to a Road Safety Audit

Drainage/ Pooling

Carriage way between 81 and 107 South parade is subject to deep pooling. Crossing on this section would deliver people into water of a significant depth. Concern that the existing drainage system will be inadequate to deal with overtopping.

### **Response**

#### Drainage/ Pooling

Noted. There is potential to adjust levels to allow for improved highway drainage.

There is a condition for a Drainage Strategy, and whilst this applies to Surface Water flood risk it also applies equally to any splash overtopping.

#### Cycling

The proposed cycle lane does not solve the problem of cycling south to north and cyclists must continue to use congested alternative roads. Many will continue to use the promenade. Cyclists joining from side roads may turn right increasing the likelihood of a collision. The width of the lane will confine cyclists close to the kerb which is subject to heavy undulation and pooling.

### **Response**

#### Cycling

Incorporating cycling into the public realm elements of the scheme was a key output from consultation.

The north-south cycle lane has been subject to a Road Safety Audit and identified as the only safe means to incorporate cycling due to the limited width of South Parade

There is insufficient overall width, even with carriageway alterations, to meet the criteria for safe shared space for cycling and pedestrians on the new promenade between the railings and new flood wall.

The proposed single uni-directional cycle facility in the same direction as the traffic (north to south) will be subject to detailed design / approval. Such provision provides an improved facility compared to the current shared space arrangements with vehicular traffic and cyclists.

## Gate design

The plans show horizontal timber sections – these could swell resulting in delays deployment and localised flooding. Stop logs are deployed in Morecombe and are stored close by and deployed to site when required. During the design phase an option for sliding gates was considered. Hinge gates as in New Brighton are another commonly used device. For a scheme costing £6m more modern, future proof technology should be considered. The positive visual impact of the proposed design will be undermined by the gradually deteriorating logs stored kerbside which will impact on the visual quality of the area/

## Response

### Gate Design

Automatic gates have been considered. The example given for Cockermouth is in a fluvial environment without the additional forces of wave action.

Hinged gates are provided for access points that serve both pedestrians and vehicles. The majority of pedestrian only access points will be closed using a stop log arrangement, either of timber which is low cost to maintain, or of aluminium flood boards.

Boards will be securely stored adjacent to each access point to allow for efficient closing.

The arrangement is currently indicative however several pedestrian access points will be hinged gates to allow for speed of re-opening.

### Gate Closure and maintenance

Without a 24 hour 365 day system for forecasting extreme tidal events initiating a procedure for rapid response cannot proceed. Need timely system for re-opening and a regular maintenance schedule. The proposals are silent on these issues. Who will be instructed to place the timber in position and by whom? What happens if high tides last a couple of days.

## Response

### Gate closure and maintenance

There is an operational plan for the closing of gates which is triggered by tidal and meteorological conditions.

The plan also allows for opening of gates based on visual observation of conditions on the promenade – ie is it safe to do so or is there debris and detritus that needs to be cleared.

Several pedestrian gates will be hinged to allow for speed in re-opening as it is anticipated that the stop log system will take longer to implement.

Old Baths site

Understanding that there will be no additional lighting, but proposals new lampstands causing nuisance to birds and residents.

### **Response**

Old Baths Site

This has been considered by Natural England in their review of the Habitat Regulations Assessment. There is a condition requesting details of the proposed lighting and luminance/

Signage

Need clear unequivocal signage for cyclists.

### **Response**

Signage

As with all footways (pavements), unless there is a specific cycleway in place it is illegal to cycle on a footway. The Highways Authority is limited in its ability to put up warning signs (these are not permitted under tightly controlled national regulations from the Department for Transport). Such matters can only be enforced by the police.

A further objection has been received from a local resident

Such flood events are rare, current generation have forgotten that living by the sea is dangerous, visited after the event and residents assured me they didn't mind it happening. Proposal will have a detrimental impact on the character of the area, cant see over the wall when seated in their car seating in the ovens will look out onto concrete. These issues are addressed in the committee report.



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## STRATEGIC APPLICATIONS SUB-COMMITTEE 2<sup>nd</sup> NOVEMBER 2021

### ADDENDUM LIST (2)

#### Submission of an e-petition

An e-petition has been submitted which at the time of writing contained over 1000 signatures. The petition has been submitted on two counts:

1. Council to withdraw or refuse planning application DPP4/20/01627 due to be considered at a Planning Sub Committee 2nd Nov
2. Council Environment, Climate Emergency and Transport Committee NOT to appoint a contractor to carry out the West Kirby Flood alleviation scheme.

In terms of the planning reasons the petitioner objects to the proposal on the following grounds: -

1. The proposal will destroy the promenade. It will block views and reduce the width of the walkway by one third. The proposal is contrary to Local Plan policies (CAO1, TL1, CH01) to protect coastal views and prevent harm to the special character of the promenade.
2. Please DO NOT appoint a contractor to undertake the works. These works will destroy the character of West Kirby promenade and create tonnes of unnecessary CO2 due to the volumes of unnecessary concrete required.
3. Please DO continue to work with the Environment Agency and owners of properties at risk to pursue and implement other less intrusive and environmentally friendly flood alleviation options such as those detailed in the Councils own Project Appraisal Report (AECOM 13/12/2017 version 10) and others. These include demountable defences, strengthening walls and landscaping around existing properties, flood resilience measures directly to properties at risk, making the promenade flood resilient, using existing structures and accepting that some areas can flood without harm, installing flood gates to key roads, land raising highways at key points. There is a long list of alternative and feasible options. Note the cost estimate has doubled from £3 to £6m since the options were appraised and hence the appraisal should be considered void and revisited.
4. Please DO continue proposals for long overdue investment and basic maintenance in this area to tackle long disrepair of street lighting, upgrade road, footway surfaces and street furniture to make it flood resilient. Invest in the adjacent parks and greenspaces.

#### Summary of location of signatories

The location of the signatories can be briefly summarised as:-

West Kirby and Hoylake 285

Other Wirral 292

Other UK 412

Outside UK 22

In relation to point 1 of the objections and specifically in relation to the loss of views and a reduction in the width of the walkway, these are covered in the committee report.

The petitioner has suggested that the proposal is contrary to Unitary Development plan Policies,

CAO1 – Principles for the Coastal Zone

This overarching Policy states that proposals for development will have to satisfy additional development control criteria which specifically relate

i) preserving and enhancing the character of the coast, in particular, it's national and international importance for nature conservation and the quality of the coastal landscape;

(ii) directing development appropriate to the coastal zone to the developed coast;

(iii) provision for appropriate and environmentally sustainable tourism and recreation, and (within the developed coast) employment development; and

(iv) the need to improve the quality of bathing and coastal waters.

In terms of Nature Conservation, the applicants have submitted a Habitats Regs Assessment (HRA) This has been assessed by Natural England as a statutory consultee which concludes that the proposal will not result in adverse effects on the integrity of the designated sites.

The location proposed flood defence wall is as a result of the Coastal Strategy and Action Plan identifying West Kirby as the highest priority for intervention. This application has been submitted to seek approval for the works required to address the identifiable need to address coastal Protection in this area.

With regards to the provision of environmentally sustainable tourism and recreational facilities, the proposal includes the upgrade of the public realm, the refurbishment of the site of the derelict old bath site with 1500m<sup>2</sup> of open space created and the refurbishment of the Victorian shelters and railings.

For these reasons, it is considered that the proposal meets the requirements of CAO1 – Principles for the Coastal Zone

TL1 – The Protection of Urban Tourist Resources

This policy states that Proposals which would prejudice the continued attractiveness of the following features for tourists and visitors, or which would cause demonstrable

harm to the special character of the resources and attractions. In relation to West Kirby this includes coastal views and scenery, and facilities for coastal recreation and water sports.

The proposed scheme incorporates improvements to the public realm which should improve the character of the promenade. Coastal views from the Promenade will not be lost and will remain as they are now for people using the Promenade. However, for people in cars, views of the lake will be hindered by the proposed flood defence wall. This is the minimum height required to protect life and comply with National standards. But it is considered that on balance that proposal will not impact on attractiveness of the area in terms of visitor attraction.

#### CH01- The Protection of Heritage

In considering all development proposals the Local Planning Authority will pay particular attention to the protection of:

- Buildings, structures, and other features of recognised architectural or historic importance
- Historic Areas of distinctive quality and character
- Important archaeological sites and monuments

The proposed development is not in a conservation area nor are there any Listed Buildings within the confines or adjacent to the site.

An application was submitted to Historic England earlier this year to have West Kirby Promenade and Environs beach, shelter, site of the demolished baths and a pair of Gardens for designation in light of this current application.

E.H observed that the gardens are not threatened by the proposed scheme, nor are they of evident significance. The structures are not included within a Conservation Area

English Heritage concluded that the promenade and associated features are not recommended for Listing.

Nevertheless, the shelters and railings are to be retained and refurbished as part of this current proposal. . For these reasons the proposal is considered to accord with the provisions of CH01- The Protection of Heritage.

In relation to point 2

The PAR report did consider the use of demountable defences and the provision of individual property protection (IPP) with the proposed solution identified as providing the most suitable solution for the frontage. It should be noted that there are significant residual risks associated with temporary flood defences and works to strengthen individual property walls and provide IPP could not be funded from the public purse.

The original scheme cost related to the provision of a functional flood defence scheme only. The majority of the increase in costs are associated with providing an

improved public realm scheme including improvements to the Old Baths Site to create enhanced public space, improved amenity, new lighting, provision of dedicated space for cyclists and highway re-surfacing.

The optioneering process was undertaken in accordance with National Project Appraisal Guidance and the proposals have been reviewed by the Environment Agency's national assurance team of experts, who concluded that the business case was robust, and the proposal was technically, environmentally, and financially in accordance with national standards, based on both the original budget and the enhanced public realm scheme now proposed.

Point 4 is not considered to be a material consideration in relation to this planning application.

#### Other matters

Para 3.2.1 of the report says the promenade is 1.15km long it should read 1.5km of a flood wall will be created

Para 5.1.4 – second para In relation to the disabled access, there will be 13no not 15no pedestrian access points

Summary of Decision – should read

As such the, the application complies with the relevant requirements of Wirral's Unitary Development Plan and the National Planning Policy Framework comprises of sustainable development under the terms of the NPPF