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**POLICY GR1 - STANDARDS FOR THE PROVISION OF GREENSPACE**  
**Written Statement Paragraph 8.9**

**OBJECTIONS:** 047/9 Bryant Homes 070/41 GO-M  
081/16 House Builders Federation<sup>1</sup> 215/32 Wirral Green Belt Council

**Summary of Objections**

- 8.1 The word 'normally' should be omitted from the Policy (070/41, 215/32). The policy fails to follow the guidance in PPG17 *Sport and Recreation*<sup>2</sup> that policies should offer reasonable certainty about the weight to be given to sport, recreation and open space needs, and that plans should identify deficiencies in the provision of public open space. The policy does not give clear assistance to developers in matters such as determining on what basis land is publicly accessible. It contains a standard for publicly accessible open space (3.4 hectares for every thousand people) which exceeds the National Playing Fields Association standard by a considerable margin. This standard is incorrectly described in the Reasoned Justification (047/9).

**Assessment and Conclusions**

- 8.2 A published change to Policy GR1<sup>3</sup> omits 'normally' and retitles the Policy as 'The Protection of Urban Greenspace'. The revised Policy omits references to rigid open space standards and lays down criteria for the assessment of development proposals on land designated as Urban Greenspace. The term 'publicly accessible' is proposed to be altered more closely to reflect the terminology used in PPG17<sup>4</sup>. The supporting text is simplified. These amendments to the Policy would appear to address the criticisms expressed in Objection 047/9.

**Inspector's Recommendation**

- 8.3 I recommend that the UDP be modified by the amendment of Policy GR1 and its Reasoned Justification in accordance with ALT/GREENSPACE/003.

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<sup>1</sup> This Objection is considered under Policy GRE1, on page 39 of this report.

<sup>2</sup> PPG17, paragraph 13.

<sup>3</sup> ALT/GREENSPACE/003 (CD056, page 64).

<sup>4</sup> PPG17, paragraph 27.

**POLICY GR2 - THE PROTECTION OF GREENSPACE WITHIN THE URBAN AREA**  
**Written Statement Paragraphs 8.15 and 8.16**

**OBJECTIONS:** 081/17 House Builders Federation<sup>1</sup>  
215/34, 215/35 Wirral Green Belt Council

**Summary of Objections**

8.4 The supporting text to Proposal GR2 should be strengthened by reference to the retention of environmental character and to nature conservation interests towards the end of Paragraph 8.15, and by the deletion of Paragraph 8.16 which is too vague and contentious and would encourage pressure to release Greenspace.

**Assessment and Conclusions**

8.5 The Council propose to change and simplify Proposal GR2<sup>2</sup>, reference being made to Policy GR1. The supporting text to Proposal GR2 is also proposed to be simplified. Reference is made in the revised Policy GR1<sup>3</sup> to the environmental and nature conservation interests which need to be taken into account when development affecting Greenspace is under consideration, and this in my view meets the first point raised by the Objector. Although the changes to Proposal GR2 would omit Paragraph 8.16, the question of alternative provision is maintained by the wording at the end of the revised Policy GR1. Whilst the Objector considers that reference to alternative sites might encourage proposals which would result in the loss of Greenspace no criticism can in my view reasonably be made of the revised Policy GR1 for this reason, as the proposed wording of that Policy reflects the relevant guidance in PPG17 *Sport and Recreation*<sup>4</sup>.

**Inspector's Recommendation**

8.6 I recommend that the UDP be modified by the amendment of Policy GR2 and its Reasoned Justification in accordance with ALT/GREENSPACE/004, but that no other modification be made in response to Objections 215/34 and 35.

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<sup>1</sup> This Objection is considered under Policy GRE1, on page 39 of this report.

<sup>2</sup> ALT/GREENSPACE/004 (CD056, page 66).

<sup>3</sup> ALT/GREENSPACE/003 (CD056, page 64).

<sup>4</sup> PPG17, paragraph 27.

**PROPOSAL GR2 - THE PROTECTION OF GREENSPACE WITHIN THE URBAN AREA**

**GR2/11 - Land at Fender Way Open Space, Beechwood**

**GR2/13 - Land at the Solly Recreation Ground, Oxton**

**OBJECTIONS:** 003/1, 003/2 Manweb plc

**Summary of Objections**

- 8.7 Planning permission was granted on 3 October 1994 for operational development on Objection site GR2/11. Concern is expressed that the proposed designation of the site as Urban Greenspace would prejudice such development (003/1)<sup>1</sup>.
- 8.8 Part of the land designated under Proposal GR2/13 is required for the future expansion of the adjoining major electricity grid sub-station, and should therefore be deleted from the Urban Greenspace notation (003/2).

**Assessment and Conclusions**

- 8.9 A published change omits the land referred to by the Objector from the GR2/13 notation<sup>2</sup>.

**Inspector's Recommendation**

- 8.10 I recommend that the UDP be modified by the amendment of Proposal GR2/13 in accordance with ALT/GREENSPACE/007.

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<sup>1</sup> The Council do not propose any change to the allocation of the Fender Way site (GR2/11) in response to this Objection. Following assurances made by the Council that no impediment to operational development is intended by the proposed designation (see Appendix 2 to Council statement WMBC/W/GRSP/034), Objection 003/1 was withdrawn. As no change is proposed to the UDP I interpret the Objector's letter of withdrawal (see Appendix 3 to Council statement) as *unconditional*, and therefore make no recommendation.

<sup>2</sup> ALT/GREENSPACE/007 (CD056, page 69 and plan following).

**PROPOSAL GR2 - THE PROTECTION OF GREENSPACE WITHIN THE  
URBAN AREA**

**GR2/73 - The Lodge Grounds, Port Sunlight**

**OBJECTION:** 068/6 UML Ltd

**Summary of Objection**

- 8.11 The Objection site is the grounds of the former village hospital, now a nursing home. Although there are no plans for development of the site, some development may become appropriate within the plan period, consistent with the present or any other use of the building. These grounds are private and are different from the other Port Sunlight open spaces in the Plan (such as GR2/71 and 72 and GR74 to 81 inclusive). The village would be better protected by an Article 4 Direction<sup>1</sup>.

**Assessment and Conclusions**

- 8.12 The Council now propose to delete Proposal GR2/73 and to include the Objection site within a 'Primarily Residential Area'<sup>2</sup>, a course of action which appears justified in the circumstances. The question as to whether an Article 4 Direction should be considered for Port Sunlight Village is a matter for the Council, not for this report.

**Inspector's Recommendation**

- 8.13 I recommend that the UDP be modified by the deletion of Proposal GR2/73 and the designation of the Objection site within a 'Primarily Residential Area'.

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<sup>1</sup> Under what is now the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995 No. 418).

<sup>2</sup> ALT/GREENSPACE/012 (CD056, page 74).

**PROPOSAL GR2 - THE PROTECTION OF GREENSPACE WITHIN THE URBAN AREA**

**GR2(84) - Land to the South of Bromborough Road, Bromborough**

**PROPOSAL HS1 - LAND ALLOCATED FOR HOUSING DEVELOPMENT**

**OBJECTIONS:** 068/8, 068/18 UML Ltd

**Summary of Objection**

8.14 Land to the south of Bromborough Road should not be allocated as Urban Greenspace, and a limited form of residential development should be permitted there. The woodland is of low amenity value, and housing development would not be detrimental. Ample woodland exists on the northern side of Bromborough Road. No highway objections should remain when the road has been equipped with proper street lighting and a 30 mph speed restriction is in force.

**Assessment and Conclusions**

8.15 The Objection land was once affected by a road proposal, now abandoned<sup>1</sup>. However, that event is not necessarily an argument for an alternative form of development; the site although partly open in character forms part of a general tree belt on the south side of Bromborough Road, protected by Tree Preservation Orders<sup>2</sup>. Although the woodland may not be of even quality I agree with the Council that development of the Objection site for housing would be likely to result in a visual break along the Bromborough Road frontage. Planning permission has been, or is due to be granted for a substantial housing development on part of the Lever Brothers factory site on the north side of Bromborough Road. This and the evidence that the land has some informal amenity and recreational function reinforces in my view the importance of the whole linear belt of open space designated as GR2/84.

8.16 I accept that in terms of available space a small residential development might be accommodated on the land. Although conditions on Bromborough Road could be improved, I do not find the Objector's submission about access totally convincing. However whatever advantage there might be in terms of housing supply is in my view outweighed by the resultant weakening of the open space. I do not therefore consider that the Objection site should be excluded from GR2/84 or allocated for housing.

**Inspector's Recommendation**

8.17 I recommend that no modification be made to the UDP in response to Objections 068/8 and 068/18.

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<sup>1</sup> The Spital Relief Road. This proposal was formally abandoned in 1980 by the Merseyside Structure Plan (CD049, page 115).

<sup>2</sup> TPO 4/4 Bebington 1951 and TPO 5 Bebington 1951.

**PROPOSAL GR2 - THE PROTECTION OF GREENSPACE WITHIN THE  
URBAN AREA**

**GR2/109 - Land at King's Parade, New Brighton**

**OBJECTION:** 082/8 North West Water Ltd

**Summary of Objection**

- 8.18 The Objection site should not be included in the Urban Greenspace designation as currently proposed, as it is required to accommodate a detention tank, for which a planning application has been submitted. The Proposal should contain a note to the effect that the land will need to accommodate operational development by the water company.

**Assessment and Conclusions**

- 8.19 At the time of my site inspection, the detention tank was under construction, planning permission having been granted. I accept the Council's view that the development permitted takes into account the Greenspace objectives set out in Policy GR1 as proposed to be amended<sup>1</sup>, and that the Greenspace notation would not prejudice any further essential operational works on the site. I therefore see no need for any amendment to Proposal GR2/109 on this account.

**Inspector's Recommendation**

- 8.20 I recommend that no modification be made to the UDP in response to Objection 082/8.

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<sup>1</sup> Policy GR1 - The Protection of Urban Greenspace - ALT/GREENSPACE/003, (CD056, page 64).

**PROPOSAL GR2 - THE PROTECTION OF GREENSPACE WITHIN THE  
URBAN AREA**

**GR2/117 - Cross Lane Open Space, Wallasey**

**OBJECTION:** 090/7 Mr D I Maurice Jones

**Summary of Objection**

- 8.21 The designation of the Objection site as Greenspace is too simplistic; advantage should be taken of the site's prominent location in relation to the M53 Motorway in allocating it for the development of an exhibition and events centre. This would encourage tourism and would provide employment and economic growth. Government and European funding could be made available. Infrastructure is also available and there would be good access by road and rail and adequate space for car parking.

**Assessment and Conclusions**

8.22 The Objection site, like the remainder of the tipped area at Bidston Moss, falls within an area designated on the UDP Proposals Map as an Area for Landscape Enhancement. UDP Policy LA3 lays down general objectives for such areas<sup>1</sup>. I do not regard any of the objectives listed in that Policy as precluding the principle of the development suggested by the Objector; existing structures could be screened or otherwise treated appropriately, new landscape features established, and land put to beneficial use.

8.23 The Objection site is not within the area of the M53 corridor proposed as an extension to the Green Belt. Whilst there is no doubt that the type of development envisaged by the Objector would be visually prominent, I interpret the UDP proposals as not requiring the Objection site to be kept open to satisfy the purposes of a Green Belt<sup>2</sup>. Little evidence was also available about the merits of retaining the site as an open space for its own sake. Therefore the merits of the Objector's proposal in my view are primarily to do with the justification for and status of the proposal itself, as well as other site-specific issues.

8.24 In terms of advantages I accept that the Objection site would be well located in terms of its accessibility to the road and rail networks and could form a focal feature where the M53 terminates on the outskirts of Wallasey. The development would also result in the creation of permanent and temporary jobs, and could act to draw commercial activity into the Wirral. However, no evidence was put to the inquiry by the Objector that relevant organisations considered the proposal even to be a 'good idea'.

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<sup>1</sup> Policy LA1 - Priorities for Areas Requiring Landscape Renewal. This policy states that proposals which secure positive improvements to the visual appearance of the area will normally be permitted where appropriate to the general character of the area and especially where they contribute to the achievement of specified objectives.

<sup>2</sup> As listed in paragraph 1.5 of PPG2 *Green Belts*.

8.25 Thus the development proposed by the Objector appears to have no formal status either so far as the Council is concerned or in terms of interest by promoting or funding institutions. Whilst the possibility of public funding could not be ruled out, the absence of evidence that such a matter has been or is to be considered in official or corporate circles cannot in my view confer much status upon the proposal. PPG12 *Development Plans and Regional Planning Guidance* emphasises that development plan proposals should be realistic and should have regard to the availability of resources<sup>3</sup>. Any such statement made about the Objector's proposal would on present evidence be much too vague; the prospects of the development being carried out during the remainder of the UDP plan period are also in my view open to serious doubt.

8.26 The Council point out that the site was a former unlicensed tip for putrescible household waste operated before the controls of the Control of Pollution Act 1974 were brought into operation. In the absence of detailed evidence about ground conditions I consider it prudent to assume that there may be unstable conditions, possible contamination and the likely presence of landfill gas on the site.

8.27 PPG14 *Development on Unstable Land* advises that local planning authorities should take into account the possibility of such conditions when preparing their development plans<sup>4</sup>. The stability of land is referred to in the PPG as an important consideration<sup>5</sup>. UDP Policies PO4 and PO5<sup>6</sup> detail the considerations which should be given to safeguarding development in these circumstances. Whilst not ruling out the development of the Objection site as proposed by the Objector, the site conditions which have not been the subject of detailed investigation do in my view weaken the case for allocation of the site. In all these circumstances I consider that the case for the Objector's proposal is not justified.

### **Inspector's Recommendation**

8.28 I recommend that no modification be made to the UDP in response to Objection 090/7.

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<sup>3</sup> PPG12, paragraph 5.20.

<sup>4</sup> PPG14, paragraph 25.

<sup>5</sup> PPG14, paragraph 26.

<sup>6</sup> Policy PO4 - Criteria for the Development of Contaminated Land; Policy PO5 - Migration of Landfill Gas.



**PROPOSAL GR2 - THE PROTECTION OF GREENSPACE WITHIN THE URBAN AREA**

**PROPOSAL NC6 - SITES OF BIOLOGICAL IMPORTANCE**

**GR2/145 and NC6/64 - Land at Paulsfield Drive, Upton**

**GR2/155 and NC6/65 - Land adjacent to Overchurch Park, adjoining the Upton Bypass**

**OBJECTIONS:** 086/1 to 086/4 The Overchurch Scout Camp Management Committee

**Summary of Objections**

- 8.29 The Upton Bypass has severed the Objector's landholding, but the resultant sites are unused with no public access. The protection of the sites is only justified for their local visual importance. Only Criterion (iv) of Policy GRE1<sup>1</sup> would apply. It is understood that visual importance is derived from the 'treed corridor' which the sites provide along the Bypass. Existing controls over trees protect the sites' visual importance; no other feature justifies their protection as Greenspace. The policy creates a presumption against any development, even though it may be limited in nature and may not impinge upon the area's visual quality. The limited exceptions under Proposal GR2 do not apply. The Objection site should not therefore be listed under Proposal GR2.
- 8.30 The restrictive approach of Proposal GR2 could act against Wirral Council's own proposals for this area, or suggest an inconsistent approach<sup>2</sup>. Alternatively therefore, Proposal GR2 should be revised along the lines of Policy ENV3 of the Sefton UDP<sup>3</sup>.
- 8.31 It is recognised that the restrictions under proposal NC6 are less than those under Proposal GR2. However it is understood that the particular value of these sites from a nature conservation point of view is as a habitat for bats, a species already protected by law. The additional control of the UDP is therefore unnecessary.

**Assessment and Conclusions**

- 8.32 It seems to me that whilst the value of the Objection sites in terms of the criteria in Policy GRE1 is mainly related to Criterion (iv) (visual importance), that value is not diminished merely because it is only one criterion which is of relevance. The trees on the sites may be

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<sup>1</sup> Policy GRE1 - The Protection of Urban Greenspace; Criterion (iv) Areas of visual importance to the locality or wider area (with or without public access).

<sup>2</sup>The Objector cites proposals for a community centre within Greenspace GR2/155 which in the opinion of the Objector is not truly consistent with the policy criteria of Proposal GR2.

<sup>3</sup> Sefton UDP Policy ENV3 - Criteria for Assessing Development Proposals on Greenspaces. The policy defines the primary objective of Greenspaces, identifies key factors and lays down criteria to be satisfied before any development may be permitted.

protected by tree preservation orders, but it is those trees which largely contribute to the amenity value of the sites, and for practical purposes, significantly restrict the development which could reasonably take place there. This view is supported by unsuccessful attempts to secure planning permission for residential and other development and on the outcome of an application for a certificate of appropriate alternative development<sup>4</sup>.

8.33 I therefore consider that the designation of the Objection sites as Greenspace is the most appropriate way of ensuring that they continue to contribute effectively to the visual character of the locality. This designation would not under policy GR1<sup>5</sup> preclude modest development intended to support the use of the land for any suitable recreational or other open use. Whilst noting the wide scope of the Sefton UDP Policy ENV3 I do not consider that the more simply expressed criteria in Policy GR1 of Wirral's UDP are inappropriate in circumstances where land is justifiably designated as Greenspace.

8.34 The sites contain bats protected under the 1981 Wildlife and Countryside Act. As the Council point out, it is an offence to intentionally kill, injure, catch, keep or disturb bats whilst they are roosting. PPG9 *Nature Conservation* clearly identifies the role of local plans (and UDPs) in giving appropriate protection to 'other land of conservation value' as well as statutorily designated sites, with due emphasis given to the importance of habitats<sup>6</sup>. The trees on the Objection sites provide an important habitat for the bats, and it is this which designation under Proposal NC4 is intended to safeguard. I therefore conclude on the evidence that the designation of both sites under Proposal NC4 should be retained.

### **Inspector's Recommendation**

8.35 I recommend that no modification be made to the UDP in response to Objections 081/1 to 4.

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<sup>4</sup> See Appendices 1 to 4 attached to Council statement WMBC/W/GRSP/010.

<sup>5</sup> Policy GR1 as proposed to be amended by ALT/GREENSPACE/003 (CD056, page 64) - The Protection of Urban Greenspace.

<sup>6</sup> PPG9, paragraph 24.

**PROPOSAL GR2-THE PROTECTION OF GREENSPACE WITHIN THE URBAN AREA  
GR2/151 - LAND AT UPTON MEADOW, UPTON AND ARROW BROOK  
LINEAR PARK, GREASBY  
(PROPOSAL HS1 - LAND ALLOCATED FOR RESIDENTIAL DEVELOPMENT)**

**OBJECTIONS:** 074/2<sup>1</sup>, 074/3 Wimpey Homes Holdings Ltd  
075/2, 075/3 Barratt (Chester) Ltd 124/2, 124/3 Wain Homes plc  
128/1 National Rivers Authority

**COUNTER OBJECTION:** 129/B BT Group Property

**Summary of Objections**

- 8.36 Upton Meadow should be allocated for residential development to help to meet the UDP's land supply needs. The site was so allocated in the UDP Consultation Draft and has an outline planning permission. There is open space nearby, and the allocation of the Objection site for housing would benefit both local and Borough-wide interests. Other open space could be provided elsewhere, including in the Green Belt. In the alternative a mixed development incorporating housing and open space could be considered (074/2, 074/3, 075/2, 075/3, 124/2, 124/3). A wider area should be reserved as Urban Greenspace than is shown on the Proposals Map under proposal GR2/151, to include land within the river corridor of the Arrowe Brook, including part of the area shown under Proposal EM4/1<sup>2</sup> (128/1).
- 8.37 The proposed amendment to Proposal GR2/151<sup>3</sup> should be modified to exclude 2.5 hectares of land identified in the Deposit Proposals Map as part of a Primarily Industrial Area. The land has benefitted from planning permission for industrial and commercial uses and could make a contribution to any shortfall in employment land in this part of the Borough. It is accessible and in Council ownership and its development would help to serve the objectives of the Council's Economic Development Strategy (129/B).

**Assessment and Conclusions**

- 8.38 Most of the Objection site was allocated for housing in the Consultation Draft of the UDP<sup>4</sup>. The *Report of Consultation Responses* records representations from the West Kirby

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<sup>1</sup> This Objection refers to Policy HS2, but is clearly requesting allocation of the Objection site under Proposal HS1.

<sup>2</sup> Proposal EM4 - Expansion Land for Existing Businesses (EM4/1 Land to the rear of Arrowebrook Road, Upton).

<sup>3</sup> ALT/GREENSPACE/016 and map following (CD056, page 78).

<sup>4</sup> (CD052) - Proposal HS3/2, page 33.

*Part II: Proposal GR2 - The Protection of Greenspace within the Urban Area  
GR2/151 - Land at Upton Meadow, Upton and Arrowe Brook  
Linear Park, Greasby  
(Proposal HS1 - Land Allocated for Residential Development)*

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Conservation Area Advisory Committee, the Cheshire Wildlife Trust and individuals<sup>5</sup> about the value of the site as a useful open space, containing a pond of wildlife interest and close to the Upton Bridge Wood Site of Biological Importance (NC6/69). The change in the UDP proposals for the site upon which the Council then decided upon is briefly referred to as 'to be included in Greenspace', and the site was then designated as such.

8.39 The Objections to this designation in the Deposit version of the UDP were considered by the UDP Panel in April 1995<sup>6</sup>. The submitted reports indicate that the Council proposed to designate the site as open space and lease it to the Woodland Trust, subject to the approval of the Secretary of State. The Council's response to the Objections confirms that this intention has been approved by the Secretary of State and that when the statement was issued contracts were due to be signed. Although little information has been provided as to the reasons for the change in allocation from residential to Greenspace, I accept the Council's statement that the site is no longer available for development. Although a large space I saw that it is in an accessible central location and used by local people for informal recreation.

8.40 I conclude elsewhere that the UDP's new dwelling requirement should be increased from 9500 to 10500 dwellings<sup>7</sup>. The thrust of the UDP's key urban regeneration theme is that land for housing should first be sought in the urban areas. I regard the Objection site as falling within the urban area and therefore consider that its total or partial development for housing would be supportive of the urban regeneration strategy. However, I am satisfied that sufficient land for housing has been identified by the Council in the UDP or from recommendations in this report either in the urban areas of the Borough or elsewhere outside the approved Green Belt, to satisfy that increased requirement without the need to use any part of the Objection site. I therefore consider on the available evidence that there is at present no compelling case for the Objection site to be allocated for residential development, either in whole or in part.

8.41 The published change to Proposal GR2/151 does not achieve the widening of the allocation site adjacent to the Arrowe Brook which Objector (128) seeks; indeed put forward 'to rectify an error', it results in a narrowing of the space at its southernmost end adjacent to Arrowe Brook Road. It seems to me that the general basis on which the Council have drawn the boundary of GR2/151, to conform to the area actually available for public access as part of the Arrowe Brook Linear Park, is not unreasonable, especially in circumstances where a considerable area has been allocated in total.

8.42 There is however land allocated under GR2/151 which is not under current open space use. The revised allocation takes in an area shown as 'Primarily Industrial Area'. Counter-objection 129/B is to this extension of the Greenspace. The land is included in the terms of the

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<sup>5</sup> CD054, page 41.

<sup>6</sup> CD066, page 4 and CD068, page 11.

<sup>7</sup> See pages 18-35 of this report.

*Part II: Proposal GR2 - The Protection of Greenspace within the Urban Area  
GR2/151 - Land at Upton Meadow, Upton and Arrowe Brook  
Linear Park, Greasby  
(Proposal HS1 - Land Allocated for Residential Development)*

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lease to the Woodland Trust and does not appear to have recently been in use as part of the adjoining industrial area. Any local demand for employment land in the Upton area could in my view be reasonably met on adjoining industrial land or on land allocated under Proposal EM4/1, especially having regard to my recommendation on the Objections which advocate the retail development of some of that land<sup>8</sup>.

**Inspector's Recommendation**

8.43 I recommend that the UDP be modified by the amendment of proposal GR2/151 in accordance with ALT/GREENSPACE/016, but that no other modification be made in response to 074/2, 074/3, 075/2, 075/3, 124/2, 124/3 and 128/8 and Counter-objection 129/B.

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<sup>8</sup> See pages 309-322 of this report.

**PROPOSAL GR2: THE PROTECTION OF GREENSPACE WITHIN THE URBAN AREA  
Land at Cleaver Hospital, Heswall**

**OBJECTION:** 215/33 Wirral Green Belt Council

**Summary of Objection**

8.44 The remaining open land which formed part of the former Cleaver Hospital should be preferably included in the Green Belt or otherwise designated as Greenspace under Proposal GR2<sup>1</sup>.

**Assessment and Conclusions**

8.45 I deal with the issue of the Cleaver Hospital grounds in relation to the Green Belt elsewhere<sup>2</sup>. The land referred to by the Objector is designated as Greenspace under Proposal GR2 in the deposit version of the UDP (GR2/208). Although the hospital grounds may have been separate from Heswall Dales in my view there would be little benefit now in listing the Objection site separately under Proposal GR2; the site will have the same protection even if it is not listed separately. However, it would in my view be helpful if the listing under GR2/208 were retitled to read 'Heswall Dales and land around the former Cleaver Hospital' (the title given to the map which records a proposed change to the boundary of the area designated under GR2/208)<sup>3</sup>.

**Inspector's Recommendation**

8.46 I recommend that the UDP be modified by the amendment of proposal GR2/208 to read 'Heswall Dales and land around the former Cleaver Hospital'.

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<sup>1</sup> The Council have interpreted the Objection to the effect that *separate designation* is requested under Proposal GR2. For the avoidance of doubt I shall deal with this issue as part of my assessment of the Objection.

<sup>2</sup> See pages 176-177 of this report.

<sup>3</sup> See ALT/GREENSPACE/018 (CD056 and map following).

**PROPOSAL GR2: THE PROTECTION OF GREENSPACE WITHIN THE URBAN AREA  
Land at Grange Road, West Kirby**

**OBJECTION:** 042/2 Wirral Footpaths and Open Spaces Society

**Summary of Objection**

8.47 Whilst not accessible, the Objection site allows views over West Kirby and the Dee Estuary to all approaching West Kirby from the south, and adds greatly to its character and amenity. The site was designated as Greenspace in the UDP Consultation Draft<sup>1</sup> and it should now be reinstated as such under Proposal GR2.

**Assessment and Conclusions**

8.48 The Reasoned Justification for Proposal GR2 indicates that the sites listed are those it is considered essential to protect from development for as far ahead as can be foreseen, and which especially need to be protected if the network and supply of *publicly accessible* open space is not to be compromised<sup>2</sup>. The Objection site appears never to have been formally open to public access and in my view does not therefore fulfil this prime requirement for designation under Proposal GR2. Its 'second division' designation under Draft Proposal G2 rather than G1 as 'local greenspace with potential for other uses' in the UDP Consultation Draft was clearly partly on account of its access status and with a view to its possible suitability for other uses.

8.49 I accept that the Objection site provides openness of character on an approach to the West Kirby Town Centre. However its amenity value is limited by the roadside boundary treatment. The Council maintain that had it not been for a covenant effectively precluding housing development, the site might have been allocated for such a purpose. That the covenant might preclude certain forms of development is not in my view sufficiently convincing an argument in its own right for the designation of the land as Greenspace; this should rely on the intrinsic merits of the site and whether it satisfies the objectives of Proposal GR2.

8.50 There is no evidence of any general shortage of accessible public open space in the West Kirby area justifying a compensatory designation. Grange Hill (GR2/166) and Ashton Park are significant open spaces in the area, with other designated spaces and Caldry Hill beyond. In all these circumstances I conclude that the Objector's case for designation of the Objection site as Greenspace does not outweigh the Council's reasons for not doing so.

**Inspector's Recommendation**

8.51 I recommend that no modification be made to the UDP in response to Objection 042/2.

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<sup>1</sup> Under Draft Proposal G2/4 (CD052 p 57 and Proposals Map).

<sup>2</sup> UDP Written Statement, paragraph 8.14. The facility of public accessibility is further emphasised in the proposed change to the Reasoned Justification (ALT/GREENSPACE/004, (CD056, page 66)).

**PROPOSAL GR2: THE PROTECTION OF GREENSPACE WITHIN THE URBAN AREA**

**1 Land at Acton Road, Moreton**

**2 Land at Ashdale Park, Greasby**

**OBJECTIONS:** 128/7, 128/8 National Rivers Authority

**Summary of Objections**

8.52 The narrow green corridor between Greenspace GR2/150 and the Green Belt around Saughall Massey (1) should be allocated as Greenspace under Proposal GR2. A similar allocation given to the primarily residential area alongside the Greasby Brook (2) would be in keeping with the designation GR2/195.

**Summary and Conclusions**

8.53 The Council submit that site (1) which is a linear strip of land on the banks of the Arrowe Brook, meets none of the criteria in Policy GRE1<sup>1</sup>. The land is privately owned and used either for commercial or domestic garden purposes, with no public access. I accept that whilst contributing to the visual amenity of those living close by the land is of little wider public value in visual amenity terms and in these circumstances in particular performs a different function to the land designated under GR2/150. I am therefore satisfied that its allocation as Greenspace is not justified.

8.54 Site (2) is stated by the Council to form 8 undeveloped building plots. The Objector's suggestion that the whole of the site be designated as Greenspace would therefore be at odds with the residual planning permission for those units. Even if the site were not to be developed I am not convinced that it would meet any of the criteria in Policy GRE1, especially in regard to its significance in visual terms which would be rather localised and the lack of the public access, in contrast to the land designated under GR2/195.

8.55 Even if the designation of either Objection site would facilitate access by the Objector to the adjoining watercourse for operational purposes, this would not in my view be sufficient reason to designate the sites as Greenspace in the absence of justifiable land use reasons. The Council point out that separate statutory powers are available to the Objector for operational purposes.

**Inspector's Recommendation**

8.56 I recommend that no modification be made to the UDP in response to Objections 128/7 and 128/8.

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<sup>1</sup> Policy GRE1 - The Protection of Urban Greenspace. The Policy lays emphasis on the protection of spaces which provide for a range of recreational opportunities, including linear parks and walkways giving off-road access by foot through the urban area or linking urban open spaces and areas of visual importance to the locality or wider area (with or without direct access).



**PROPOSAL GR2: THE PROTECTION OF GREENSPACE WITHIN THE URBAN AREA**  
**Land at Port Sunlight**

OBJECTION: 012/2 Mr R T Carribine

**Summary of Objection**

8.57 Port Sunlight contains open spaces which should be designated under Proposal GR2 rather than within the Primarily Residential/Industrial Areas (PRAs/PIAs).

**Assessment and Conclusions**

8.58 Some land north of Wood Street is designated under Proposal GR2<sup>1</sup>. The Council have designated the spaces they consider more public, visible and ornamental. Backland which is not prominent is considered more appropriately as falling within the PRA. In the absence of evidence as to why any particular space should be included under Proposal GR2, I do not consider that approach unreasonable. As most of the sites identified north of Wood Street fall within a Conservation Area, any development would be considered under Policy CH9<sup>2</sup>. I do not therefore suggest any change to the proposed designations.

8.59 I accept the Council view that the Lever Brothers Factory site is appropriately included within a PIA, unless there are good reasons for exceptions to that approach. The Council are minded to grant planning permission for housing on land adjoining Bromborough Road. They propose to change its designation to PRA, presumably because planning permission will have been granted when the UDP is adopted<sup>3</sup>. A Greenspace designation is also proposed<sup>4</sup>. These proposals appear a logical way to reflect the proposed planning permission in the UDP. I consider land adjoining the A41 elsewhere<sup>5</sup>. Any development proposed would need to contain appropriate open space (as the Council point out, mainly associated with the road frontage). It would in my view be premature at present to consider open space needs in advance of development proposals. The PIA notation should remain.

**Inspector's Recommendation**

8.60 I recommend that no modification be made to the UDP in response to Objection 012/2.

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<sup>1</sup> GR2/46, GR2/71, GR2/72, GR2/73, GR2/74, GR2/75, GR2/76, GR2/77, GR2/78, GR2/79, GR2/80, GR2/81.

<sup>2</sup> Policy CH9 - Port Sunlight Conservation Area. One of the criteria is to preserve the planned layout of the village and unifying features such as the scale, massing and design of buildings.... *together with their landscape setting*.

<sup>3</sup> ALT/HOUSING/001 (CD056, page 47 and plan following).

<sup>4</sup> ALT/GREENSPACE/013 (CD056, page 75 and map following).

<sup>5</sup> See pages 89-93 of this report.

Part II: Policy GR3 - *The Protection of Allotments*  
Proposal GR4 - *Allotments to be Protected from Development*  
GR4/9 - *Hill Road Allotments, Claughton*  
(*Proposal HS1 - Land Allocated for residential Development*)

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**POLICY GR3 - THE PROTECTION OF ALLOTMENTS**  
**PROPOSAL GR4 - ALLOTMENTS TO BE PROTECTED FROM DEVELOPMENT**  
**GR4(9) - Hill Road Allotments, Claughton**  
**(PROPOSAL HS1 - LAND ALLOCATED FOR RESIDENTIAL DEVELOPMENT)**

OBJECTION: 070/42, 070/43 GO-M 082/9, 082/10 North West Water Ltd

**Summary of Objections**

8.61 The word 'normally' should be omitted from Policy GR3 and Proposal GR4 (070/42-43). Policy GR3 should be deleted, and all allotments shown as part of a Primarily Residential Area (082/9). The Hill Road Allotments are surplus to requirements, and should be allocated for residential development (082/10).

**Assessment and Conclusions**

8.62 Published changes to Policy GR3 and Proposal GR4<sup>1</sup> omit 'normally'. PPG17 *Sport and Recreation* states that undeveloped land with recreational or amenity value can be protected if there is (or would be) a deficiency in accessible public open space in the area<sup>2</sup>. Development plans can protect open space and other land of recreational or amenity value<sup>3</sup>. It is thus not unreasonable for the UDP to protect under Proposal GR4 urban allotments which are in use and which satisfy an apparent demand for such a facility, irrespective of their statutory status.

8.63 Although Objector 082 describes the Hill Road allotments as surplus to requirements, they appeared on inspection to be in fairly full use. Part of this land is the subject of a lease extending beyond the end of the UDP Plan period. The future of the land in terms of its allotment use or other local recreational needs could be reviewed when the UDP is reviewed as a whole. I therefore see little justification for any other designation for the site in the current UDP. Although the Objector considers that there is no need for Policy GR3 to be in the UDP, it seems to me that it enables consideration to be given to the open space needs of an area should redundant allotments become the subject of development proposals. In these terms therefore it has a proper place in the UDP.

**Inspector's Recommendation**

8.64 I recommend that the UDP be modified by the amendment of Policy GR3 and Proposal GR4 in accordance with ALT/GREENSPACE/019 021, but that no modification be made in response to Objections 082/9 and 082/10.

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<sup>1</sup> ALT/GREENSPACE/019 (CD056, page 81) and ALT/GREENSPACE/021 (CD056, page 83).

<sup>2</sup> PPG17, paragraph 27. The guidance is intended to apply to all open spaces of public value.

<sup>3</sup> PPG17, paragraph 13.

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## **POLICY GR5 - LANDSCAPING AND NEW DEVELOPMENT**

**OBJECTIONS:**      047/10 Bryant Homes    070/44 GO-M  
                         081/10 House Builders Federation    121/7 MAFF  
                         215/36, 215/37 Wirral Green Belt Council

### **Summary of Objections**

- 8.65      The word 'normally' should be omitted from Policy GR5 (070/44).
- 8.66      Policy GR5 should not require the submission of full landscaping proposals before full planning permission is granted. The submission of landscaping details before the principle of development has been approved is onerous on developers. The matter can be dealt with by imposition of a condition in accordance with the guidance in Circular 1/85<sup>1</sup> (047/10, 081/10, 121/7).
- 8.67      The Policy should be moved to the Landscape Section, and should include criteria for ensuring that its requirements are carried out (215/36, 215/37).

### **Assessment and Conclusions**

8.68      A published change to Policy GR5 omits 'normally'<sup>2</sup>. It seems to me not unreasonable for the Council to frame the Policy on the basis that it is the normal expectation that applications for full planning permission should be accompanied by full details of the landscaping treatment proposed as part of the development. Developers may opt to apply for outline planning permission, reserving landscaping or any other 'reserved matter'<sup>3</sup>. The Council may also by notice require any such detail to be submitted at the outline stage<sup>4</sup>.

8.69      Whilst Circular 11/95 does provide for conditions relating to landscaping requirements, this should not in my view be taken to mean that landscaping design details are most appropriately considered after all the other details of the development have been settled. Indeed, the Circular emphasises that the visual impact of a development will often need to be assessed as a whole, an exercise requiring the consideration of details of landscape design together with other 'reserved matters'<sup>5</sup>. I therefore consider that Policy GR5 is reasonable in this respect.

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<sup>1</sup> Circular 1/85 *The Use of Conditions in Planning Permissions*, now replaced by Circular 11/95 of the same title.

<sup>2</sup> ALT/GREENSPACE/024 (CD056, page 86).

<sup>3</sup> As defined in Article 1(1) of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995 No. 419).

<sup>4</sup> Op. cit., Article 3(2).

<sup>5</sup> Circular 11/95, paragraph 49.

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8.70 Although Policy GR5 could be accommodated within the UDP's Landscape Section, I note that that Section deals mainly with types of landscape within a rural context. As landscaping within and around new developments contributes to Urban Greenspace I do not consider that the Policy to be inappropriately located. Whilst it is important that approved landscaping schemes be implemented it is not in my view essential that Policy GR5 should contain any express provision regarding enforcement. The matter can normally be dealt with by way of condition of planning permission<sup>6</sup>.

**Inspector's Recommendation**

8.71 I recommend that the UDP be modified by the amendment of Policy GR5 in accordance with ALT/GREENSPACE/024, but that no modification be made in response to Objections 047/10, 081/10, 121/7 215/36 and 215/37.

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<sup>6</sup> Circular 11/95, paragraph 50.

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## **POLICY GR6 - GREENSPACE WITHIN NEW HOUSING DEVELOPMENT**

**OBJECTION:** 047/11 Bryant Homes 062/9 Redrow Homes (Northern) Ltd  
070/9, 070/45, 070/139 GO-M 081/9 House Builders Federation  
089/3 McCarthy & Stone

**COUNTER-OBJECTION:** 070/B GO-M

### **Summary of Objections**

- 8.72 The word 'normally' should be omitted from the Policy, as should the vague term 'where appropriate' (070/45, 070/139). The open space requirement in the Policy of 85 sq m per dwelling is excessive and contrary to PPG3 *Housing*. It would result in uneconomic layouts which make ineffective use of scarce development land. A more appropriate standard would be 60 sq m (047/11, 062/9, 070/9, 081/9).
- 8.73 It should be made clear that the Policy will not apply to specialised accommodation for the elderly. The provision of publicly accessible open space within such developments would be inappropriate (089/3).
- 8.74 The Policy even as proposed to be amended<sup>1</sup> remains unclear about the relationship between proposed new Greenspace and existing open space. PPG3 refers to the creation of areas of open space as important in built-up areas where the amount and distribution of public open space may be inadequate<sup>2</sup>. It is not clear whether the proposed Greenspace provision would be applied irrespective of the proximity of existing open space, with implications for density of development and land-take. 'Where appropriate' has not been deleted (070/B).

### **Assessment and Conclusions**

8.75 The first alteration omits 'normally', a second published change<sup>3</sup> deleting 'where appropriate'. Both refer to a reduced Greenspace standard of 60 sq m for every new dwelling. I accept the Council's submission that PPG3 advises that development plan policies should make it clear what open space provision is expected in new housing developments<sup>4</sup>. Reference to a specific standard is therefore not in my view inappropriate in this context.

8.76 The first alteration also adds the qualification that Policy GR6 is to apply to family housing (that is, units with two or more bedrooms). It is conceivable that some accommodation

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<sup>1</sup> ALT/GREENSPACE/025 ('the first alteration', CD056 page 87).

<sup>2</sup> PPG3, paragraph 28.

<sup>3</sup> ALT2/GREENSPACE/001 ('the second alteration', CD057, page 14).

<sup>4</sup> PPG3, paragraph 28.

for the elderly could include units with two bedrooms. However, the relaxation of the open space requirement to apply only to units of *three* bedrooms or more would exclude developments containing smaller family houses from the open space requirement. I therefore consider the amended Policy reasonable in this respect, and note that Objector 089 has not put in a Counter-objection to the proposed change.

8.77 The second alteration clarifies in Policy GR6 itself the relationship between the proposed revised standard and existing open space in the locality. Accordingly the Policy would not apply to dwellings within 400 m of existing accessible public open space of 1.5 hectares or above. This consideration is explained in a further published change which would insert an additional paragraph (8.32A) into the Reasoned Justification<sup>5</sup>. In all these circumstances I conclude that the final changes the Council proposes to make to Policy GR6 and its Reasoned Justification are a satisfactory response to the criticisms made by the Objectors.

#### **Inspector's Recommendation**

8.78 I recommend that the UDP be modified by the amendment of Policy GR5 and its Reasoned Justification in accordance with ALT2/GREENSPACE/001 and 002.

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<sup>5</sup> ALT2/GREENSPACE/002 (CD057, page 15).

## **POLICY GR7 - TREES AND NEW DEVELOPMENT**

### **Written Statement Paragraphs 8.33 to 8.39**

**OBJECTION:** 070/46 GO-M 080/8 Cheshire Wildlife Trust 121/8, 121/9 MAFF  
127/9 Wirral Wildlife 215/8 Wirral Green Belt Council

### **Summary of Objections**

8.79 The word 'normally' should be deleted from Policy GR7 (070/46). The Policy should refer to damage often done to the roots of urban trees by cable installations and development foundations (080/8, 127/9). The Policy is unduly restrictive and onerous, especially for the requirement for planning applications in rural areas to show the size and type of existing trees on a site. The supporting Paragraph 8.37 is unclear (121/8, 121/9). The Policy should refer to the potential value of trees in poorer condition for their group, habitat and environmental value (215/8).

### **Assessment and Conclusions**

8.80 A published change to the Reasoned Justification to Policy GR7<sup>1</sup> refers in a new Paragraph 8.35a to the possible imposition of planning conditions to alleviate damage to tree roots from trenches for foundations or other works. A change to the Policy itself is also proposed<sup>2</sup> with 'normally' omitted and the clarification that application plans should show trees *to be affected by the development*. A change to Paragraph 8.37<sup>3</sup> clarifies the purpose of the Policy with regard to sites in the Green Belt.

8.81 As for trees in poor condition, I share the Council's misgivings that explicit reference to the retention of trees which are structurally unsound or require significant work might act as a deterrent to prudent and necessary remedial action. I therefore agree with the Council that neither the Policy nor its Reasoned Justification need be changed on this account. In conclusion therefore I consider that no changes should be made to Policy GR7 or its supporting text beyond those proposed by the Council.

### **Inspector's recommendation**

8.82 I recommend that the UDP be modified by the amendment of Policy GR7 and its Reasoned Justification in accordance with ALT/GREENSPACE/027, 028 and 029, but that no modification be made in response to Objection 215/8.

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<sup>1</sup> ALT/GREENSPACE/028 (CD056, page 90).

<sup>2</sup> ALT/GREENSPACE/027 (CD056, page 89).

<sup>3</sup> ALT/GREENSPACE/029 (CD056, page 91).