



Corporate Services Overview and Scrutiny Committee

Date:	Monday, 10 November 2008
Time:	6.00 pm
Venue:	Committee Room 1 - Wallasey Town Hall

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AGENDA

This agenda has been prepared in accordance with the Scrutiny Call-In Guidelines to be considered by Council on 3 November, 2008 and can be amended if any changes to the proposed guidelines are approved by the Council

Call-in of Cabinet minute 213 (16/10/08) - Land at the Warrens, Thingwall Road East, Thingwall

At its meeting held on 16 October 2008, the Cabinet considered the report of the Director of Law, HR and Asset Management which sought approval, in principle, for the disposal of an area of land at the Warrens Nursery in order to facilitate the construction of a health centre, subject to planning permission being obtained.

The Cabinet (minute 213) resolved,

“That

- (1) the land at the Warrens Nursery be declared surplus to requirements and authorises its disposal, subject to planning permission being obtained and satisfactory terms being agreed;
- (2) the District Valuer be jointly commissioned by the Council and the PCT to determine the value of the premium for lease;
- (3) any provisionally agreed terms of disposal be reported to a future Cabinet; and

(4) any objections received in respect of the disposal of Public Open Space, associated with this proposal, be reported.”

Cabinet minute 213 was called in by Councillors Jeff Green, Tom Anderson, Geoffrey Watt, Lesley Rennie, and Chris Blakeley on the following grounds:

Arrowe Country Park comprises some 250 acres of open parkland and deciduous woodland. Another 150 acres is taken up by an adjacent municipal 18 hole golf course and formal areas. The park woodland contains many fine examples of Oak, Ash and Beech as well as conifers such as Scots Pine and Cedar.

Some of its more unusual trees include Redwood, Cedar of Lebanon, Maidenhair and Indian Bean tree. The woodland birds include Rooks, Magpies, Jays, Nuthatches, Tree Creepers and Great and Lesser Spotted Woodpeckers. Areas of grassland and woodland edges are now being cared for as wildflower meadows which attract butterflies such as Small Heath, Skipper and Speckled Wood at the woodland edge. The lake and brook provide a habitat for various species of birds, and those prepared to wait long enough may catch sight of a kingfisher as it darts along the brook. Ponds scattered throughout the park are breeding grounds for a variety of pond life including frogs, newts, damsel and dragonflies. Arrowe Country Park is situated in the centre of the Wirral Peninsula between the rural and urban areas and is the gateway to Wirral's Countryside.

Arrowe Country Park is not only highly valued for its peaceful pathways and woodland walks, it also has a toddler's play area as well as a children's adventure playground, plus many recreational facilities which include Golf, Pitch & Putt, Tennis, Bowls, Football, Angling, Orienteering and a Horse Track.

1. We therefore believe that the decision made by Cabinet on the 16 October to declare land within Arrowe Country Park 'Surplus to Requirements' breaks the commitments made by the Council to local residents, and the wider Wirral Communities and will impact on the integrity of 'Arrowe Country Park'.

2. We do not believe that this land can be declared surplus to requirements by the Council as it is clearly defined by the Council as being Arrowe Country Park.

3. The land is also shown on the Council's Unitary Development Plan (UDP) as being Greenbelt land. The Council has always, until now, defended Greenbelt land. We see no reason for this position to be changed.

4. The land in question is criss-crossed with community footpaths linking with Arrowe Country Park Woods, bordering the golf course, if this sale goes forward then all of the community footpaths will be lost forever.

5. We believe that if the Cabinet's decision to declare this land surplus to requirements is upheld, that it sets a dangerous, deplorable precedent that will pose a massive threat to all of our green, open and leisure spaces.

6. We also believe that any development of this site would not only cause loss of greenbelt and green space that the public have enjoyed for years, but it will also cause irreparable harm to wildlife and habitat.

The Cabinet report is attached with the exempt information redacted.

1. CHAIR'S OPENING REMARKS

2. DECLARATIONS OF INTEREST/PARTY WHIP

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

Members are reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

3. EXPLANATION OF THE CALL-IN BY LEAD SIGNATORY

4. EVIDENCE FROM CALL-IN WITNESSES

5. EVIDENCE FROM CABINET MEMBER'S WITNESSES

6. SUMMING UP BY MOVER OF THE CALL-IN

7. SUMMING UP BY CABINET MEMBER

8. COMMITTEE DEBATE

9. COMMITTEE DECISION

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WIRRAL COUNCIL

CABINET - 16 OCTOBER 2008

DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

LAND AT THE WARRENS, THINGWALL ROAD EAST, THINGWALL

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek approval, in principle, for the disposal of an area of land at the Warrens Nursery in order to facilitate the construction of a health centre, subject to planning permission being obtained.

2. Background

- 2.1 Cabinet will recall that it considered a report on the Warrens Nursery on 23 July 2008, which set out the background to associated footpath and town or village green applications as well as the forthcoming appeal scheduled to be considered at a Public Inquiry commencing on 21 October 2008. At that meeting it was resolved that:

(1) the Council, in its capacity as Landowner takes the necessary action to resist the attempt to register the former Demonstration Garden as a Town or Village Green;

(2) the PCT be advised that the Authority will not dispose of the former Demonstration Garden in the event of planning permission being granted on appeal by the Planning Inspector, and that the area will remain as green open space;

(3) officers be authorised to advise the PCT that the Authority is prepared to dispose of the main depot site for the purposes of a new Health Centre provided that the PCT support the establishment of a social enterprise on the same area, and that planning permission is granted for its proposals; and

(4) officers be authorised to work with the PCT on its proposals and report back to Cabinet on the proposed terms of the land disposal.

- 2.2 Since that meeting further discussions have taken place with the PCT. The PCT has indicated that it is willing to look at proposals for developing the former main nursery and greenhouses site. There has been consideration as to whether the land within the Nursery site, which the PCT require, could be deemed statutory Public Open Space ("POS"). This is defined as, "any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. If land to be disposed falls within this definition there is a requirement to publish a notice of the intention to dispose of the land and consider any objections.

- 2.3 The area of land identified, edged black on the attached plan, comprises some of the curtilage of the Nursery Depot and Buildings and other operational land and as such is not considered to be Public Open Space within the definition included in 2.2 above. However, the land to the West, which lies between the operational Depot site and Arrowse Park Road is designated on the Adopted Unitary Development Plan as "Countryside Recreation Site". It will be necessary for any new access onto Arrowse Park Road to cross this land and therefore because of its planning status, it is

considered to be Public Open Space. Accordingly, any disposal of land within this landscape belt will require Statutory Advertisement.

- 2.4 The PCT's position with regard to the Demonstration Garden Area, is that it is willing to withdraw its application once there is a firm commitment by the Council to a sale, in principle, of the necessary land within the Warrens site, should planning permission be forthcoming, either through normal planning processes, or on appeal. Pending the Cabinet's decision on this matter, the PCT has agreed to defer the proposed Capital Planning Inquiry, which was originally scheduled to run for five days from 21st October 2008. The Planning Inspectorate has agreed to this request.

3. Present Position

- 3.1 The PCT has commissioned its consultants to look at the possible development of the site, including the provision of a new access onto the roundabout on the Arrowe Park Road/Pensby Road Junction. This has been rejected by the Director of Technical Services because of traffic and highway safety implications. The plan attached shows a proposed access to the site using an existing track which leads from the Nursery site onto Arrowe Park Road. The existing access would require modification, widening and installation of traffic signals, based upon traffic engineer's initial assessment.
- 3.2 The PCT take the view that the provision of a Social Enterprise building on site is not a matter that it can provide as part of its proposed development. This is because of the additional complications and uncertainty that it could cause as regards planning consent for the facility in the Green Belt and funding of such accommodation.
- 3.3 The Council has no identified scheme or partner for a Social Enterprise on the site. The PCT has suggested that it would be more appropriate for it to pay a full price for the land and that any Social Enterprise presence on site would be a matter for the Council to develop using the receipts from such a disposal. Given the issues over planning, and the lack of certainty over the likely nature of any social enterprise, it is considered reasonable that the PCT prepares its application solely for a Health Centre.
- 3.4 The following draft terms are recommended for a disposal:
- (1) Lease for a term of 125 years
 - (2) A premium to be payable on commencement of lease, then at a peppercorn rent.
 - (3) Area to be leased to include land required for access necessary to secure planning permission.
 - (4) Area of intended lease to be approximately 1.68 hectares depending on detail design and access arrangements, as indicated by black edging for identification purposes only on the attached plan.
 - (5) Lease to be conditional on planning consent being obtained (including if necessary by way of appeal to Secretary of State.)
 - (6) The amount of the premium for lease to be determined by the District Valuer, who will be jointly commissioned by the PCT and the Council.

4. Financial implications

- 4.1 The value of the premium has yet to be determined. The value of the premium will depend on the area of the land required. The District Valuer has advised the PCT that the Market value of the site, if 1.68 hectares were required, would be between XXXX to XXXX.
- 4.2 Members should be aware that there is no budgetary provision to maintain the Nursery site and any land that may remain in the Council's ownership, following a part disposal of the site to the PCT. Arrangements will also have to be made with regard to the preservation or relocation of the water tank on site, which is used to irrigate Arrowe Park Golf Course.

5. Staffing implications

- 5.1 No direct staffing implications arise from this report.

6. Equal Opportunities implications

- 6.1 None

7. Community Safety implications

- 7.1 None arising from this report.

8. Local Agenda 21 implications

- 8.1 The new Health Centre would be built to the latest standards for energy consumption and insulation, etc.
- 8.2 The site is well situated in terms of accessibility by public transport, as several bus routes pass within 5 minutes walking distance.

9. Planning implications

- 9.1 There is a statutory requirement to determine planning applications in accordance with the Development Plan unless it can be demonstrated that material considerations indicate otherwise. A planning application at this site, which departs from the policies in the adopted Development Plan would need to be referred to the Secretary of State before planning permission could be granted.
- 9.2 Planning permission will be required for the new health centre. The Unitary Development Plan for Wirral shows the site as within the Green Belt. Proposals outside the use of the site as a nursery, and any new buildings, will require planning permission. A proposal for new build development will be subject to UDP Policies GB2 'Guidelines for Development in the Green Belt', TL11 'Development at Countryside Recreation Sites, GR7 'Trees and New Development and TR9 'Requirements for Off Street Parking. Inappropriate development can only be considered if there are very special circumstances to outweigh the objectives of Green Belt Policy.

10. Anti-poverty implications

10.1 None

11. Human Rights implications

11.1 None

12. Social Inclusion implications

12.1 None

13. Local Member Support implications

13.1 This report will be of particular interest to Members in the Pensby and Thingwall Ward.

14. Background Papers

14.1 Reports to Cabinet 23rd July 2008, 29th November 2007, 28th June, 2006, Social Care and Health Select Committee, 2nd September 2004, 18th January 2006.

15. Strategic Asset Management Implications

15.1 The Council's Asset Management Plan requires land and buildings to be used to support corporative objectives. This transaction proposes to dispose of a surplus asset, which is currently a liability, for community health purposes.

16. Strategy Context

16.1 The development of a Health Centre would be in line with Strategic Objective 3, "to improve health & wellbeing for all, ensuring people who require support are full participants in mainstream society".

17. RECOMMENDATIONS

17.1 That Cabinet agrees to declare the land at the Warrens Nursery surplus to requirements and authorises its disposal, subject to planning permission being obtained and satisfactory terms being agreed.

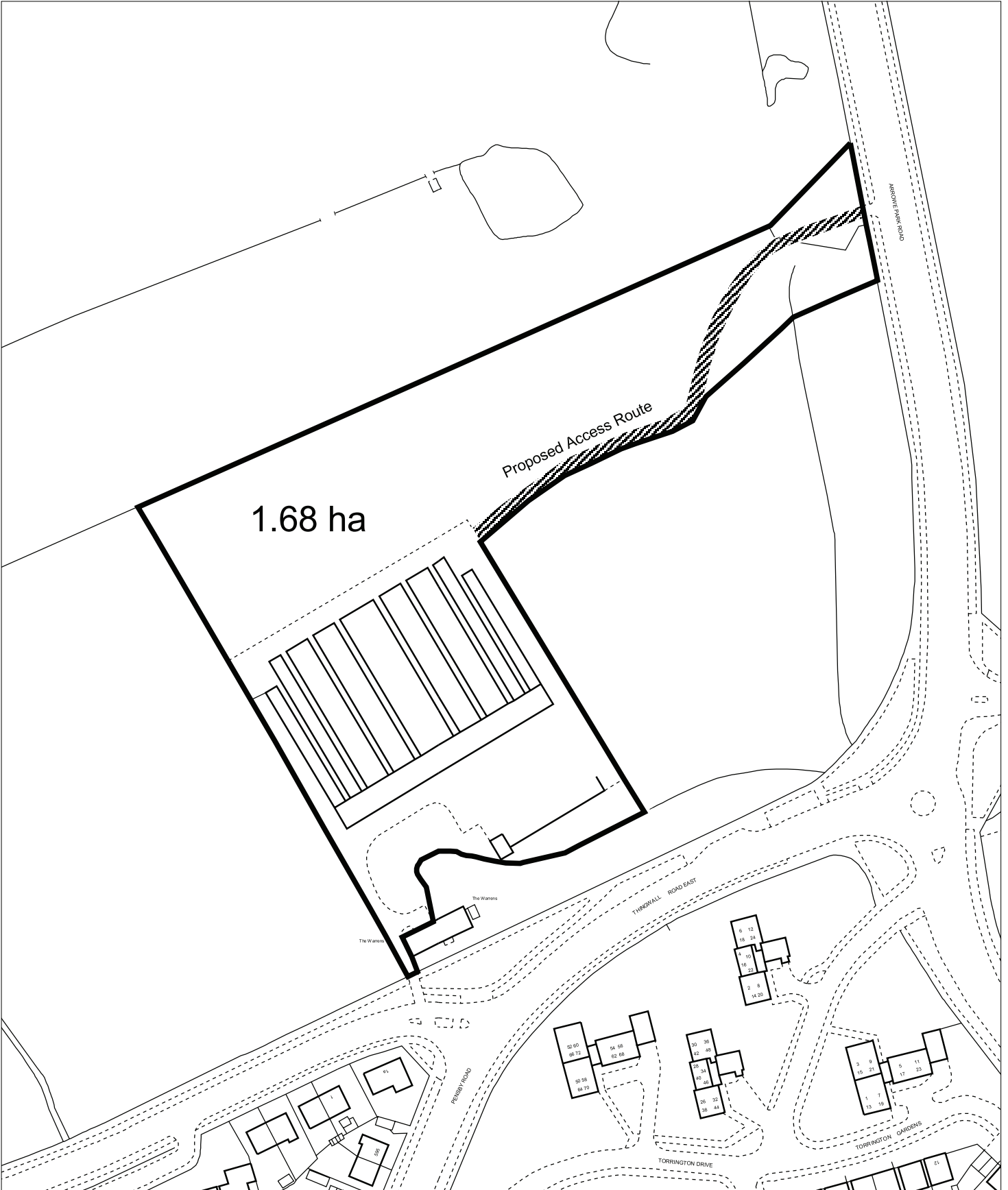
17.2 That the District Valuer is jointly commissioned by the Council and the PCT to determine the value of the premium for lease.

17.3 That any provisionally agreed terms of disposal be reported to a future Cabinet.

17.4 That any objections received in respect of the disposal of Public Open Space, associated with this proposal, be reported.

Bill Norman

Director of Law H R & Asset Management
Ref: AM/AMN/3430a



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