



Democratic Support

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Published 24 February 2015

#coopscrutiny

CO-OPERATIVE SCRUTINY BOARD

Wednesday 4 March 2015
4.15 pm
Warspite Room, Council House

Members:

Councillor James, Chair

Councillor Mrs Aspinall, Vice Chair

Councillors Mrs Beer, Bowie, Darcy, Philippa Davey, Jordan, Sam Leaves, Murphy, Parker-Delaz-Ajete and Kate Taylor.

Members are invited to attend the above meeting to consider the items of business overleaf.

Tracey Lee
Chief Executive

CO-OPERATIVE SCRUTINY BOARD

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

To receive apologies for non-attendance submitted by Co-operative Scrutiny Board Members.

2. DECLARATION OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

4. CALL-IN: APPROVAL TO PROCEED WITH DISPOSAL OF LAND OFF REDWOOD DRIVE AFTER CONSIDERATION OF OBJECTIONS RECEIVED FOLLOWING NOTICE OF THE INTENTION TO DISPOSE OF LAND (Pages 1 - 18)

The Co-operative Scrutiny Board will consider the decision called in by Councillors Jordan, Salter and Nicholson.

5. EXEMPT BUSINESS

To consider passing a resolution under Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it/they involve the likely disclosure of exempt information as defined in paragraph of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

Co-operative Scrutiny Board

Call In – Procedure to be Followed in the Meeting



1. Once the Chair has opened the meeting and any previous business on the agenda been dealt with, the Members who called in the decision will be asked to explain why they have done so and what they feel should be reviewed.

The Members making the call-in shall be allowed up to 15 minutes in total to present their case. It shall be up to them to determine how they wish to use their time, they may ask one speaker to speak or share the time among several speakers as they see fit.

2. **15 minutes shall be allowed to respond on behalf of the decision maker(s).** It shall be up to them to decide how to use this allocation. The relevant Cabinet Member, or a senior officer, may make the presentation or they may divide the time between several speakers as they see fit.
3. **After each presentation, Members may ask questions to clarify any points made by the speakers** (although the speakers will not have an opportunity to cross-examine one another).
4. The Board will then discuss the matter. **Members may ask further questions of the Members making the call in or the decision makers during the debate. The Members making the call in and the decision maker will not normally speak during the debate, except to answer questions.**
5. When the Chair considers that the matter has been debated for a reasonable length of time, the decision maker will be offered the opportunity to make any final comments on the matter. **One of the Members making the call in will also be offered the opportunity to sum up. Each side will be allowed five minutes for this purpose.**

6. **The matter will then move to the vote –**

- 6.1 The first issue to consider is whether to confirm that the decision should be implemented (the decision can then be acted on immediately) –

If Members vote YES at this stage, the call in is ended (the matter will not be referred back).

- 6.2 The second issue to consider is whether the matter is within or outside of the budget –

If the decision is not outside of the budget, Board can decide to –

- support the decision which can then be acted on immediately, or
- send the decision back with its comments to the decision maker (ie Cabinet), who will then take a final decision

If the decision is outside the budget, it will go as a recommendation to the next ordinary meeting of the Council, along with any comments from the Board.

- 6.3 If Members vote in favour of referring the matter for reconsideration, they must vote on the following matters –

Where to refer the matter –

Members must decide whether the decision should be referred back for reconsideration directly to the original decision maker (ie Cabinet), or to refer the matter to City Council to consider the call in.

The Chair will ask Members to vote in favour of either –

- **Refer the matter directly back to the original decision maker (Cabinet)**

OR

- **Refer to the City Council to consider the call-in**

If referred back to the decision maker(s), the Chair will confirm the Board's comments for the referral back to Cabinet.

CALL-IN REQUEST FORM

PLYMOUTH
CITY COUNCIL



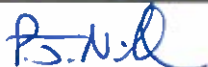
Decision to be called in	F16 14/15 <i>DISPOSAL LAND MOWOOD DRIVE</i>
Decision made by: (Delete the choices which do not apply)	<input type="checkbox"/> The Cabinet or <input type="checkbox"/> A Cabinet Member or <input type="checkbox"/> Executive decision made under joint arrangements
Date decision was made	13/02/15
Are you calling the decision in because you believe it to be outside of the Budget or Policy Framework	Yes (If Yes, state the reasons why you believe it to be outside the Budget or Policy Framework in the reasons section below)
Reasons for the Call-In The reason for call in must fall within one or more of the following categories: <input type="checkbox"/> The process by which the decision was made was deficient in some way. e.g. did the decision maker neglect to consult people who should have been consulted?	Yes The aspiration of the City Council to grow the Plymouth population, as recommended by David Mackay, has been promoted through the planning policies contained in the Local Plan First Deposit, The Local Development Framework and now the emerging 'Plymouth Plan'. The updated housing needs assessment has influenced the housing growth target contained in the Plymouth Plan Part 1 agreed by Cabinet on 9 th December 2014 for public consultation. Site specific proposals for housing will be published in the Summer / Autumn 2015 and land owners have been requested to submit proposed sites to the Head of Development Planning for consideration and future consultation. Despite this straight forward process, which all other land owners have had to comply with, Sections 12 and 13 of the Executive Decision does not refer to any consultation with Councillor Vincent who has responsibility for the Plymouth Plan and strategic Planning. Similarly Councillor Vincent does not appear to have been consulted over the Surplus Property Declaration Minor Property Interest Pro-forma

<p><input type="checkbox"/> The decision maker failed to consider alternative courses of action</p>	<p>for this site. As the Cabinet Member for the Environment with responsibility for Parks and Open Spaces, Councillor Vincent has not indicated his justification for agreeing to the loss of public open space by declaring the site 'surplus property'.</p> <p>Yes</p> <p>Plympton Councillors have been fully engaged with the Directorate for Place in proposing alternative housing sites in Plympton where development can take place on previously developed sites with a far higher provision of housing and accommodating different housing tenures including affordable housing.</p> <p>No evidence has been provided in the decision documentation that representations in respect of the use of the former Imerys Site, Coypool, Matchroom Site, Colebrook and the former Plympton Hospital Site, Market Road have been considered by Councillor Lowry or by the Land & Property Team has part of the Council's strategy to provide more homes.</p> <p>We consider that the City Council must be 'joined up' in the development of our City and that dialogue between the Land & Property Department and Development Planning is essential in ensuring our City is properly developed.</p> <p>On this basis alone, the decision should be referred back for further consideration with all relevant Departments of the City Council.</p>
<p><input type="checkbox"/> The decision taker failed to take into account relevant factors</p>	<p>Yes</p> <p>Councillor Lowry is also considering the disposal of other land in Plympton again in Chaddlewood and at Newnham with these sites projected to be suitable for up to 600 homes. Given the cumulative impact of housing development on infrastructure such as schools, roads, public open space and health facilities, Councillor Lowry should publish all his proposals simultaneously so all the impacts can be assessed. To release individual sites as is being proposed, will create greater infrastructure issues for the Council which may cost the citizens of Plymouth more in the medium term.</p>
<p><input type="checkbox"/> The decision was wrong in law or fact– the call in form must state why</p>	

To be valid **THREE** Councillors must support the request. All three Councillors should sign the form **OR** all three Councillors should e mail the Democratic Support Section (democratic.support@plymouth.gov.uk) expressing their support for the call-in. In this case, the form should be completed and attached to all of the e-mails.

cont

Signatures of THREE Councillors:

Name	Signature
1. Cllr Glenn Jordan	
2. Cllr Dr David Salter	
3. Cllr Patrick Nicholson	

Contact Details:	
Name of councillor to be contacted if there are any difficulties or questions.	Cllr Glenn Jordan

Notice of call-in for non-urgent decisions -

(i) must be received in the Democratic Support Unit by 4.30 p.m. on the fifth working day after Councillors have been notified that the decision has been made;

(ii) can be submitted to the Democratic Support Unit or by using the on-line form which should be e-mailed to democratic.support@plymouth.gov.uk

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EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – F16 14/15

Decision			
1	Title of decision: Approval to proceed with disposal of land off Redwood Drive after consideration of objections received following notice of the intention to dispose of the land.		
2	Decision maker (Cabinet Member): Councillor Lowry, Cabinet Member for Finance		
3	Report author and contact details: Liz Dunster, Valuation Surveyor, Land & Property Team. Telephone 01752 304169, email: liz.dunster@plymouth.gov.uk		
4	Decision to be taken: To proceed with the disposal of land off Redwood Drive having considered objections to the notice of intention to dispose of public open space.		
5	Reasons for decision: To support the Council's agenda of increased and accelerated housing delivery and outputs required to provide more decent homes supporting citizens to live and work in Plymouth. The housing waiting list currently has over 10,000 households in need of affordable homes in Plymouth. The Council has committed to providing 1,000 homes per annum for the next 5 years. In order to meet this target additional sites must be identified for housing development. Whilst several genuine concerns have been raised over using this site for housing it is felt that the urgent need for housing outweighs these concerns. In addition many of the concerns will be addressed by the provision of the public park on part of the site which connects to nearby Chaddle Wood.		
6	Alternative options considered and rejected: To retain the land as public open space. This would result in fewer new homes being built and lack of funds to provide the public park.		
7	Financial implications: Should the site be developed for housing, there is potential for the Council to receive additional income in the form of Capital Receipts from the sale of land together with other income, including Community Infrastructure Levy (CIL) contributions, potential Section 106 obligations, Council Tax and New Homes Bonus. There will be a reduced maintenance liability in respect of the land following any disposal.		
8	Is the decision a Key Decision?	Yes	(Key decisions are normally made by the Cabinet)
		No	X
9	Please specify how this decision is	Corporate Plan 2013-17	

	linked to the policy framework and/or budget:	<p>PIONEERING PLYMOUTH – A Council that uses resources wisely.</p> <p>GROWING PLYMOUTH – Making our City a great place to live by creating opportunities for greater investment with more homes. More decent homes to support the population.</p> <p>CARING PLYMOUTH – People are treated with dignity and respect. Development of this site for housing would generate a requirement for affordable as well as market housing and also for lifetime homes allowing people to stay in their own homes longer.</p> <p>CONFIDENT PLYMOUTH – Citizens enjoy living and working in Plymouth. This site is considered to be an attractive location for housing development and the creation of a public park will enhance the area.</p>			
10	Is the decision urgent?	Yes		(If yes, ensure that the Chair of the Co-operative Scrutiny Board signs the report at section 11a and section 11b is completed <u>after</u> the sign off codes in Section 17 are completed)	
		No	X	(If no, go to section 12)	
11a	Signature	Not Applicable		Date	Not Applicable
	Print Name	Not Applicable			
11b	Reason for urgency: Not Applicable				
Consultation					
12	Are any other Cabinet members affected by the decision?	Yes	X	(If yes, go to sections 13 and 14)	
		No		(If no, go to section 15)	
13	Which other Cabinet member is affected by the decision?	Councillor Penberthy, Cabinet Member for Co-operatives, Housing and Community Safety			
14	Please confirm that you have consulted this Cabinet member	Yes		(No is not an option)	
15	Has any Cabinet member declared a conflict of interest?	Yes			
		No	X		
16	Which Corporate Management Team member has been consulted?	Name and title	Anthony Payne, Strategic Director for Place		

17	Please include the sign off codes from the relevant departments consulted:	Democratic Support (mandatory)			DSO73 14/15				
		Finance (mandatory)			AF/ CorpsF FDI415 023.28.01.15				
		Legal (mandatory)			22163/AC/27/1/15				
		Human Resources			Not applicable				
		Assets			JW0042 15/01/15				
		IT			Not applicable				
		Procurement			Not applicable				
Other Information									
18	Is the decision in accordance with an Equalities Impact Assessment?	Yes	X	(For further advice, contact Assistant Director for Safer Communities, ext. 4388)					
		No							
Briefing report									
19	Is the briefing report attached?	Yes	X	(No is not an option)					
	List (and include a hyper link to) <u>published</u> work/information used to prepare the report.	<p>Chaddlewood Sustainable Neighbourhood Assessment. http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/ldf/ldfbackgroundreports/brsustainable-neighbourhoodassessments/chaddlewoodsna.htm</p> <p>Plymouth Housing Land Supply http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/ldf/amr/adequatehousing/housinglands-apply.htm</p> <p>Plymouth Housing Requirement http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/ldf/amr/adequatehousing/housingrequirement.htm</p>							
	Do you need to include any confidential/exempt information?	<p>If yes, prepare a second, Part II, report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p> <p>(Remember to keep as much information as possible in the briefing report that will be in the public domain)</p>							
			Exemption Paragraph Number						
			1	2	3	4	5	6	7
Confidential/exempt briefing report title									
None									

Background Papers

20 Please list all background papers relevant to the decision in the table below.
 Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. A folder or a file should not be cited as a background paper, though individual items within the folder or file may be. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Comments received in response to a public consultation on the possible loss of public open space at land off Redwood Drive	X									

Cabinet Member Signature

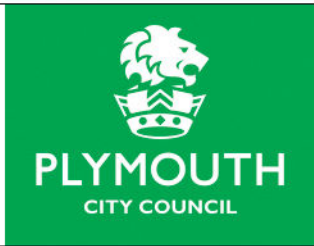
21 I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, City Strategy, Corporate Plan and Medium Term Financial Plan.

Signature		Date of decision	
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Print Name	
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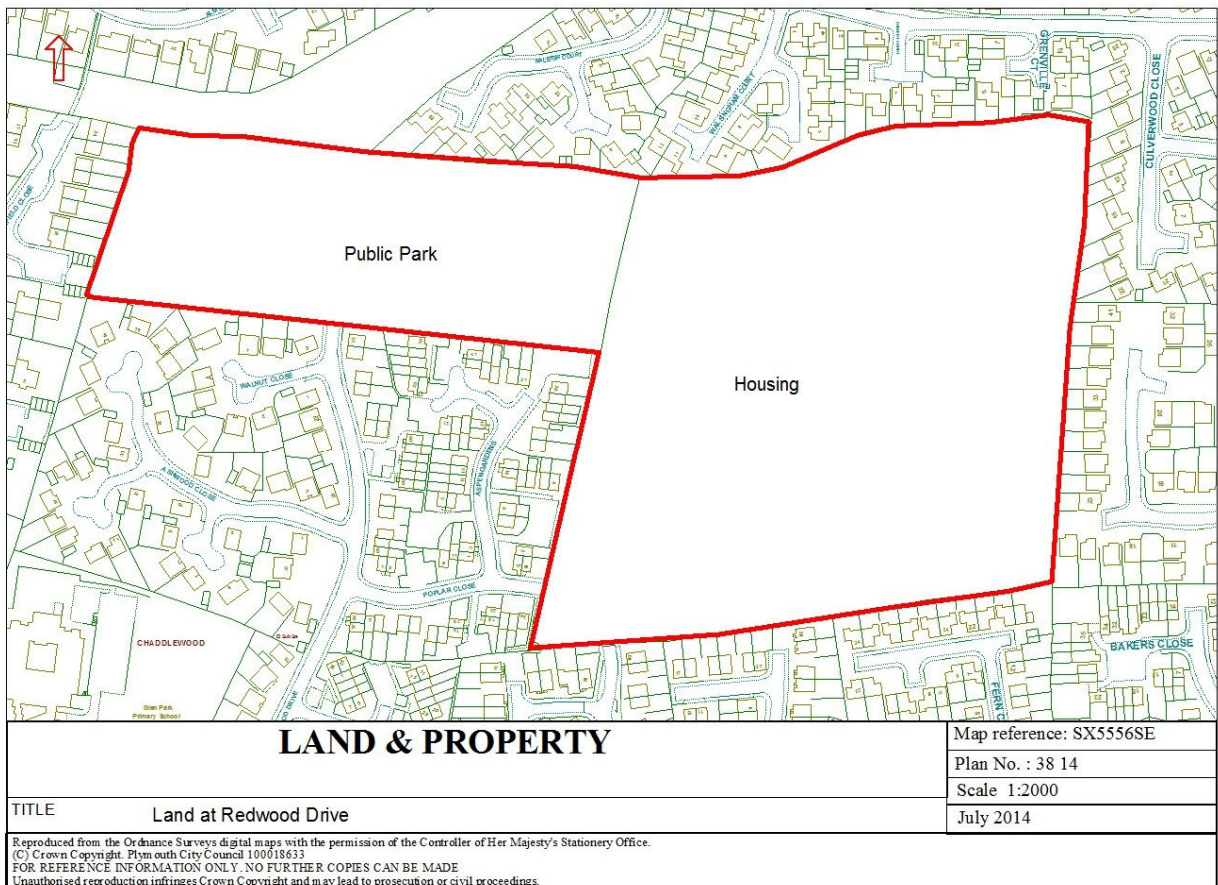
Part I Briefing Report

Approval to proceed with disposal of land off Redwood Drive after consideration of objections received following notice of the intention to dispose of the land



1.0 Background

- 1.1 Land off Redwood Drive, Plymouth (see plan below with land edged red) was identified through the Council’s Strategic Land Review as having residential development potential and has been declared surplus to operational requirements.
- 1.2 The Council’s ‘Plan for Homes’ is a key initiative as part of the Council’s Corporate Plan 2013-2017. The overall ambition of the ‘Plan for Homes’ is to increase housing supply by 1,000 homes per year for a five year period from April 2014 to March 2019 through sixteen initiatives.
- 1.3 Pursuant to Section 123(2A) of the Local Government Act 1972 the Council advertised the Council’s intention to dispose of the site in the Public Notices Section of the Plymouth Herald on two consecutive weeks in November 2014 and on the Council’s website on the Legal Notices page. Objections to the proposed loss of open space were invited with a closing date of 24 December 2014.
- 1.4 The land is currently un-managed fields surrounded by Devon banks and hedges.

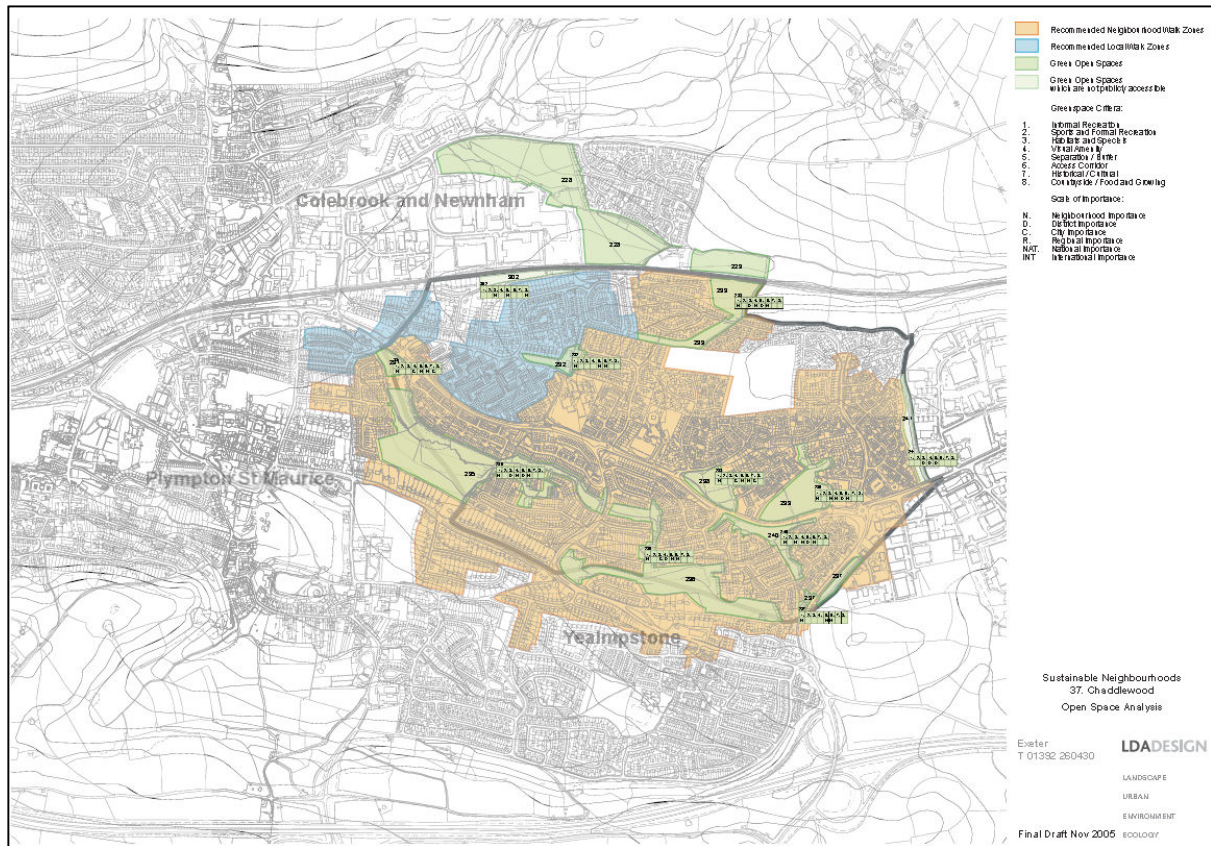


2.0 Objections

2.1 The Council received a total of 430 comments. These consisted of 257 standard letters distributed by local Ward Councillors and signed by individual members of the public, 15 other letters, 63 other emails and 95 responses to a survey carried out by a Ward Councillor. The survey contained comments from members of the public who also submitted detailed objections so these have been deducted from the total number of survey respondents.

The objections received that directly relate to loss of public open space can be summarised as follows:-

Objection Received	Comment
Object to any loss of open space	All Council-owned brownfield sites which have been identified as suitable for housing are now under offer for housing development. In order to achieve the delivery of much needed housing it is necessary to identify green spaces which can be released for housing development. In this case the proposal is for only approximately two thirds of the site to be sold for development with the remaining third being used to create an improved greenspace for the use of the local community.
Object to loss of wildlife habitat	The Council has already commissioned a Phase 1 habitat survey and a Phase 2 survey will be required as part of any planning application together with an Ecological Impact Assessment. The planning process will ensure that any loss of habitat on the part of the site identified for housing will be mitigated. The hedges surrounding the site will be retained except where cut-throughs are absolutely necessary.
Children need the space to play	The new public park will provide an improved greenspace for informal play in addition to the formal facilities provided elsewhere in Chaddlewood.
The space is needed for dog walking	Dogs can continue to be exercised in the new public park in addition to the adjoining woods.
The space is needed for exercising	The new public park will provide improved greenspace for exercise.
There is already too little greenspace in Chaddlewood	The Chaddlewood Neighbourhood Area Assessment did not include the land in question as greenspace yet still stated that 'the neighbourhood is very green with a lot of available land for community use'. See plan below.



Sustainable Neighbourhoods Open Space Analysis Plan showing land in question white and open space coloured green.

- 2.2 In addition comments were received which relate to the proposed alternative use of the site for housing rather than the loss of public open space. These objections were: the roads being unable to cope with increased traffic; lack of school places in Plympton; oversubscribed GP surgery; possible effect on house prices; dangerous for children to play in the road due to increased traffic; possible overlooking and/or lack of light; effect on sewer system; noise and dust created during construction. These issues would all be addressed as part of the planning process should a planning application be received.
- 2.3 Additionally, numerous comments showed that some of the public mistakenly believe that the Sherford development will provide sufficient housing to satisfy current need, that the Council already has sufficient land under offer for housing to satisfy the need or that the Council has more brownfield sites that could be developed before using green sites. The Authority's Annual Monitoring Report (December 2013) Plymouth states that we cannot demonstrate a deliverable 5 year land supply for the period 2014-19 against the housing requirement set out in the Core Strategy.
- 2.4 Those signatories to the standard letter state that they would like a space kept wild as it is currently rather than a public park. They feel that a park would attract anti-social behaviour. The proposal is that the public park will be designed in consultation with the local residents to this view and can be taken into consideration at that time.

3.0 Recommendation

- 3.1 To proceed with the disposal of land off Redwood Drive having considered objections to the notice of intention to dispose of public open space.

4.0 Reason for Recommendation

- 4.1 The housing waiting list currently has over 10,000 households in need of affordable homes in Plymouth. The Council has committed to providing 1,000 homes per annum for the next 5 years. In order to meet this target additional sites must be identified for housing development. Whilst several genuine concerns have been raised over using this site for housing it is felt that the urgent need for housing outweighs these concerns. In addition many of the concerns will be addressed by the provision of the public park on part of the site which connects to nearby Chaddle Wood.

EQUALITY IMPACT ASSESSMENT

Land at Redwood Drive, Chaddlewood



STAGE 1: What is being assessed and by whom?	
What is being assessed - including a brief description of aims and objectives?	<p>Decision to proceed with disposal of land off Redwood Drive after consideration of objections received following notice of the intention to dispose of the land.</p> <p>To meet the City's agenda of increased and accelerated housing delivery and outputs required, helping meet the Council's identified housing needs through the provision of more and better quality homes, reducing waiting lists and helping reduce the use of temporary accommodation for homeless households.</p>
Responsible Officer	Liz Dunster
Department and Service	Land & Property, Economic Development
Date of Assessment	9.2.15

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
Age	N/A	No – positive impact for elderly and children as new public park will be	None	

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
		accessible and provide for informal play		
Disability	N/A	No – positive impact as new public park will be accessible	None	
Faith, Religion or Belief	N/A	No		
Gender - including marriage, pregnancy and maternity	N/A	No		
Gender Reassignment	N/A	No		
Race	N/A	No		
Sexual Orientation -including Civil Partnership	N/A	No		

STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken		
Local Priorities	Implications	Timescale and who is responsible?
Reduce the inequality gap, particularly in health between communities.	The provision of a new public park will have a positive impact as it will encourage the use of the space by those who may not have been able to access the currently unmanaged fields. The housing development will help meet the City's	Timescale not known as dependent on planning consent for housing development. Developer to create park and transfer back to the Council with a commuted sum for maintenance.

STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken		
Local Priorities	Implications	Timescale and who is responsible?
	agenda of accelerated housing delivery and outputs, including the provision of more and better quality homes, reducing waiting lists and helping reduce the use of temporary accommodation for homeless households.	
Good relations between different communities (community cohesion).	The community will be encouraged to contribute to the design of the new park. Any development is anticipated to have to provide for affordable housing, Community Infrastructure Levy (CIL) liability and mitigation of impacts of any development through s106 planning obligations.	Developer to coordinate community consultation on park and housing development. Timescale not known.
Human Rights	No implications	

STAGE 4: Publication			
Director, Assistant Director/Head of Service approving EIA.	James Watt, Head of Land & Property	Date	10.2.15

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