



**Democratic Support**

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#coopscrutiny

## **CO-OPERATIVE SCRUTINY BOARD**

Friday 27 February 2015  
4.00 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 PUBLIC OPEN SPACES FOLLOWING CONSIDERATION OF OBJECTIONS RECEIVED FOLLOWING NOTICE OF THE INTENTION TO DISPOSE OF LAND (Pages 1 - 16)**

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

#### **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 I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

### **PART II (PRIVATE MEETING)**

## **AGENDA**

### **MEMBERS OF THE PUBLIC TO NOTE**

that under the law, the Board is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

# 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	F19 14/15
Decision made by: (Delete the choices which do not apply)	<input type="checkbox"/> The Cabinet or <input checked="" type="checkbox"/> A Cabinet Member or <input type="checkbox"/> Executive decision made under joint arrangements
Date decision was made	06/02/15
Are you calling the decision in because you believe it to be outside of the Budget or Policy Framework	Yes/ <del>No</del> (If Yes, state the reasons why you believe it to be outside the Budget or Policy Framework in the reasons section below)
<b>Reasons for the Call-In</b> The reason for call in must fall within one or more of the following categories: <input checked="" 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? <input checked="" type="checkbox"/> The decision maker failed to consider alternative courses of action <input checked="" type="checkbox"/> The decision taker failed to take into account relevant factors <input type="checkbox"/> The decision was wrong in law or fact– the call in form must state why	PLEASE SEE ATTACHED REASONS
To be valid <b>THREE</b> Councillors must support the request. All three Councillors should sign the form OR all three Councillors should e mail the Democratic Support Section ( <a href="mailto:democratic.support@plymouth.gov.uk">democratic.support@plymouth.gov.uk</a> ) 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 PATRICK NICHOLSON	P. J. Nichol 11/02/15
2. Cllr DAVID JAMES	David James 11/2/15
3. Cllr DR DAVID SALTER	David Salter 11th February 2015

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

**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](mailto:democratic.support@plymouth.gov.uk)

### **Reasons for the Call-In – F19 14/15**

- **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<sup>th</sup> 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 No: 278 in respect of Land at Hemerdon Heights, Plympton. 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'.

- **The decision maker failed to consider alternative courses of action.**

Yes

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.

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.

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.

On this basis alone, the decision should be referred back for further consideration with all relevant Departments of the City Council.

- **The decision taker failed to take into account relevant factors**

Councillor Lowry is also considering the disposal of other land in Plympton at Chaddlewood and Newnham with both sites projected to be suitable for up to 800 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 Council more in the medium term.



# EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – F19 14/15

Decision			
1	<b>Title of decision:</b> Approval to proceed with disposal of public open spaces following consideration of objections received following notice of the intention to dispose of the land.		
2	<b>Decision maker (Cabinet Member):</b> Councillor Lowry, Cabinet Member for Finance		
3	<b>Report author and contact details:</b> Paul Palmer, Principal Surveyor, Land & Property Team. Telephone 01752 307882, email: paul.palmer@plymouth.gov.uk		
4	<b>Decision to be taken:</b> To proceed with the disposal of land at Prestonbury Close, Widewell, Longwood Close, Plympton, Hemerdon Heights, Chaddlewood, Shirburn Road, Eggbuckland and Woodway, Elburton having considered objections to the notice of intention to dispose of public open space.		
5	<p><b>Reasons for decision:</b> 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.</p> <p>The Council aims to broaden the housing offer for the City by giving individuals the flexibility to design / build housing for themselves and to increase the land supply for self-builders. The Council has established a register of self-build interest which currently has 85 households interested in self-build and demand is growing steadily.</p> <p>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 five years. In order to meet this target additional sites must be identified for housing development. Whilst genuine concerns have been raised over using these sites for self – build housing it is felt that the urgent need for broadening the housing offer outweighs these concerns.</p>		
6	<p><b>Alternative options considered and rejected:</b></p> <p>To retain the land as public open space. This would result in fewer new homes being built.</p>		
7	<p><b>Financial implications:</b></p> <p>Should the sites 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.</p> <p>There will be a reduced maintenance liability in respect of the land following any disposal.</p>		
8	<b>Is the decision a Key Decision?</b>	Yes	(Key decisions are normally made by the Cabinet)
		No	X


9	Please specify how this decision is linked to the policy framework and/or budget:	<p>Corporate Plan 2013-17</p> <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 will provide more decent homes.</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			Date
	Print Name			
11b	Reason for urgency:			
<b>Consultation</b>				
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:	<b>Democratic Support (mandatory)</b>		DSO77 14/15
		<b>Finance (mandatory)</b>		AF/CorpsF FD1415 024.04.02.15

		<b>Legal (mandatory)</b>	22253/AC/4/2/2015							
		<b>Human Resources</b>								
		<b>Land &amp; Property</b>	JW0044/15/02/04							
		<b>IT</b>								
		<b>Procurement</b>								
<b>Other Information</b>										
<b>18</b>	<b>Is the decision in accordance with an Equalities Impact Assessment?</b>	<b>Yes</b>	<input checked="" type="checkbox"/>	<i>(For further advice, contact Assistant Director for Safer Communities, ext. 4388)</i>						
		<b>No</b>	<input type="checkbox"/>							
<b>Briefing report</b>										
<b>19</b>	Is the briefing report attached?	<b>Yes</b>	<input checked="" type="checkbox"/>	(No is not an option)						
	List (and include a hyper link to) <u>published</u> work/information used to prepare the report.	Plymouth Housing Land Supply <a href="http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/ldf/amr/adequatehousing/housinglandsupply.htm">http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/ldf/amr/adequatehousing/housinglandsupply.htm</a> Plymouth Housing Requirement <a href="http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/ldf/amr/adequatehousing/housingrequirement.htm">http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/ldf/amr/adequatehousing/housingrequirement.htm</a>								
	Do you need to include any confidential/exempt information?	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. (Remember to keep as much information as possible in the briefing report that will be in the public domain)								
			<b>Exemption Paragraph Number</b>							
			<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	
<b>Confidential/exempt briefing report title</b>										
None										
<b>Background Papers</b>										
<b>20</b>	Please list all background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> 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.									
<b>Title</b>		<b>Part I</b>	<b>Part II</b>	<b>Exemption Paragraph Number</b>						
				<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>

Comments received in response to approval to proceed with disposal of Public Open Space at five x self-build Housing Plots following consultation.	X						
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**Cabinet Member Signature**

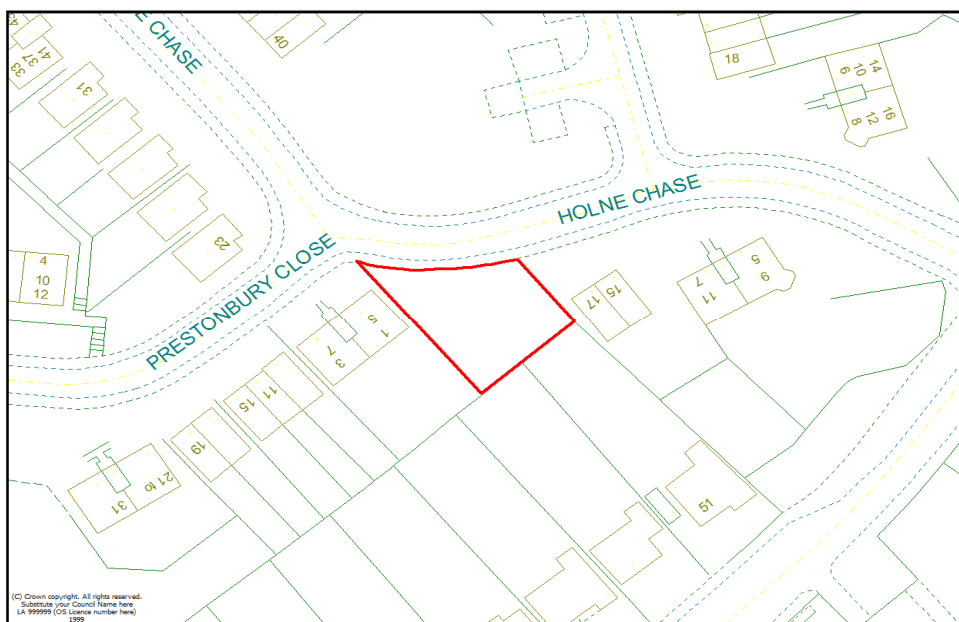
**21** I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, City Strategy, Corporate Plan and Medium Term Financial Plan.

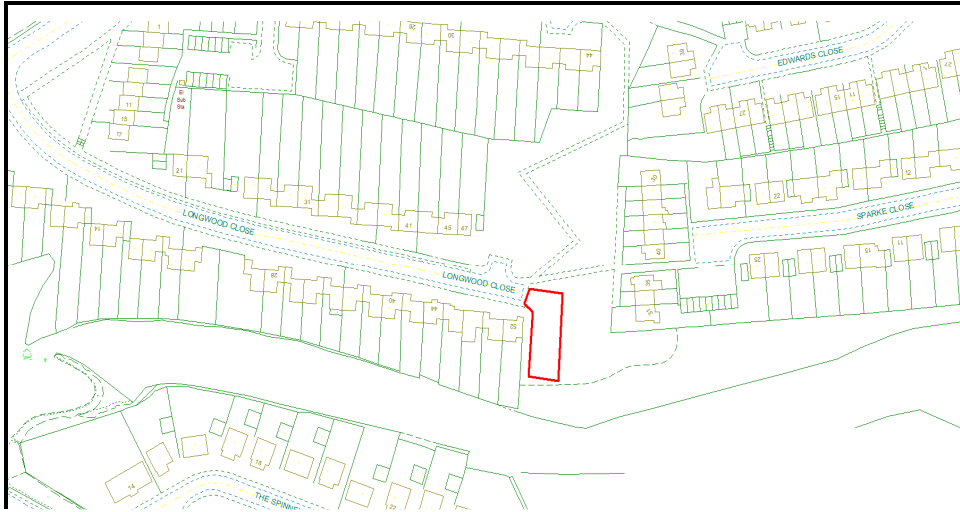
<b>Signature</b>		<b>Date of decision</b>	06/02/2015
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**Print Name** Councillor Mark Lowry

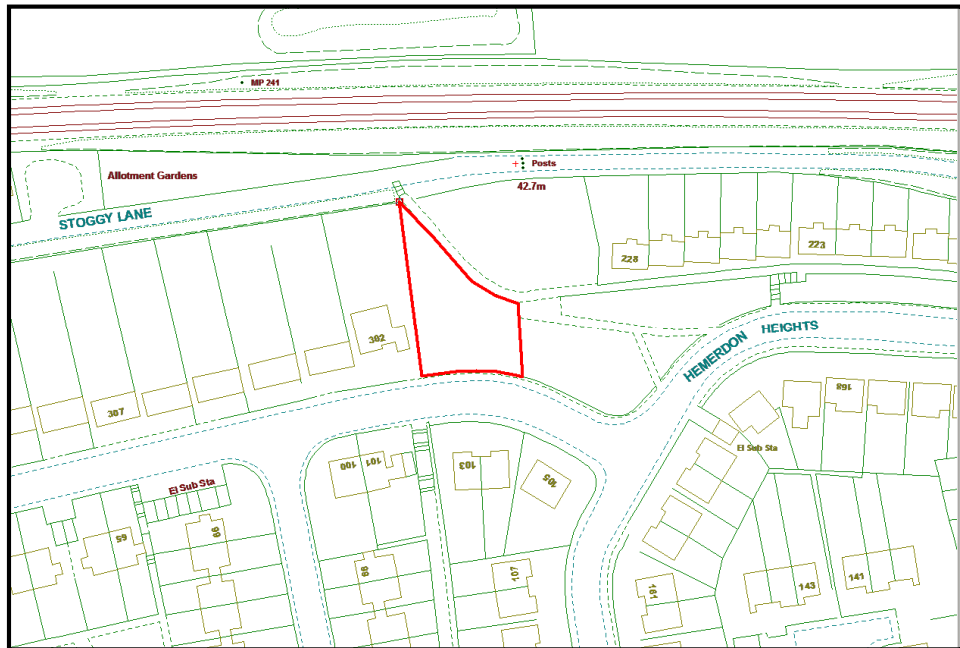
**PART I BRIEFING REPORT****Approval to proceed with disposal of Public Open Space at  
Five x self-build Housing Plots following consultation****1.0 Background**

- 1.1 Land at the following five sites (see plans below with land edged red) was identified through the Council's Strategic Land Review as having residential development potential.
- 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 16 initiatives.
- 1.3 The City Council under the Get Plymouth Building Programme is also encouraging self and custom build by expanding the housing offer for the city by giving individuals the flexibility to design/ build housing for themselves and to increase the land supply for self-builders. The Council has established a register of self-build interest which currently has 85 householders interested in self-building with demand growing steadily.
- 1.4 Pursuant to Section 123(2A) of the Local Government Act 1972 the Council advertised the Council's intention to dispose of these sites in the Public Notices Section of the Plymouth Herald on two consecutive weeks and on the Council's website on the Legal Notices page. Any objections to the proposed loss of open space were invited from members of the public.
- 1.5 In the case of land at Woodway, land at Prestonbury Close and land at Hemerdon Heights the advert was placed on 14 and 21 January 2014, with a closing date of 27 January 2014 for representations. In the case of the land at Longwood Close and land at Shirburn Road the advert was placed on 4 November and 11 November 2014 with a closing date of 4 December 2014 for representations.

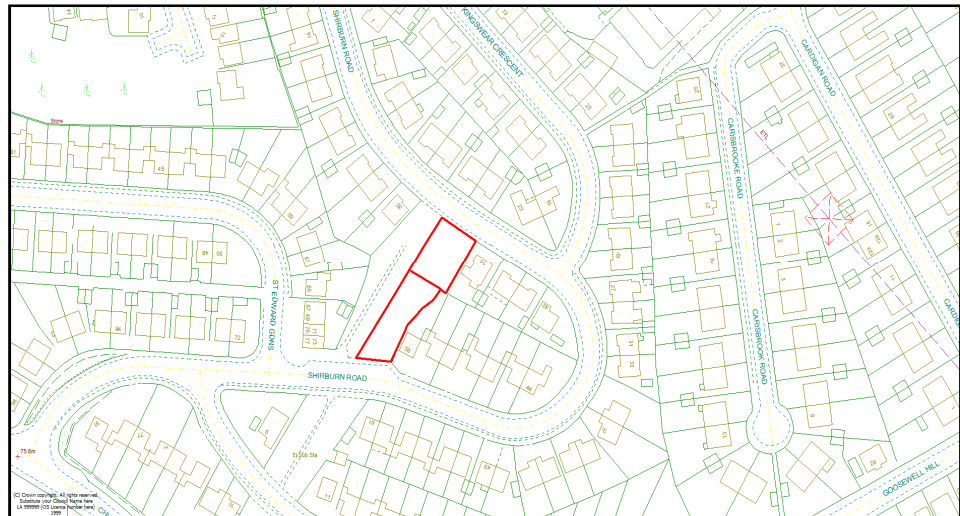
**Prestonbury Close, Widewell**



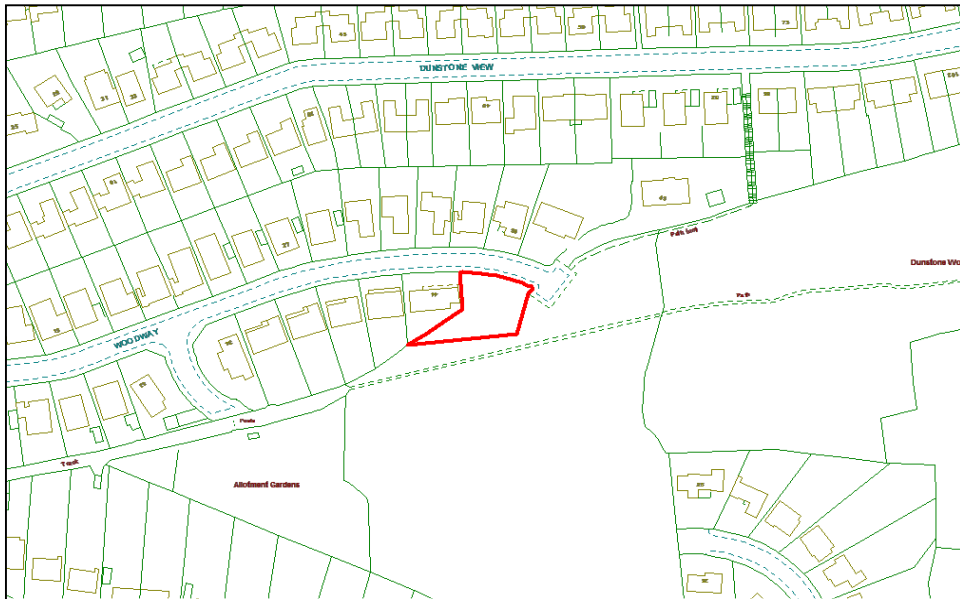
Longwood Close, Plympton



Hemerdon Heights, Chaddlewood



Shirburn Road, Egguckland



Woodway, Elburton

2.0 Objections

2.1 Land at Prestonbury Close, Widewell

No objections were received to the proposed loss of public open space for this land during the consultation period.

2.2 Land at Hemerdon Heights, Chaddlewood

The Council received three letters/emails objecting to the loss of public open space during the consultation period and one subsequent objection raised during the subsequent marketing period. The objections received that directly relate to loss of public open space can be summarised as follows:-

Objection Received	Comment
The Site is used by the community as informal open space for children to play.	The vast majority of open space to the east of the site is to be retained. The land being taken is at the steepest part of the site and the least used.
Development will impact on the remaining public open space.	It will be recommended that the eastern boundary should be formed by a Devon Bank. The northern boundary is flanked by a footpath where it is recommended that a 1.5m deep grass verge should also be retained.

In addition, comments were also received which related to the site generally rather than the loss of public open space. These objections were: - The site is too steep for development therefore requiring infill, site gives important outlook to fields and hills beyond, the site will be accessed from a difficult road junction with limited parking available. These issues would all be addressed as part of the planning process should a planning application be received.

2.3 Land at Longwood Close, Plympton

The Council received three letters/emails of objection, and a petition signed by 110 local residents including a reason for each objection during the consultation period. The objections received that directly relate to loss of public open space can be summarised as follows:-

Objection Received	Comment
Development of the site would result in the loss of green space which is currently used for dog walking, children's play area and a space for elderly residents to walk and socialise with other residents.	The vast majority of the open space to the north and south of the site is to be retained. There is a requirement in the Site Planning Statement for a s.106 contribution from the self-builder of £5,000 to fund the enhancement of the strip immediately to the east of the site which will be retained in order to maintain the link between open spaces to the north and south of the site.

In addition, comments were also received which related to the site generally rather than the loss of public open space. These objections were: - The proposed development of the site would affect GPs surgeries and schools that are already oversubscribed; development of the site would exacerbate existing parking problems and make the road system more dangerous due to an increased number of cars parked on the road; development of the site would cause disruption / inconvenience during the construction phase; the development of the site would have an adverse effect on local wildlife habitats and the privacy of neighbouring properties will be affected due to overlooking and natural light would be blocked. These issues would all be addressed as part of the planning process should a planning application be received.

2.4 Land at Shirburn Road, Eggbuckland

The Council received 25 letters/emails of objection during the consultation period. The objections received that directly relate to loss of public open space can be summarised as follows:-

Objection Received	Comment
Development of the site would result in the loss of green space which is currently used for dog walking, children's play area and a space for elderly residents to walk and socialise with other residents.	The public footpath and a five metre strip beside it will be retained, so that the site remains an access way between the north and south sides of Shirburn Road. The footpath will also remain as a place for local residents to meet and walk their pets.  Although the amount of open space will be reduced, there are two further areas of green space between Shirburn Road and Dudley Gardens. The public open space between Dudley Gardens and Church Hill can also be used for the same purpose.



	There are also established recreation grounds at Church Hill and Cameron Way.
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In addition, comments were also received which related to the site generally rather than the loss of public open space. These objections were: - there are covenants in place on the land protecting the line of an ancient footpath; development of the site would exacerbate existing parking problems and make the road system more dangerous due to an increased number of cars parked on the road; development of the site would cause disruption / inconvenience during the construction phase; the development of the site would have an adverse effect on natural drainage, whereby the existing open spaces acts as a sponge during heavy rainfall and the privacy of neighbouring properties will be affected due to overlooking. These issues would all be addressed as part of the planning process should a planning application be received.

2.5 Land at Woodway, Elburton

The Council received 37 letters/emails of objection from local residents during the consultation period and a further 38 objections at the commencement of marketing the site. The objections received that directly relate to loss of public open space can be summarised as follows:-

Objection Received	Comment
<p>The site is used by the community as informal open space for children to play; loss of such space will be detrimental to health and wellbeing of local residents.</p> <p>Public open space needs to be protected for wider community use and there is a shortage of such space in the vicinity.</p>	<p>It is proposed the development is restricted to a small proportion of the total area of public open space (less than 1.5%), and consequently the vast majority of land will remain for public use.</p>

In addition, comments were also received which related to the site generally rather than the loss of public open space. These objections were: - there no longer exists a housing shortage in the area due to developments at Pony Field, Sherford, Billacombe, Oreston and Hooe Barton; development of the site would exacerbate existing parking problems and make the road system more dangerous due to an increased number of cars parked on the road; development of the site would cause disruption / inconvenience during the construction phase; the development of the site would have an adverse effect on the wildlife and flora and the privacy of neighbouring properties will be affected due to overlooking. These issues would all be addressed as part of the planning process should a planning application be received.

3.0 Recommendation

3.1 Having considered objections to the notice of intention to dispose of public open space the recommendation is to proceed with the disposal of public open space at the five sites listed namely land at Woodway, land at Prestonbury Close, land at Hemerdon Heights, land at Longwood Close and land at Shirburn Road.

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 five years. In order to meet this target additional sites must be identified for housing development. Whilst genuine concerns have been raised over using these sites for self-build housing it is felt that the urgent need for housing outweighs these concerns.