

# MIDDLESBROUGH COUNCIL

## EXECUTIVE SUB COMMITTEE FOR PROPERTY

**Non-Strategic Assets Review (NSAR) – Phase 2 residential sites consultations**  
**Executive Member for Regeneration & Economic Development: Charles Rooney**  
**Executive Director of Neighbourhoods and Communities: Kevin Parkes**  
**5<sup>th</sup> March 2014**

---

### PURPOSE OF THE REPORT

1. To provide feedback to the Executive Sub-Committee for Property on five of the NSAR Phase 2 residential site community consultations and to make recommendations for their disposal.

### SUMMARY OF RECOMMENDATIONS

2. It is recommended that Executive Sub-Committee for Property approves:
  - a) that, the decision to dispose of the sites at De Brus Park, Hemlington Lane and Cedarwood Glade for the development of private sale homes stands as approved on the 29<sup>th</sup> July 2013, subject to planning approval;
  - b) the decision to dispose of Barsford Road be delayed until the development at Thorntree Library and surrounding open space has been completed and the impact upon the amenity of the area can be assessed.

### IF THIS IS A KEY DECISION WHICH KEY DECISION TEST APPLIES?

3. It is over the financial threshold (£150,000)   
It has a significant impact on 2 or more wards   
Non Key

### DECISION IMPLEMENTATION DEADLINE

4. For the purposes of the scrutiny call in procedure this report is  
Non-urgent   
Urgent report

## **BACKGROUND**

5. The Change Programme outlines how the Council will be reshaped to address the major cuts to public sector funding imposed by the Government. It is estimated that the Council will be required to make approximately £73 million pounds worth of cuts over a three year period, which will see major reductions in service provisions, staffing levels and non-core assets.
6. Various reviews are currently being undertaken looking at assets which are held by the Council that provide little or no financial benefit to the Council with a view to progressing these to disposal. As part of this process, it has been identified that the Council owns numerous pieces of land across Middlesbrough that hold no strategic or policy purpose and in many cases cost the Council to maintain. These pieces of land have been identified as surplus to requirements and have the potential to deliver a capital receipt to the Council and also provide new quality housing. They have also been evaluated in respect of a variety of other matters to consider whether they are suitable for alternative uses.
7. Additionally, the Council has a statutory obligation to ensure that it provides a five year supply of land for new housing throughout the town. It is also currently taking forward a revised Local Plan which seeks to allocate land for 7,000 new homes by 2029, in order to halt the current trend of population decline, and, to ensure that Middlesbrough's economic growth continues. In this respect by developing under used land within the urban area, it reduces pressure to release greenfield sites for development.
8. As Middlesbrough is constrained by a tight, urban boundary, it's opportunities for new housing land are limited and often attract community concern, particularly when they involve open space and greenfield sites. In such circumstances, the Council needs to balance the issues and concerns of residents directly affected by the new housing against wider economic and housing needs.
9. On the 29<sup>th</sup> July 2013, Executive Land and Property Sub-Committee approved the open market disposals of De Brus Park, Hemlington Lane and the disposal of Barsford Road to Registered Providers for nil consideration. A reserve price for the open market site disposals was set, based on average capital values less fees, and it was agreed that the sums achieved would be used to reduce the Council's capital borrowing as part of the NSAR programme.

## **Consultations**

10. As agreed with the NSAR Phase 1 residential site disposals, appropriate consultation with ward members and the general public has been undertaken. The consultation period ran from the 30<sup>th</sup> September – 28<sup>th</sup> October 2013, and involved placing a site notice on the land concerned, informing ward members and the relevant community councils and delivering letters to the residents who would be immediately affected by the proposed development. There was also a notice placed in the Evening Gazette seeking views on the proposed land disposals. To ensure that all representations were considered, any representations that were received after the closing date have also been included.

11. Responses to the consultations are summarised below.

Site	Responses
Hemlington Lane	1 petition received (6 signatures) and 6 objections received from the residents within the petition
De Brus Park	1 petition received (9 signatures) and 7 objections from the residents within the petition
Barsford Road	2 objections received from residents and 1 objection from the Community Council
Cedarwood Glade	3 objections received from residents and 1 request to acquire the land from the adjacent neighbour

## Hemlington Lane

12. A petition (6 signatures) was submitted from all the residents at Hemlington Lane. They claim they have enjoyed unlimited use of the land for over 35 years for recreational purposes including dog walking, children playing and social occasions. They were also concerned about the loss of habitat that the land supports for a variety of wildlife species. There were further concerns regarding site access and road infrastructure. The petition also makes reference that they are in the process of submitting a village green application for the site.
13. The site is split in to two separate areas, with the larger area to the rear of the residential units at Hemlington Lane. Access to this area from Hemlington Lane is difficult given the dense shrubs. Access to this overgrown from Ladgate Lane is restricted by a fence. There is an element of overgrown grass land immediately adjacent to the area, part of this land is required as part of the highway. The remainder of the grassed area, given the length of the grass would limit any activities that could be undertaken on the land.
14. The combined site across the two pieces of land has the potential to accommodate 10 residential dwellings. The scale of development is predetermined by the noise conditions of the area, due to the proximity to the A174 and Ladgate Lane and statutory undertaker's services within the site. It is considered that 10 large detached bungalows set within large garden plots would be most suitable. Single storey dwellings would require less noise attenuation measures than two storey dwellings and also have less of a visual impact of the development to the surrounding area (the higher the dwelling, the higher the fencing or acoustic bund).
15. Given the need to provide a balanced property portfolio it is proposed to specifically market the site for bungalows and covenant the disposal as such. The design of any development at the site must be complementary to the existing dwellings at Hemlington Lane. As part of any proposed development, the access in to the site must be suitable to accommodate any new development. Therefore, it is possible that as a result of new development that the access in to the site could be improved.

## **De Brus Park**

16. A petition was submitted, signed by 9 residents from De Brus Park. They were concerned by the loss of open space which is used for recreational purposes. They claim they have no other public open space other than this land which they claim to have maintained. Reference was also made to the previous Public Inquiry in 1996, when Phase 2 of the De Brus Park development which proposed to develop a further 42 units, was refused by the Secretary of State. There was a representation received which stated that any development should protect the woodland to the rear of the site, be of a similar size and quality to the units already in place and should accommodate no more than 3 units.
17. Since the Public Inquiry in 1996, there has been a significant shift in Government guidance on the release of land for residential development. As previously mentioned within the report, the Council must ensure that there is sufficient land available across the borough to ensure a minimum of a 5 year supply of housing.
18. It is proposed that an outline planning application be submitted by the Council prior to the site being marketed. This will be paid for from the Council's Property Budget. Any development on this land would be tightly controlled by development guidance, stipulating that development should complement the existing dwellings at De Brus Park, be individually architecturally designed and be limited to the sale of five individual self build plots. An element of the woodland to the rear of the land would be retained to minimise any visual impact upon the character of the area.

## **Barsford Road**

19. The Barsford Road site generated the fewest objections in terms of number of responses to the proposed disposal of the site. There was a representation received from the Community Council who stated that the area already has parking issues with the surrounding shops and also when funerals are held. They suggest a more appropriate use of the land would be to turn it in to a car park. There was also an objection received from a resident concerned about the loss of natural light and this impact upon their energy bills. There was a representation received stating that the area should remain as green space and they would be interested in purchasing the land to remain as green space.
20. The site at Barsford Road is adjacent to various shops and offices at Beresford Buildings, Corpus Christi Church and flat to the west. The site is in close proximity to development of an extra care/affordable housing at the former Thorntree Library site and adjacent open space.
21. The site at Barsford Road was originally identified as having development potential as part of work prior to the identification of NSAR Phase 1 and 2 residential sites. As part of a separate review, it was determined that Thorntree Library and Youth Centre should be incorporated into Thorntree Hub with the buildings being demolished. The Council's Executive approved that the land and adjoining open space be developed for an extra care/affordable housing scheme. Whilst the Barsford Road site has been going through the NSAR process, development of the Thorntree Library site has commenced, leaving the land at Barsford Road as the only piece of green space in the immediate

area. It is proposed that any decision to dispose of the Barsford Road site be delayed until the impact of the development of the Thorntree Library site and its impact upon the amenity of the area can be assessed.

## **Cedarwood Glade**

22. Cedarwood Glade was included in the notice to dispose of land within the Evening Gazette. There were no objections received from this. The site was also subject to a consultation exercise in May 2013. There were 6 comments received, 3 objected to development on the site due to loss of amenity, loss of light and questioned if the Council owned the land and also questioned why the land could not be sold for garden extensions. 1 comment was received regarding the potential loss of trees on site, however when the resident was informed that there was a tree preservation order in place on the trees they had no objection to the development.
23. The land title has confirmed that the site is in Council ownership and that there are no restrictive covenants preventing development. The neighbour immediately adjacent to the site requested that they be informed when the site is marketed as they were interested in buying it and there was also a comment of support from the local ward councillor.
24. Whilst there have been various objections to the proposed disposal of the pieces of land in question, there have also been numerous enquiries from people interested in developing the sites. At this stage there have been no proposals submitted.
25. The disposal of any of the sites will be subject to the granting of suitable planning permission. As part of any application, a further community consultation will be carried out that will further consider the concerns of the community in relation to the suitability of any of the proposed schemes. Planning permission will only be granted on schemes that satisfy the Council that the land can accommodate the development, is suitable for its surroundings and is of sufficient quality.

## **IMPACT ASSESSMENT (IA)**

26. An initial screening assessment found no evidence that the proposal to dispose of the sites to which this report refers could have a disproportionate adverse impact on a group or individuals holding a protected characteristic. The assessment found that the proposal would increase both the levels of private and affordable housing development.

## **OPTION APPRAISAL**

27. In considering the development of these sites the options considered have been:

### **Option 1 – Do not dispose of the land**

28. This option would mean that the land is retained and is continued to be used in its current form. This would not deliver a capital receipt to the Council or contribute towards the Council's supply of housing. The Council would also be liable for the continued maintenance of the land.

## **Option 2 – Dispose of the land**

29. This option would assist in the Council's wider regenerations aims through the delivery of high quality new housing in the town. The sale of the sites would deliver a capital receipt which will be used to reduce the Council's borrowing. There will also be further financial benefits through an increased Council Tax base, New Homes Bonus and a small reduction in the Council's landscape and maintenance costs.

## **RISK ASSESSMENT**

30. There is a risk that the sites may not be of interest to housing developers, however during the consultation process there has been interest received for the development of all of the sites.

## **FINANCIAL, LEGAL AND WARD IMPLICATIONS**

31. **Financial** – The sale of the De Brus Park, Hemlington Lane and Cedarwood Glade for the development of private housing would deliver a capital receipt to the Council.

32. The disposal of Barsford Road at nil consideration would be subject to the development of a business case for each, with authority delegated to the Executive Director of Neighbourhoods and Communities in line with the approach approved by the Sub-Committee on 22 August 2012. The disposal of the all of the sites for the development of residential dwellings will deliver an increase in Council Tax and also the Council would benefit from New Homes Bonus payments. There will also be a slight reduction to the Council's ongoing ground maintenance costs.

33. **Ward Implications** – This report is of interest to the Coulby Newham, Kader, Stainton and Thorntree Ward. Ward councillors have been kept informed throughout this process.

34. **Legal Implications** – To assess the validity of any potential village green applications and to conclude the normal conveyancing procedures following the sale of the sites.

## **RECOMMENDATIONS**

35. It is recommended that Executive Sub-Committee for Property agrees:

- a) that, the decision to dispose of the land at De Brus Park, Hemlington Lane and Cedarwood Glade for the development of private sale homes stands as approved on the 29<sup>th</sup> July 2013 subject to planning approval; and,
- c) the decision to dispose of Barsford Road be delayed until the development at Thorntree Library and surrounding open space has been completed and the impact on the amenity of the area can be assessed.

## **REASON**

36. This would assist in the delivery of the Council's wider regenerations aims through the development of high quality new private and extra care/affordable housing in the town.

The disposal of the sites will also deliver a capital receipt to the Council which would be used by the Council to repay or avoid capital borrowing and so improve the Council's revenue position by avoiding interest payments.

## **BACKGROUND PAPERS**

Review of Non-Strategic Assets – 1st phase disposals (residential sites) – 22<sup>nd</sup> August 2012.

---

*Author:* Michael Canavan, Project Officer

*Address:* [Michael\\_canavan@Middlesbrough.gov.uk](mailto:Michael_canavan@Middlesbrough.gov.uk)

*Website:* <http://www.middlesbrough.gov.uk>