

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 7 December 2006.

PRESENT: Councillor Mawston (In the Chair) (Vice-Chair), Councillors Cole, Harris, McTigue, Robson, Rooney and Wilson.

OFFICIALS: B Baldam, J Bennington, P Clark, C Davies, C Hawking, A Hooper, R G Long, P H Metcalfe and T White.

**** PRESENT BY INVITATION:** Councillor Budd (Executive Member for Economic Regeneration and Culture) and Councillor T Ward (originator of the request to Call-In the decision).

**** PRESENT AS OBSERVERS:** Councillor McPartland
Members of the public.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of the Chair, Councillor Carr having a personal and prejudicial interest in the subject matter and Councillor Booth.

REQUEST TO – FILM THE PROCEEDINGS

The Board **AGREED** to the request from a member of the public to film the proceedings.

** DECLARATIONS OF INTEREST

No declarations of interest were made at this point of the meeting.

INTRODUCTION – CALL IN PROCEEDINGS

The Director of Legal and Democratic Services outlined the call-in procedure in particular the role and extent of the powers available to the Board in determining whether or not to refer the decision back to the decision-making body for re-consideration in the light of the evidence presented.

It was confirmed that the call-in referred to the Executive decision taken on 20 November 2006 regarding the selection of preferred developer and not the disposal of the land at Site 44, which had previously been agreed on 22 March 2006.

NOTED

DISPOSAL OF - SITE 44 – LONGRIDGE- TURNBERRY WAY, MARTON

A report of the Scrutiny Support Officer had previously been circulated regarding the meeting, which had been arranged in accordance with the Authority's Call-In procedure. The Call-In related to decisions made at an Individual Executive Meeting of the Executive Member for Economic Regeneration and Culture held on 20 November 2006 relating to the disposal of Site 44, Longridge, Turnberry Way, Marton.

The main components of the report of the Scrutiny Support Officer were as follows: -

- a) a copy of the report entitled Disposal of Site 44 (Longridge) Turnberry Way, Marton considered at an Individual Executive meeting of the Executive Member for Economic Regeneration and Culture held on 20 November 2006 which set out the following:-
 - i) Site 44 (Longridge) had been identified within the Middlesbrough Local Plan for approximately 20 years and at an Individual Executive Meeting of the Executive Member for Economic Regeneration and Culture held on 22 March 2006 approval had been given for the land to be disposed of for residential development (Development Brief MP376);

- ii) informal bids had been invited and nine had subsequently been accepted with the top five being assessed on quality and content;
 - iii) option appraisal and financial and legal implications had been considered and a recommendation to adopt the preferred developer, being subject to additional clarification was made.
- b) the decisions taken at the above meeting as follows:-
- i) That Developer A be selected as preferred developer, subject to provision of additional clarification and information requested by the Council;
 - ii) That should the appropriate clarification and information not be forthcoming from Developer A then the site be re-marketed;
 - iii) Those further reports, as necessary, be submitted to the Executive Member for Economic Regeneration and Culture on the progress of discussions with Developer A.
- c) details of the Call-In procedure;
- d) the reason given to the Authority's Proper Officer, which initiated the Call-In procedure as follows: -
- 'The sale of this young woodland site for building development violates the spirit of the Council's 'Open Spaces Strategy' and its 'Climate Change Policy.
- It ignores the results of public consultation and protests in the local community which clearly want the woodland remained as part of the Marton West Beck Valley'.

As part of his introduction, the Chair outlined the order of proceedings for the meeting.

The Executive Member for Economic Regeneration and Culture introduced Peter Metcalfe, Head of Valuation, Estates and Enterprise Centres who provided background information to the reports presented to the Individual Executive meetings of the Executive Member for Economic Regeneration and Culture.

The main points of the submission were as follows: -

- a) Site 44, Longridge which was owned by the Council had been identified as an allocated housing site in the Middlesbrough Local Plan for approximately 20 years and was the last remaining housing site in the Coulby Newham Master Plan;
- b) the Local Plan had been the subject of extensive public consultation and part of an agreed process;
- c) development of Site 44 had been delayed until the replacement of the Lackenby to Picton pylon corridor;
- d) as with the disposal of other areas in the Coulby Newham Master Plan the overall process ensured a high quality development to the Council's requirements;
- e) following approval of Development Brief MP376 bids had been sought for a developer by means of a design and bid process;
- f) nine accepted bids which had subsequently been received by the closing date of 25 August 2006 had been the subject of a rigorous technical and design assessment for quality and content;

- g) details were provided of the options available to the Council as reported at the meeting held on 20 November 2006; (i) that subject to clarification on the Council's requirements Developer A was regarded as best consideration in the context of the bid process or (ii) additional information should be sought from the remaining developers which was considered could delay the process further and no guarantee could be given that the same level or improved bids would result;
- h) option 1 had been approved with Developer A, Yuills, a well known local developer subject to providing additional clarification and information as requested;
- i) Developer A had offered the best combination as to capital receipt in the sum of £8, 500,000 and in addition to the financial bid had agreed the following:-
- i) a payment of £115,000 to be used by the Council in connection with the provision of a new classroom at Lingfield Primary School;
 - ii) a payment of £80,000 to be used by the Council in connection with improvement works to the Marton West Beck Valley Nature reserve; improvements to the existing public right of way and potential links to Lingfield Country Park -- works would be implemented by the Council;
 - iii) a payment of £100,000 to be used by the Council in connection with pedestrian crossing improvements on Stainton Way;
 - iv) a payment of £30,000 to be used by the Council in connection with improvements to play facilities adjacent to the Pastures;
 - v) a payment of £20,000 to be used by the Council to fund a ten-year maintenance plan for the proposed improvements to the Marton West Beck Valley, links to Lingfield Country Park and the Pastures play area.
 - vi) an indication was given of the interest penalties in delaying the disposal and impact on the delivery of the Council's capital programme.

The Director of Regeneration addressed the Board and emphasised the following points: -

- reference was made to the requirements of Development Brief MP376 which had to be adhered to as set out in Appendix A of the report considered at the meeting held on 20 November 2006;
- the decision taken at the meeting held on 20 November 2006 provided that further reports would be submitted on the progress of discussion with Developer A and should the Council's requirements be not met the disposal would not proceed.

The Executive Member for Economic Regeneration and Culture reiterated that the disposal of Site 44 was subject to a tried and tested procedure and that whilst the quality of the bids had initially been disappointing the agreed process for further negotiations would strive for improvements to ensure the Council's requirements.

Councillor T Ward was afforded the opportunity of asking questions of the Executive Member for Economic Regeneration and Culture and Officers during which the following points were raised during the subsequent exchange: -

- an assurance was given by the Director of Regeneration that the agreed course of action at the meeting held on 20 November 2006 was to enable that a high quality scheme would be achieved which responded to the site and its content in accordance with the Development Brief which would also be subject to the necessary planning permission;
- in response to clarification sought on the provision of paper birch trees on the Site the Director of Regeneration confirmed that none of the existing trees were subject of tree

preservation orders and that the Developer would need to adhere to landscaping requirements of the Development Brief.

Councillor T Ward outlined the reasons for invoking the Call-In procedure emphasising the following key issues: -

- i) as a resident of Coulby Newham it was stated that whilst he had no general opposition to the development of housing sites as part of the Coulby Newham Master Plan there were concerns regarding the development of Site 44;
- ii) reference was made to the mature planting at Site 44 for a period of 20 years approximately which had 500 trees of different species;
- iii) massive high density housing without appropriate landscaping/open spaces as referred to at Ingleby Barwick should be avoided;
- iv) the Executive had ignored the result of the consultation exercise and its own policy on green and open spaces;
- v) the land in question was a highly visible site on a very steep hill and if developed required a high quality scheme which as stated in the report considered at the 20 November 2006 meeting had not been achieved following the submission of bids;
- vi) the Board's attention was drawn to specific statements in the report considered at the 20 November meeting in that the level of detail and design of the bids had been of a lower standard than anticipated and that whilst Developer A had offered the best combination as to the capital receipt and degree of compliance with the Development Brief it was not up to the expected standard;
- vii) as stated in Appendix A of the submitted report the submission of Developer A did not include any landscaping plans;
- viii) the Board was asked to refer the decision of 20 November 2006 back to the Executive on the grounds of a lack of quality and detail of the submission from Developer A and that the option of re-marketing the site be considered following a full environment impact survey and investigation by an Ad Hoc Scrutiny Panel.

The Executive Member for Economic Regeneration and Culture was afforded the opportunity of asking questions of Councillor T Ward. In response to confirmation that the marketing of Site 44 had been undertaken as any other sites in the Coulby Newham Master Plan Councillor T Ward stated that the Council had ignored the specific significance of the site.

Members of the Overview and Scrutiny Board posed questions of all parties the responses from which focussed on the following: -

- all sites were currently being examined as part of the ongoing process in respect of the Local Development Framework which replaced the existing Local Plan;
- reassurances were sought that the process of negotiations with Developer A would strive to ensure a scheme of high quality that met the Council's requirements;
- reference was made to the landscaping requirements of the Development Brief which would also be sought as part of the planning process;
- it was confirmed that unlike areas referred to at Ingleby Barwick, Site 44 was owned by the Council and as such no development would be undertaken unless a high quality development could be satisfied as demonstrated elsewhere in the Borough which had been subject to the same process;

- in response as to why the earlier decision taken in March 2006 to dispose of Site 44 had not been challenged Councillor T Ward confirmed that objections had been submitted at that time;
- specific reference was made to the Development Brief requirements in particular the development boundary in the western margin as shown on the plan submitted and the trees which would remain within such an area;
- reference was also made to the importance of the capital receipts to be applied within the Council's capital programme for the benefit of Middlesbrough residents;
- it was confirmed that the decision taken at the meeting held on 20 November 2006 provided that the site be re-marketed only if the additional detail and information was not forthcoming from Developer A.

Following closing submissions of the Executive Member for Economic Regeneration and Culture and Councillor T Ward the Board discussed the evidence received and considered its decision.

The main observations of the Board Members on the evidence presented were as follows: -

- i) Members expressed satisfaction of the assurances given that the agreed process would ensure that a high quality of development would be achieved in respect of Site 44 in accordance with the Development Brief MP 376 and the Council's planning process;
- ii) a concern was expressed at the lack of recognition of the concerns expressed arising from the consultation process in respect of the development of the Site.

ORDERED that the decisions taken at the Individual Executive meeting of the Executive Member for Economic Regeneration and Culture held on 20 November 2006 be not referred back on the basis of the evidence presented.

