

**OVERVIEW AND SCRUTINY
COMMITTEE**

6.00 P.M.

17TH JANUARY 2008

PRESENT:- Councillors Stuart Langhorn (Chairman), Emily Heath (Vice-Chairman), Susan Bray, Ken Brown, Rebekah Gerrard, Roger Plumb and Jude Towers Shirley Burns (substitute for Mike Greenall) and Tina Clifford (substitute for Robert Redfern)

Apologies for Absence

Councillor Mike Greenall and Robert Redfern

Also present: Councillors Roger Mace, Tony Johnson, Evelyn Archer, David Kerr, John Gilbert, Sheila Denwood, and Jane Fletcher

Members of the public

Officers in attendance:-

Roger Muckle	Corporate Director (Finance and Performance)
Graham Cox	Head of Property Services
James Doble	Principal Democratic Support Officer
Liz Bateson	Senior Democratic Support Officer

35 LAND AT SCOTFORTH ROAD, LANCASTER

The Chairman welcomed members of the public and Cabinet Members and outlined the procedure that would be followed during the meeting. The Chairman explained that the meeting had been convened to discuss the disposal brief and that any comments should be limited to this issue.

The Corporate Director (Finance & Performance) introduced the report on Land at Scotforth Road and explained that following a request from the Overview and Scrutiny Committee at its meeting on 31st October 2007, the Committee had the opportunity to comment on the draft tender brief before its consideration at Cabinet on 22nd January 2008.

The Head of Property Services explained that the documents did not specify a particular use for the land and Cabinet would be making a decision as to whether to market the land in general terms.

The Chairman invited questions from Members of the Overview and Scrutiny Committee.

Questions were asked regarding the estimated value of the site, the advertising process and possible cost, the covenant on the neighbouring land, score sheet criteria and the impact assessment. Clarification was sought regarding compliance with sustainability criteria, the example date, the possibility of retaining the wooded area, and the possibility of not having to accept the highest bid.

In response Officers confirmed that it was considered best practice to offer for sale assets that the council no longer required to deliver its agreed corporate priorities. Officers confirmed that the value of the site had been estimated on the basis of a food store but that this would vary depending on the type of development that took place. It was reported that the original report was couched in the terms of a possible food store development as the council had originally been approached by a food store. Officers confirmed that the site would be advertised in the property press and local press but would not be targeted at a particular sector. With regard to the score sheet criteria, officers confirmed that this would be adapted for different uses once the type of development was known. The development agreement would also be adapted when the successful bid was identified and would be a means to ensure the developer adhered to the agreed criteria.

Officers confirmed that it would be possible to remove the wooded area from the area to be sold although this might remove the flexibility to understand how developers would incorporate these features in their bids. Officers confirmed that if the site went out to tender and Cabinet decided none of the proposals met the criteria, a decision could be made not to sell the land. Officers confirmed that any decision which Cabinet made would need to clarify the reasons for that decision.

Questions were asked regarding alternative asset sales and Members were advised that the 5 year capital programme was reviewed annually as part of the budget process and took account of possible funding streams including grants, borrowing and donations.

Concern was raised that the Budget and Performance Panel had not reviewed the robustness of the capital programme as recommended by the Overview and Scrutiny Committee at its meeting on 31st October 2007. It was reported that this would be considered by the Panel at its next meeting in accordance with the agreed work schedule.

Questions were raised as to how soon any development would be completed and why the sale of the freehold rather than leasehold was proposed. Officers confirmed that it would be possible for a long lease to be offered although housing developers preferred to purchase the freehold. Whilst it was not possible to estimate a completion date, Officers confirmed that it was not unusual to measure such developments in years. It was noted that there was no provision for inflation if a number of years elapsed between tender approval and final payment.

The Chairman invited other Members present to address the Committee.

Councillor Denwood, Ward Councillor for Scotforth West expressed concern that the land was used as a dumping ground.

The Chairman read out a letter from Councillor Kirkman, Ward Councillor for Scotforth East, who expressed concern at the potential for increased traffic, noise and pollution arising from any development on the site, and her support for the 'town green status.'

The Chairman invited members of the public to address the Committee.

Comments were raised regarding the capital programme, the sale of alternative council assets, the covenant on the adjacent land and the suggested artificial distinction between asset management and planning. Comments were made regarding the strength of feeling against development and the importance of green space. Reference was made to the

criteria and weighting, community strategy, the woodland area and concerns regarding the sustainability of the budget management.

The Chairman thanked the members of the public for their comments and confirmed that the Committee would now debate the issue.

It was proposed by Councillor Heath and seconded by Councillor Towers:

“That Cabinet be requested to support option 2, not to approve tender documents, and the potential use of the land should be established through the Local Development Framework with a development brief drawn up prior to the marketing of the land to enable proper public consultation and scrutiny of any proposed change in use to take place. This would give Cabinet an agreed policy framework within which to operate and enable alternative funding proposals to be properly considered.”

Members debated the recommendation.

Upon being put to the vote 3 Members voted in favour of the proposition and 6 against whereupon the Chairman declared the proposal to be lost.

It was proposed by Councillor Langhorn and seconded by Councillor Bray:

“That the Minutes and comments made at the meeting be forwarded to Cabinet.”

Councillor Heath proposed the following amendment:

- (a) “That community woodland containing the footpath adjacent to the southern boundary of Rays Drive should be deleted from the area that is proposed to be sold in order to protect it for reasons of visual amenity, biodiversity conservation and public access and connectivity to other paths in the area.”
- (b) That the Council will retain a narrow ransom strip to the south and this will be clarified in the tender documents.”

The proposer and seconder indicated that they would be willing to second the proposed amendment with the addition of ‘and to include the footpath as a public right of way’ at the end of the first proposed amendment.

It was proposed by Councillor Heath and seconded by Councillor Langhorn:

- (1) “That community woodland containing the footpath adjacent to the southern boundary of Rays Drive should be deleted from the area that is proposed to be sold in order to protect it for reasons of visual amenity, biodiversity conservation and public access and connectivity to other paths in the area and to include the footpath as a public right of way.”
- (2) That the Council will retain a narrow ransom strip to the south and this will be clarified in the tender documents.”

Upon being put to the vote, 5 Members voted in favour of the proposal and 3 against, whereupon the Chairman declared the proposal to be carried.

The Chairman requested the Committee to identify any comments to be forwarded to Cabinet. It was agreed to highlight the importance of public involvement, to note the

comment from the floor regarding links to the community strategy, to inform Cabinet that the trees were originally planted for Ethiopia. It was agreed that Cabinet be made aware of concerns regarding the adequacy of the fence around the pond area in view of its proximity to the west coast mainline. Consideration should be given to adjusting the score sheet to put more emphasis on visual impact and that Cabinet note the area is a gateway to Lancaster. Score sheet should include biodiversity and sustainable landscaping. The impact assessment should highlight energy use and lighting spillage.

Members were then asked to vote on the substantive motion:

- (1) "That the Minutes and comments made at this meeting be forwarded to Cabinet."
- (2) "That community woodland containing the footpath adjacent to the southern boundary of Rays Drive should be deleted from the area that is proposed to be sold in order to protect it for reasons of visual amenity, biodiversity conservation and public access and connectivity to other paths in the area and to include the footpath as a public right of way."
- (3) That the Council will retain a narrow ransom strip to the south and this will be clarified in the tender documents."

Upon being put to the vote Members voted unanimously in favour of the proposal whereupon the Chairman declared the proposal carried.

Resolved:

- (1) That the Minutes and comments made at this meeting be forwarded to Cabinet.
- (2) That community woodland containing the footpath adjacent to the southern boundary of Rays Drive should be deleted from the area that is proposed to be sold in order to protect it for reasons of visual amenity, biodiversity conservation and public access and connectivity to other paths in the area and to include the footpath as a public right of way.
- (3) That the Council will retain a narrow ransom strip to the south and this will be clarified in the tender documents.

Chairman

(The meeting ended at 7.49 p.m.)

**Any queries regarding these Minutes, please contact
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