

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 6 July 2016 at 1.00 pm in the Council Chamber - The Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Frank Jonas (Chair)
Jennie Brent
Ken Ellcome
Colin Galloway
Lee Hunt
Hugh Mason
Steve Pitt
Gemma New (Standing Deputy)

Also in attendance

Councillors Darren Sanders, Steve Hastings and Luke Stubbs

Welcome

The chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The chair, Councillor Jonas, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

69. Apologies (AI 1)

Apologies for absence had been received from Councillor Scott Harris (who was represented by Standing Deputy Gemma New), Councillor Chowdhury (whose deputy Cllr Morgan also sent his apologies) and Councillor Gerald Vernon-Jackson (whose group standing deputies also submitted their apologies for being unable to attend).

70. Declaration of Members' Interests (AI 2)

Councillor Hugh Mason declared that he had worked for Nathaniel Lichfield & Partners but this had been a long time ago so was not a significant or pecuniary interest.

Councillor Darren Sanders (who was not a member of the committee taking decisions but would be making deputations) declared that he lived in St.Mary's House which was opposite but some distance from the prison site.

71. Exclusion of Press and Public (for exempt appendix only) (AI)

After the Chair's introductions Robert Parkin as the legal adviser to the committee advised members that this report had reference to a confidential appendix, which would be supplied by the City Development Manager, and that the committee had the power to move into closed session for its consideration. This power is granted under 100A of the Local Government Act where there is confidential information of a third party due to their commercial and business interests. He would advise the committee to move into closed session for consideration of this exempt information as the City Council has a duty of confidentiality to the developer.

A running order for consideration of the application was announced, including moving into closed session, during which the developer's representatives would be allowed to remain to be questioned by the members.

During the debate of the following item relating to Planning Application 16/00085/FUL (Former Kingston Prison, Milton Road) there was the need for members to give consideration to the exclusion of press and public for the confidential appendix to be handed to members for consideration and for the developer and his representatives to be questioned on matters of viability.

In taking this decision the members were mindful that the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

RESOLVED that, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the press and public be excluded for the consideration of the following item on the grounds that the appendix to the report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972, however that the applicant and his representative are able to remain for the purposes of questioning by members of the committee, namely Mr Purvis, Mr Winsborough, Mr Caslin and Mr Slatford.

<u>Item</u>	<u>Paragraph</u>
16/00085/FUL - Former Kingston Prison Milton Road Portsmouth PO3 6AS - (report item 1), (open report with exempt appendix only)	3

(Paragraph 3 relates to information relating to the financial or business affairs of any particular person or authority)

(NB The exempt committee papers within the appendix contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. Members were reminded of standing order restrictions on the disclosure of exempt information and were asked to return their exempt documentation to the City Development Manager at the conclusion of the closed session.)

72. 16/00085/FUL - Former Kingston Prison Milton Road Portsmouth PO3 6AS - Redevelopment of former prison comprising: part demolition and conversion

of listed buildings to provide 73 dwellings and commercial unit (within class A1 or class A3); demolition of non-listed structures; construction of five blocks of between three and seven stories to provide 157 dwellings; part demolition of listed prison wall and formation of new vehicular accesses to Milton Road and St. Mary's Road; and provision of car parking and associated landscaping and other works (report item 1) (AI 3)

Ruth Ormella, Development Management Manager, presented the City Development Manager's report and outlined the key planning considerations, which included design outcome, amenity of occupiers, highway considerations, housing mix and need. The application had been received in January 2016 and had been accompanied by approximately 400 detailed plans. The presentation showed the proposed phasing of development, the Tall Buildings element and their relation to properties outside of the site, use of materials and fenestration details. Regarding the amenities of future occupiers whilst there was a large amount of open space with landscaping and inclusion of some private open space, it was acknowledged that there was a shortfall of public open space.

Richard Lee, Environmental Health Manager, expanded on the comments of Environmental Health (set out on page 22 of the report) regarding monitoring of pollutants and the conclusion that the impact upon completion of the development would be negligible on air quality and should have no long term impact on the amenities of the properties/occupiers.

Peter Hayward, then expanded on the highways issues, in particular the traffic flow to the roundabout with north bound and west bound traffic not coming out onto the roundabout. A new access point onto Milton Road would direct north bound traffic, and a new access point onto St. Mary's Road would direct west bound traffic. He stated that there was clear visibility to the crest of the bridge from the proposed new access point onto St. Mary's Road. There would be modifications to improve the flow at the roundabout to reduce the central island and have hatching and lane lines and the developer proposed to improve the length of the queuing reservoir on Milton Road to ensure a capacity solution for the Milton Road St. Mary's hospital access.

The Development Management Manager clarified the housing numbers and mix with 157 new build units and 73 converted units for a total of 230 properties. She drew member's attention to the circulated Supplementary Matters List which set out further information on the viability of the scheme:

"The City Development Manager's Report considers matters of viability as part of the assessment. Listed here are the concluding assessment points that were formed in coming to the recommendation.

Analysis of the Benchmark Land Value undertaken by Savills and conclusion that purchase price is the most appropriate for the viability assessment and appraisal is agreed.

Based on the figures presented the total scheme costs for this point in time are not in dispute. Cost certainty will not firm up until early construction phases and a procurement process is complete. Some of the costs at this point in time are optimistic and some have a contingency allowance.

Savills have undertaken a Sensitivity Analysis to ensure Total Scheme Revenue is accurate based on current values across Portsmouth. The LPA agrees with Savills evidence on disposal values across the City to establish potential total scheme revenue.

Accurate figures for the gross internal area and net internal area have been applied. Total Scheme Revenue is negatively impacted as the internal spaces within the listed building are not all able to be configured into the apartments due to the atrium and corridors, leading to 34% of the building being retained in communal area. In comparison, only 15% of the new apartment buildings are in communal space. This impacts on the gross internal area measurement and total scheme revenue.

Planning permission will enable the scheme to have fully completed design and construction drawings and go to the market for construction, marketing and sales. In planning terms the project is available and deliverable. For example, a combined decrease in construction cost of 20% and increase in sales values by 20% would generate a positive value, which when compared to the Benchmark Land Value moves the scheme from being in deficit to £850,000.

*The results of the appraisal find there is an inherent lack of scheme
Further Explanation of Viability Matters*

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Based on the figures presented the total scheme costs for this point in time are not in dispute. Cost certainty will not firm up until early construction phases and a procurement process is complete. Some of the costs at this point in time are optimistic and some have a contingency allowance.

The results of the appraisal find there is an inherent lack of scheme viability at this stage. The LPA opinion having reviewed all facts is to accept this conclusion and through negotiation forecast a point in the project delivery for re-appraisal capturing costs and sales values.

The LPA opinion is, following RICS Guidance on Financial Viability in Planning, that Phase 3 is the most appropriate point in total scheme for re-appraisal, the only elements to be re-appraised are the sales values based on changes in the Land Registry House Price Index for the City of Portsmouth, and the most recent BCIS build cost figures at that time. The agreed baseline approach fixes all other variables."

The presentation showed the impact on residential amenity, with plans showing distances between the development buildings and the existing residential properties outside the site. It was reported that the proposed buildings would be set back 12.5m

from properties on the northern side of Bowler Avenue, 24m and 27m from properties on the eastern side of Milton Road, and 32.5m from the Whitcombe Road homes. Sections of the development were viewed to compare heights of buildings and it was reported that the ground and first floor level of Block M would be partly screened by the prison wall in the order of 5/6m.

The Supplementary Matters List also contained a written copy of Cllr Stagg's deputation on this matter which would be read out by Cllr Sanders, detailing three reasons for objection to the scheme. The matters contained in the deputation request are planning matters and have been considered in the assessment report. Since publishing the Planning Committee Agenda a further four (4) representations had been received up to 11am of the day of committee. These reiterated issues which have been addressed in the applicant's submission, the officer's assessment, and the City Development Manager's Report.

One of the representations raised the following issue:

"Tenure

As the proposal is to create a residential estate with properties sold on leases the City Council should require the developer to arrange tenure on a Commonhold Basis under the provisions introduced by the Leasehold Reform Act of 2002 which is an ideal modern form of tenure empowering occupiers to manage the estate.

This is a matter for City & Country to consider, and not a matter that the Local Planning Authority would seek to control."

The Supplementary Matters List (at Appendix B) also detailed the schedule of drawings to be approved.

Deputations

The deputations made are summarised.

- i) Mr L Nicholas spoke to object as Chair of Baffins Neighbourhood Forum and as a local resident, whose points included:
 - Whilst residents had been invited to give their ideas for the use of the site this proposal was for the financial gain of the applicant
 - The proposal was out of keeping with the residential surrounds and unneighbourly and the height overshadowed, and the design still made the development look like a prison, and was overintensive for the site
 - There was no affordable housing provided
 - The negative impact on the local infrastructure such as GP provision and school places, both of which were under strain
 - Concerns regarding pollution and parking in the area
 - Congestion on the road network as the existing roundabout was routinely congested and the siting of the new crossing in St.Mary's Road would create problems and should be nearer the roundabout.

- ii) Ms J Burkinshaw, objecting as a local resident whose points included:

- The impact on the quality of life to the Eastern part of the city and concerns of deteriorating air pollution in the city which would be made worse.
 - There was already traffic congestion made worse by the Tesco development in Milton and further problems of traffic discharge to the South would be experienced to Langstone Road and Milton Road to access Southsea from the site with 230 new homes.
- iii) Mrs K Barrett, objecting as a local resident whose points included:
- She questioned the viability assessment without the inclusion of affordable homes as planning policy PCS19 was not met, and it should be made available to the public
 - The developer would have known the prison site would need extensive work on purchase
 - The city needed affordable housing and there was a need to provide future social housing
 - There should be the proper infrastructure at the start; local schools and healthcare were at breaking point
 - Local residents would suffer 4 years of building work for no benefit, as the CIL contribution would not help Baffins ward
- iv) Mr C Corkery objected whose points included:
- He worked with the homeless and knew the desperate need for affordable housing - 30% should be affordable to help local residents but the applicant said this was not viable
 - Housing campaigners are challenging this as viability statements are being used to circumvent planning obligations
 - This was a scheme for profit of the developer and there should not be secretive documents that the public cannot scrutinise
- v) Mr R Winsborough of City & Country (the applicant) then spoke in support of the application, whose points included:
- There had been an extensive public consultation programme to help mould the scheme, and it had been reduced in scale
 - A model was on display which showed how the buildings related
 - The existing, solid buildings were expensive to convert, but they had experience of undertaking similar schemes elsewhere
 - The prison complex had been empty for too long
 - Other uses had been considered (such as hotel) but were less viable
 - The Section 106 agreement would secure social housing in the future
 - This scheme would secure new homes and safeguard the heritage of the building with a quality design
 - The new entrances would open up the site for local residents to come in
 - The highways impact would be mitigated by a new crossing and an improved roundabout
 - They had written to the council's Property Department regarding the landscaped scheme on the land by the roundabout

vi) Councillor Sanders spoke as a Baffins ward councillor and he read out the written submission by fellow ward councillor Lynne Stagg; her points included (and were circulated in full to members with the Supplementary Matters List):

- The development is out of character with the surrounding buildings with the original prison building being Victorian and the new buildings are featureless boxes without high quality design or materials, and the flat roofs are out of keeping with the surrounding pitched roofs
- There will be further transport problems especially southwards along Baffins Road and westwards on St.Mary's Road and the junction there with Fratton Road is already at capacity. There would be a cumulative impact on the road network of the city.
- No social housing had been included whereas it should be 30% of the scheme and if this was on viability grounds why was it purchased in the first place?
- Residents would suffer and would not gain community benefit with the change in CIL rules so Fratton would benefit not Baffins ward.

Councillor Sanders then added his own views, which included:

- The proposal underestimated the effect on the local community and did not mitigate enough
- This is all flats when there is also the need for family houses
- The photos displayed did not show the North/West side of the roundabout, and the congestion problems were going South rather than North with particular concern for the St.Mary's Road/ Fratton Road junction
- There were inconsistencies in the highway officer's comments in the report as to whether the Milton Road roundabout would cope
- The development would be overbearing for Whitcombe Gardens properties
- The community money should not only go to Kingston Park but all 3 local parks as the CIL money wasn't benefiting Baffins ward
- There should be a construction plan for liaison with local residents and ward councillors over the 4 year construction period.

vii) Councillor Steve Hastings also spoke as a ward councillor whose points included:

- This application was not heeding local planning policies, such as PCS19 regarding housing mix and provision of affordable housing when there is a desperate need for affordable housing in the city
- PCS13 also referred to a greener Portsmouth but there is a shortage of open space on the site
- DC26 with reference to new access to strategic highways, with the policy being relaxed for gaps onto the road network and PCS17 on transport
- PCS23 design & conservation - and the tall buildings policy with impact on Whitcombe Gardens

Councillor Stubbs was in attendance but waived his request to speak.

Members' Questions

These included:

Why was there no affordable housing on site - in response the City Development Manager referred to Policy PCS19 which has the provision for negotiation where the application would be rendered unviable, and work had been undertaken with experts on this, and payment would be secured for off- site provision to be triggered at Phase 3.

Why hadn't the impact on St.Mary's Road/Fratton Road been addressed? Officers responded that unfortunately there had been an error in transferring information into the report on page 21 as part of the transport engineer's comments had not been included in which he had concluded that there is no impact on the junction; a full transport impact report was available. Mr Hayward confirmed that his initial assessment had raised 6 issues needing further work and these had been addressed. He explained that the traffic signalling and timing as analysed by the developer had been revisited with a transport consultant to reflect the use of the computer programme ' Mova' and therefore this junction was not in excess of capacity and this would not be a sound reason for refusal.

With regard to the use of Community Infrastructure Levy (CIL) monies the Assistant Director of Culture & City Development reported that for schemes in excess of £1m the allocation would be determined by the Cabinet, and for the separate Section 106 agreement there was the suggestion that a sum of money would be given towards improvements at Kingston Park. It was not within the remit of this committee to determine allocation of CIL monies but officers were working with ward members for suggestions for the area. Officers would identify infrastructure improvements needed from the development.

It was asked who would pay for the improvements to water and sewerage systems? This would form part of the developer's delivery of the scheme and would be dealt with by building regulations, and they would need to work with Southern Water for the delivery of this solution.

The impact on the local infrastructure was raised; the report set out on p54 the findings on health and education facilities and pupil places are planned with colleagues in the Education Department and education is a priority spend for infrastructure contributions.

It was asked how the viability assessment was undertaken and paid for; in response it was reported that the applicant covers the costs of the council's appointed technical expert, which had been Savills in this case.

The highways engineer was asked to expand on the missing parts of his written response and he clarified that 3 responses had been missed out - no4 related to the Milton Road roundabout and he was satisfied that on balance the impact of extra traffic movements would be mitigated by the improvements; no5 regarding the signal control at St.Mary's Road/Fratton Road had been reported earlier regarding the adjustment to take into account the Mova system so the junction was seen to have adequate capacity; No6 regarding car trips this was an addendum to the travel plan and he was comfortable with levels. The capacity for the junction at St.Mary's

Road/Fratton Road was considered until 2021. The possibility of the cycle lane to go over the City Council owned land could make improvements for cyclists turning left.

Further questions were asked regarding the design and choice of materials, as well as the impact that may be caused by the proximity to existing buildings such as Bowler Court (it was ascertained that this was 11m away from Block N which had a height of 15m).

The visibility from St.Mary's Bridge to the proposed crossing and the siting of the crossing was questioned; the highways engineer reported that the distance of 160m to the toucan crossing which was seen as a safe distance.

It was asked why there was a shortfall on open space and how this could be addressed? For 390 residents at the site the combined public and open space would have been adequate but not the public open space in itself and therefore the developer was being asked to give a financial contribution via the Section 106 agreement (which was not yet fully drafted) to enhance nearby open space such as at Kingston Park. It was noted that the site had been inaccessible to the public previously.

Exclusion of Press and Public

Members were then advised to consider the necessity of going into closed session to give consideration to the viability information which was pertinent to PCS19 issues raised during questions regarding why there was not affordable housing provision. The exclusion of press and public (as referred to in minute 71) was passed for this part of the meeting relating to examination of evidence given in the exempt appendix, with the developer and his representatives questioned by members in closed session.

The meeting then resumed in open session.

Members' Comments

The Chair reminded members not to refer to any information given within the exempt session.

Members were grateful for the information given by the developers and recognised that property values were part of the risk taken by them and would need to look at the impact on the city by the proposed development and how the planning policies had or had not been applied.

Some members were concerned regarding the design and density of the application, feeling this was an overdevelopment of the site and the design was out of character with the surrounding area. They raised concern regarding the impact on the road network and in particular the Velder Avenue junction and the St.Mary's Road junction, the effect on cyclists and there was no affordable housing provision on site. This also gave an unacceptable sense of enclosure on Bowler Avenue properties.

Other members of the committee felt that the scheme represented a reasonable compromise, with the developer seeking to mitigate the impact on the road system and there would be improvements to the main roundabout. The anticipated increase in pollution levels had been reported as negligible. The design was seen as an

acceptable way of developing the prison site and would give better views for nearby residents than of the existing buildings. It was felt that the viability statement may need to be reviewed should the scheme not be commenced within 3 years.

RESOLVED that the following conditional planning permission be granted subject to the conditions outlined in the City Development Manager's report, as updated by the Supplementary Matters List (with Condition 2 to be amended to incorporate the schedule of approved drawing numbers as set out in Appendix B) with a further condition requiring details of a cycle slip lane between St.Mary's Road and Milton Road north to be submitted to and approved prior to the commencement of development, and constructed and provided prior to occupation of the development (the reason being to reduce the need for cyclists to use the roundabout in the interests of highways safety).

RESOLUTION A: that delegated authority be given to the Assistant Director of Culture and City Development to grant Conditional Planning Permission subject to the prior completion of legal agreements pursuant to S106 of the Town and Country Planning Act 1990 to secure planning obligations and subject to the following conditions

RESOLUTION B: That delegated authority be given to the Assistant Director of Culture and City Development to add and amend conditions where necessary

RESOLUTION C: That delegated authority be given to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

- 73. 16/00086/LBC - Former Kingston Prison Milton Road Portsmouth PO3 6AS - Demolition of listed engineering/workshop building, part demolition and conversion of listed prison buildings (with associated internal and external alterations) to provide 73 dwellings and a commercial unit and part demolition of listed prison wall (report item 2) (AI 4)**

Ruth Ormella, Development Management Manager, presented the City Development Manager's report on this Listed Buildings Consent application and displayed plans showing which elements were proposed to be removed and where there would be adaptations such as dropped eaves, adjusted windows with fenestrations, and how the wall would be used to access the site.

The Supplementary Matters List reported the schedule of drawings to be approved at Appendix B.

Deputations

The deputations made are summarised.

The applicant Mr R Winsborough, made a deputation on behalf of City and Country to support their application, who explained that they had worked closely with the Conservation Officer at the council and with Historic England to ensure a sympathetic redevelopment of the Grade II Listed Building site.

Councillor Darren Sanders made a deputation and also read the comments from Councillor Lynne Stagg regarding the conservation elements of the proposal, and she felt there should be consistency for residents in the facing Victorian building of St. Mary's House (where residents were told to have sash windows in a listed building because they faced the prison) and she felt the new design was of featureless boxes. Councillor Sanders wanted to ensure that there would be a proper construction management plan put in place to involve ward councillors and local residents to have contact points and information during the 4 year phased construction.

Councillor Steve Hastings spoke to make comment on behalf of residents who did not wish the wall to be touched, although he was aware this was necessary for access to the site. He therefore asked that there be use of less visually obtrusive arches for the gaps in matching materials so that it still appeared as a continuous wall.

Members' Questions

No questions were raised.

Members' Comments

Members felt that the listed buildings element had been dealt with ingeniously and sympathetically so supported the recommendation.

RESOLVED that Conditional Listed Buildings Consent be granted subject to the conditions outlined in the City Development Manager's report (as updated with the drawing numbers within the Supplementary Matters List).

The meeting concluded at 4.27 pm.

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Signed by the Chair of the meeting
Councillor Frank Jonas