

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 20 February 2019 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 Hugh Mason (Chair)
Judith Smyth (Vice-Chair)
Jo Hooper
Suzy Horton
Donna Jones
Gemma New
Steve Pitt
Lynne Stagg
Luke Stubbs
Claire Udy

Also in attendance

Councillor J Smith

(Cllrs G Vernon-Jackson and D Sanders had been present at the start for the St. James's hospital applications before they were deferred)

Welcome

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

Guildhall, Fire Procedure

The Chair 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.

22. Apologies (AI 1)

There were no apologies for absence with all committee members present.

23. Declaration of Members' Interests (AI 2)

Councillor Pitt and Councillor Horton made personal, non-pecuniary and non-prejudicial interests in that they knew a consultant who works for the applicant for the former Kingston Prison site.

Councillor Smyth made a non-pecuniary and non-prejudicial interest due to the involvement of Vivid housing association for the former Kingston Prison application in that she had previously been a board member of First Wessex.

Councillor Stagg stated that both application sites were within her ward, but this is not a declarable interest.

24. 18/00288/OUT - St. James' Hospital, Locksway Road, Southsea PO4 8HW - Outline application for the construction of 107 dwellings including provision of vehicular and pedestrian access, public open space and hard and soft landscaping (principles of access, layout and scale to be considered) (AI 3)

Councillor Mason, as Chair, reported that he had been advised by officers the previous evening that there was information which was pertinent to consideration of this item. Sim Manley expanded on the advice, as set out in the Interim Assistant Director of City Development's Supplementary Matters report which stated:

"In response to the representations being received in relation to the status of the villas on the site being curtilage listed, by reason of them being within the grounds of a listed building and pre-dating 1948, further advice has been sought. The advice received is that the buildings in question are likely to be curtilage listed structures and for this reason their removal would require Listed Building Consent (LBC).

For this reason the Council is not in a position to consider the outline planning application in the absence of a LBC application and therefore it is recommended that the application be deferred until such time as a LBC application has been submitted and can be properly considered in conjunction with the outline planning application."

The Supplementary Matters report also updated that:

"The Highways Authority comment that route 13 was reintroduced in January, subsequent to earlier representations on this application. It has an hourly service Monday - Saturday and 2 hourly on Sundays. The stops on Locksway Road are much closer and, in that light, the LHA would not wish to maintain an objection on the basis of the accessibility of the site to/by public transport.

The Chairman of the Milton Neighbourhood Planning Forum comments that a deputation request has been made for applications to both the St James' Hospital and Prison sites, however, exceptionally asks for the deferral of the Planning Committee for the reasons set out in an Appendix A to the update sheets."

The Chair asked for comments relating to the issue of possible deferral only. Members were surprised that the issue of the listed curtilage status of the villas had not been cleared at the time of their briefings, when this had previously been raised by local campaign groups. The Chair apologised to those who had registered to speak at this meeting, or who had attended to watch, but that in light of the recent advice it was necessary to defer this item at this point for future consideration.

RESOLVED that consideration of this item be deferred.

25. 18/00475/LBC - Solent NHS Trust St. James' Hospital, Locksway Road, Southsea - Partial demolition of boundary wall and construction of brick pier (AI 4)

This item was linked to the previous item which needed to be deferred as set out above.

RESOLVED that consideration of this item be deferred.

- 26. 18/01868/FUL - Former Kingston Prison, Milton Road, Portsmouth PO3 6AS- Redevelopment of former prison comprising conversion of listed buildings to provide 76 dwellings and a commercial unit (Use Class A1 or A3; retail or cafe/restaurant), construction of five buildings ranging from three to seven storeys and construction of two additional storeys to B-Wing to provide 191 dwellings, part-demolition of listed prison wall, formation of new vehicular accesses to Milton Road and St Marys Road, and provision of car parking and associated landscaping and other works. Amended proposals following planning permission 16/00085/FUL (AI 5)**

The report of the Interim Assistant Director, City Development, was presented by Simon Turner, who highlighted the updates on the Supplementary Matters report which stated:

"A number of updates are required, summarised as follows:

- (i) A further objection comment, concerning air quality;*
- (ii) Officer consideration of the principle of the proposed small commercial unit;*
- (iii) Officer consideration of the effect of Block J on amenities of residents to the south;*
- (iv) Clarification on tree removals;*
- (v) Clarification on traffic movements;*
- (vi) Extra/amended conditions;*
- (vii) Confirmation of off-site Public Open Space sum;*
- (viii) Update on Affordable Housing Review Mechanism;*
- (ix) Response on the NHS request for a S.106 contribution.*

(i) A further objection comment, concerning air quality Milton Neighbourhood Forum object again about air quality, especially taken in conjunction with the development proposed at St James' Hospital. In summary, the Forum considers neither application takes account of pollution at AQMA9, and notes the requirement for the Council to take urgent action in the city. The Forum considers the application would compromise the Local Air Quality Plan, and that there should be an AQ assessment for this development as it exceeds the SPD levels for car parking spaces proposed (300) and increase in traffic flows (5%). The Forum considers the Planning Committee does not have the necessary information to make an informed judgement.

The air quality challenges the city faces does not automatically mean that there should be a moratorium on new development. New residential development is also a significant planning objective, to assist in meeting a pressing housing need. The city's forthcoming air quality plan will take account of new development in its target-setting and actions. Lastly, the previous consent provides a fallback position of 230 dwellings, there are a further 37 proposed now, which has been considered by your Public Protection Officer and deemed acceptable.

(ii) Officer consideration of the principle of the proposed small commercial unit The Officer Report has not clearly set out a consideration of the principle of the proposed 39 sqm Class A1/A3 (shop or café/restaurant) unit. It is deemed acceptable in principle, given its small size, location on a main road, complementary

function or the new development, and the previous, extant planning permission for the same use.

(iii) Officer consideration of the effect of Block J on amenities of residents to the south

The Officer Report has not clearly set out a consideration of the effect of Block J on the amenities of residents to the south, the difference between the consented scheme and the proposed scheme has been set out instead. The properties in question are bungalows whose address is Whitcombe Gardens but which back onto St Mary's Road, opposite Block J. There would be some 32m distance between the existing and new dwellings. In between is the c. 3m tall brick wall to the bungalows' back gardens, St Mary's Road, and the 5m tall prison brick wall. While the new building would be perceived from Whitcombe Garden properties, the combination of distance and boundary wall screening is important and would significantly mitigate the effect on the neighbours' amenity (outlook, sense of enclosure), in my opinion. The distance is too great to materially influence daylight, and would not affect direct sunlight being located to the north of the existing residents. The top storey (6th Floor) (to 22m height) is amended from the consented scheme, with more floorspace and the colonnade feature removed, but otherwise the building is broadly the same as consented, and is in the same position. It would be c. 0.5m shorter than the approved scheme, due to the slightly compressed floor-to-ceiling heights. The former large workshop building occupied approximately the same position as the proposed Block J, though that building has already been demolished. I conclude that the relationship of Block J to nearest residential occupiers would be acceptable.

(iv) Clarification on tree removals

The Committee report should be corrected from stating two trees would be removed at the site's front south-east corner, to four. They are a single Category B cherry, and a group of three Category C cherries. For completeness, a line of small cherry trees also run east-west across the northern third of the site, which were consented for removal as part of the approved scheme. There is no objection to these tree removals, due to lack of their current importance, and the significant new landscaping that the re-development would provide.

(v) Clarification on traffic movements;

The Committee report set out that a maximum of 18 extra movements are predicted in the pm peak period. I would like to clarify that is in comparison to the consented scheme. Compared to the current site circumstances, there would be a maximum of 115 extra movements predicted in the pm peak period, i.e. there were 97 predicted for the consented scheme. It is those 97 extra movements that lead to the provision of junction improvements concentrated around the roundabout at St Mary's Rd-Milton Rd-Baffins Rd with the consented scheme. The 18 extra movements beyond the consented scheme are not considered significant to warrant further highway measures, so the development would still deliver the same package of highway improvements as with the previous scheme, along with a new Travel Plan to encourage walking, cycling and public transport use.

(vi) Extra/amended conditions;

The Applicant and Local Planning Authority have already carried out extensive work on the consented scheme's conditions. Most of the conditions have already been approved, and so those approved details will be pulled-through into amended conditions for the new development. These amended conditions will address the matters set out in the Committee Report, and the control of parking and outdoor surface/boundary treatments to protect the setting of the listed buildings. There will

be three extra conditions, to address lighting and security measures, finished building levels, and tree protection.

(vii) Confirmation of off-site Public Open Space sum;

The Committee report set out that this matter was having its final details resolved. Those are now agreed with the Applicant as £59,953 to be spent on improvements to the perimeter of Baffins Pond, and/or other public open space purposes in the Baffins Ward.

(viii) Update on Affordable Housing Review Mechanism;

The Committee report notes that the provision of an Affordable Housing Review Mechanism in the S.106 legal agreement may conflict with Homes England's grant funding rules. This matter has been considered further in the week since report publication, and alternative clauses proposed by the LPA. To provide certainty for your Committee, Officers remain of the view that the Review Mechanism will still be necessary, in order to account for any possible surplus this large scheme may ultimately yield. This is agreed with the Applicant.

(ix) Response on the NHS request for a S.106 contribution.

The Committee report noted that the NHS request for £83,560 Section 106 contribution was still being considered by officers. The same report also later set out that the request could not be supported, principally because the request is for staff funding, not infrastructure spending. As such, it does not meet the requirements of planning legislation and so the request cannot be met in its current format. The LPA will, however, engage constructively with the Portsmouth Hospitals NHS Trust should it pursue the matter with other development proposals across the city."

As a result of the supplementary matters the officer's recommendation was unchanged but with amended conditions and extra conditions.

Deputations are not minutes in full as these are recorded as part of the web-cast of this meeting which can be viewed here:

<https://livestream.com/accounts/14063785/Planning-20Feb2019>

The deputations were as follows:

- i) Rod Bailey, objecting raising concerns including the over-intensive impact on a busy highway and air pollution concerns (as well as submitting a written deputation from Milton Neighbourhood Forum which requested a deferral)
- ii) Janice Burkinshaw, objecting for Milton Neighbourhood Forum regarding the impact on their adjoining ward, including traffic and air quality concerns as well as the impact on health facilities
- iii) Kimberly Barrett, spoke objecting also regarding the impact on the wider area and local services and challenging the sustainability of the development
- iv) Richard Winsborough spoke on behalf of the applicant City & Country (with Linda Bonnin of Vivid Homes in attendance) in support of their application and explained the changes made since the previous application, that PCC's Highways Engineer had indicated was satisfied with the scheme, the Air Quality assessment still applied, and he spoke of the viability assessment and provision of affordable homes.

- v) Councillor Jeanette Smith welcomed the involvement of Vivid but was also concerned about the impact on the local infrastructure with increased traffic, air pollution and strain on doctors' surgeries, also commenting on the scale and design, accident risk at St Mary's Road bridge and the use of Section 106 monies where it was needed in the ward.

Members' Questions

Members asked questions which included the following issues:

- Ecological impact on the harbours - this would be far enough away to be an indirect impact to be mitigated by the Bird Aware Programme.
- The safety of access/egress arrangements to St. Mary's Road - Peter Hayward as Highways Engineer confirmed that the new access arrangements complied with design standards and there was an improved roundabout capacity and it had been calculated that the development would add less than 30 extra trips an hour so could not be considered a material impact at this level, and improvements were being made to the traffic flow and the application needed to be assessed against the baseline of the existing consent.
- Why Savills had been appointed to provide the independent assessment - it was confirmed it was to look at the viability of this application.
- Why such a large application was not going to deliver social housing on site? The review mechanism was explained to address the non-provision, during 3 years of the phased construction and 4 years to the last sale to test the viability to see if affordable housing would be realised (and this was referenced in the Section 106 agreement in the conditions).
- The use of off-site public spaces monies via the Section 106 was examined and this was referred to in the supplementary matters giving some flexibility for use in Baffins ward.
- How the NHS infrastructure money could be spent as this cannot be spent on extra staff, so meetings would be held with to discuss this further.
- How air quality concerns could be met - this would be via the wider mitigation strategy for the city and it was confirmed that this had been assessed and was not calculated to be at a scale that could sustain refusal of the application.
- How the design of the scheme harmonised with the listed buildings - the heritage asset had been considered and the complementary and matching materials required, whilst a pastiche design had not been invited but a plainer design than the existing Victorian building.

Members' Comments

- Members wished to see the viability statements on the estimated £11m deficit, which officers confirmed had been agreed by reputable surveyors, giving their professional opinion. (The Vivid representative stated that she had not seen the viability statement, with this being dealt with as a windfall but challenging site with grant sought from Homes England to use for additional affordable

homes and they were currently in negotiations with City & Country to buy the land and were out to tender to inform construction costs and viability for the scheme - the City Solicitor stated that Vivid's intentions were not part of the application and could only be considered as background information).

- It was asked that air quality concerns were addressed through condition - and it was confirmed that this could be reflected in the travel plan or in the Section 106 agreement, and there should be encouragement of sustainable transport links
- As well as incorporating electric charging points, solar panels should be considered (depending on the visual impact on the listed building) to improve the environmental aspects of the scheme.
- Members were concerned that affordable housing was not being provided on site for such a large development.
- The design quality was subjective but may not enhance the listed buildings setting
- Members wished to see the land values that were core to the viability of the scheme - the case officer reported that rules had changed the previous summer so that viability assessments should be published, so this was a public, published document (in November/December 2018), and surveyors had since been appointed by PCC for an independent assessment of the sums provided (as summarised in the report)

Members of the committee asked for an adjournment during the meeting to allow consideration of the viability reports (the BNP Paribas report was circulated and non-confidential parts of the Savills report was then made available to view as the meeting resumed to avoid a potential deferral). Members were then able to see the value of the site and comparisons with residential land values as well as the views given on construction costs. Members questioned the profit margin of 20% and asked for a breakdown of what was included in holding costs (which included security of the site). It was reiterated that review points of the phased development would allow for challenging the viability and non-provision of affordable housing.

Members, having examined the construction costs were mindful to support the application with the updated conditions, including electric vehicle charging points within the Section 106 agreement, and in the knowledge that there would be review points for challenging the viability assessment on affordable housing provision.

RESOLVED that conditional permission be granted (with amended and extra conditions) as set out in the report (recommendations A, B &C), the supplementary matters report and with electric vehicle charging points being included as part of the Travel Plan required by the Section 106 Agreement.

- 27. 18/01632/LBC - Former Kingston Prison, Milton Road, Portsmouth PO3 6AS - Conversion and alteration of listed buildings to provide 76 dwellings (Use Class C3) and a commercial unit (Use Class A1 or A3: retail or cafe/restaurant), construction of two additional storeys to B-Wing to provide a further 8**

dwellings, and part-demolition of listed prison wall. Amended proposals following Listed Building Consent 16/00086/LBC (AI 6)

The Assistant Director of City Development's supplementary matters report gave an update on the wall removal at Block N "*The Committee report noted that amended plans had not been received, this remains the case, so officers respectfully request they are granted delegated powers to resolve this relatively limited matter after the Committee meeting*".

There had been debate and deputations on the linked, previous application.

RESOLVED that conditional approval be granted, and delegated authority was given to the Assistant Director of City Development, to conclude the arrangements for the listed wall and Block N.

The meeting concluded at 4.47 pm.

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Signed by the Chair of the meeting
Councillor Hugh Mason