

CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Thursday, 14 August 2014 at 1.00 pm at the Guildhall, Portsmouth

Present

Councillor Donna Jones (in the Chair)

Councillors Luke Stubbs
Ken Ellcome
Frank Jonas
Lee Mason
Robert New
Linda Symes
Steve Wemyss
Neill Young

69. Apologies for Absence (AI 1)

There were no apologies for absence.

70. Declarations of Interests (AI 2)

There were no declarations of members' pecuniary interests. Councillor Ken Ellcome advised that he knew some members of the public who were going to make deputations at the meeting today.

71. Record of Previous Decision Meeting - 10 July 2014 (AI 3)

DECISION

The record of the previous decision meeting held on 10 July 2014 was agreed as a correct record to be signed by the chair.

72. Special Educational Needs and Disabilities (SEND) Implementation Grant (AI 4)

(TAKE IN REPORT)

Mr Troy Hobbs, Service Manager for the SEND team presented the report explaining that the Children & Families Act 2014 places a number of new duties on local authorities from 1 September 2014, including the requirement to reassess the needs of children and young people who currently have a statement of special educational needs or learning disability assessment in order to convert their existing statement or Moving-on plan into an education, health and care plan. He said that in Portsmouth this will involve approximately 1,200 children and young people and the purpose of this report is to seek agreement to allocate the special educational needs implementation grant to provide the additional staffing capacity required to carry out the work required.

Councillor Neill Young, Cabinet Member for Children & Education proposed a slight amendment to the recommendations appearing in the report to enable more collaboration with other services and organisations.

The chair thanked Julian Wooster and Troy Hobbs for their comprehensive report. The chair was grateful to the government for the extra money but commented that it would not be enough as the numbers needing help will increase.

DECISION

Cabinet

- (1) approved the full allocation of the special educational needs implementation grant of £188,602 in 2014-15 subject to the agreement of the portfolio holder for Children & Education's and subject to a review into more cost effective ways of providing the service such as through collaboration with other council departments and organisations;**
- (2) approved the proposals for utilising the grant to recruit the additional staff required (on a fixed term basis) to enable successful conversion of existing statements and moving-on plans for education, health and care plans.**

73. Economic Development, Culture & Leisure Scrutiny Panel's review - Review of pathways into work for young people (AI 5)

(TAKE IN REPORT)

Councillor Matthew Winnington, chair of the review panel, presented the report saying that it was an important review owing to the issue around youth unemployment. He said that the report's recommendations were specifically concerned with what the local authority could actually do to improve the situation. He said that the local authority has no power to tell schools what to do but can be a positive influence in the ways set out in the recommendations in the report. He said that a key issue was the availability of apprenticeships. Councillor Winnington drew Cabinet's attention to the New Belongings project for care leavers and the recommendation that a report on this should be taken to the Cabinet Member for Children & Education to highlight the outcomes of the scheme.

Councillor Jones said that the scrutiny report had been helpful and useful. Councillor Young said that he felt this was a good report and endorsed the recommendations and said this was a good starting point. He said the local authority should work on this with our schools and in the new academic year he would be meeting with school heads.

DECISION

- (1) That the Panel be thanked for its work in undertaking the review;**
- (2) That the Cabinet approved the plan to support the findings and recommendations as outlined in the Scrutiny Panel Report as detailed in section 5 and Appendix 1 of this report.**

74. Site Allocation Document: Additional Sites Consultation - Land in Milton (AI 6)

(TAKE IN REPORT)

Deputations were made by Janice Burkinshaw (chair of the Milton Neighbourhood Forum), local residents Mr Brian Long, Mr Reg Pontis, Mr Richard Curtis and Mr Lock.

Written deputations had also been received from numerous residents (approximately 100, including supplementary comments, some of which were from more than one person, and these had been circulated to the Cabinet Members for this meeting). All of the above deputations raised concerns about the proposed development. Issues raised included the following:

- Pressure on infrastructure - Matters raised included the number of houses being proposed being too great, pressure on the roads being increased by the additional number of cars, the pressure on key junctions, the increased parking problems, the lack of a traffic survey, the fact that the Tesco application has just been approved which would also increase the number of cars using the roads, the likelihood of gridlock, the pressure on the sewage system which was already unable to cope to the extent that people living near the pumping station had to keep their windows closed as the smell at certain times of day was so bad.
- Environmental factors - The loss of green space in an already densely populated city, the loss of sports facilities, the loss of habitat for wildlife, the increased air pollution from more cars.
- Health issues - Doctors' surgeries would be unable to cope with the extra number of people, the increase in air pollution.
- Schools - The current primary school provision would not be able to cope with the numbers of extra children.

Mr Andrew Strange, Head of Planning & Development, St James' Hospital made a deputation in support of the recommendations in the report. He said that he had worked out a business case to transfer patient care to St Mary's Hospital. The Clinical Commissioning Group wished to see St Mary's as the focus for NHS services. The sale of the St James' site will release money for investment elsewhere in the city and it was envisaged that the capital received from the first phase of the development would fund the Battenburg Clinic. He anticipated that the first phase would come forward before March 2015. The second phase would cover the main listed building. The NHS had to make best use of its money and the capital received from the first phase

would fund the Battenburg Clinic. The Department of Health will give a capital advance. He said that with regard to the impacts of the development of the site, they would be looking to mitigate these in their planning application. He was therefore supporting the proposed recommendations to go out to consultation.

Councillor Darren Sanders made a deputation outlining his concerns which were that the council had more options for developing the St James' site other than the proposed housing. He said that the extra houses were not needed in the city at the moment. He reiterated the views expressed by others that the loss of green space would have a significant impact on wildlife. He said that he agreed with those who had expressed the view that the traffic situation needs to be looked at carefully. He said that Cabinet could revert to the 2013 strategy. Councillor Gerald Vernon-Jackson then made his deputation. He handed round copies of an alternative use for the site. He referred to the 58 pages of written representations made to this meeting. He said that the infrastructure was not able to cope with the number of new houses being proposed and that the roads were already at capacity. Councillor Vernon-Jackson explained the contents of the handout which included suggestions that before any consultation is undertaken that a transport plan be prepared on the cumulative effect of the development and to look at how many school places would be required. He suggested that the recommendations in the report be rejected and that the alternative plan he had circulated today be looked at.

Councillor Donna Jones, Leader of the Council thanked everyone for their views and said for the record that this is not the city council's application and the Conservatives in Portsmouth do not want 480 new houses in Portsmouth. She said that she had concerns about whether this proposed development was right for our city and also had concerns about lack of school places.

In response to questions, the following matters were clarified:

- There was nothing to stop the NHS from making a planning application on any or all of the land on the St James' site. The site was not a greenfield site. An application would have a presumption in favour of being approved for sustainable development. In order to be within the definition of sustainable development, a number of factors have to be considered including the effect on the highways, the ecology, the number of children generated, the schools, the sewage. The planning officer said that if the authority refused the planning application it would have to demonstrate grounds for that decision. The applicant would be likely to mitigate against the grounds for refusal and would be likely to submit a further application and it would then be up to the local authority again to decide whether there were now enough mitigating factors to allow the application or not. With regard to the concerns raised about schools, because of the CIL (Community Infrastructure Levy) contribution it would not be enough to refuse the planning application because a contribution is being made to mitigate the impact of the development. With regard to sewage capacity, the developers would work with the local authority and Southern Water to mitigate any

adverse effects and almost inevitably a technical solution would be found and therefore that also would be unlikely to be grounds enough to refuse the application and be comfortable that this would not be reversed on appeal.

- With regard to traffic, if the level of traffic was so great that no mitigation was possible, that may be grounds for refusal of the application. The chair asked whether it would be possible to develop the transport plan before the consultation for the Milton site. The planning officer advised that although this could be done it would be unusual and this was usually developer-led. The local authority is aware that a planning application will be made by the NHS for the St James' site in the next month or so and part of phase 1 would be a detailed transport assessment as part of that application. The planning officer confirmed that the planning application would be submitted before any transport plan consultation had been concluded. The planning officer advised that the NHS would be likely to take a refusal of their impending planning application to appeal as they need to release that land. In those circumstances the city council would need to defend its decision so any refusal by the Planning Committee would need to be done on good planning grounds. It was possible that if the evidence on the highway issue was robust enough, then a refusal of the planning application could be defended. However, if the development was allowed on appeal, and costs were awarded against the city council, this could amount to a significant amount of money for the council to find, possibly in the region of £100,000.
- The planning officer also said that if the site were to become the subject of piecemeal applications, the traffic assessment would be looked at incrementally so the later application would have massive mitigation need. In her view, the whole area needs a master plan with infrastructure mitigation as part of the overall package. The planning officer confirmed that although it would be possible to go out to consultation on a master plan for the whole site, the city council's difficulty is that it knows that an application from the NHS is imminent. The planning officer confirmed that going out to consultation today as recommended in the report, would slightly improve the city council's position.

Following further discussion it was concluded that the only real grounds that may not be capable of mitigation was on highway grounds.

Mr Chris Ward confirmed that the only way to fund the acquisition of the land concerned by the city council would be to borrow the money and there would be a need to generate income for the council in order to cover the cost of that borrowing. Currently there was no worked up proposal to show rental income.

During discussion the following matters were raised:

- The chair said that she was concerned about the comment made by Mr Long in his deputation about having to keep the windows closed all the

time because of the smell coming from the vicinity of the pumping station. She said that the Cabinet Member for Environment & Community Safety would look at this and gave an undertaking that he would work with Dr Janet Maxwell with regard to the possibility of formally requesting a health impact assessment.

- The chair said she was very disappointed that no master plan had been put in place for this area when the opportunity first arose in 2006.
- The chair said that she felt the city council was in a weak position if the planning application were to be refused as on appeal it seemed that it would be unlikely to be upheld which could result in the council having to pay a substantial sum of money. She therefore felt this option was not viable.
- The chair said she was disappointed that no response had been circulated in respect of the consultation undertaken in 2013 and would chase this up.
- The chair said that with regard to environmental pressures, Councillor Robert New would look to address these.
- The chair said that with regard to the roundabout at the end of Locksway Road, this appeared to have added to the traffic issues and she asked that the Cabinet Member for Traffic & Transportation, Councillor Ellcome, look at this issue with a view to then consulting with the Leader about next steps.
- The Leader said that a 'help heroes' rehabilitation centre as put forward in Councillor Vernon-Jackson's alternative use for the site and the dementia care centre were both good ideas and she hoped to work with Councillor Vernon-Jackson on these matters.

In summary, the Leader said that she did not think that the city council could compete against the development as there was no master plan for the area and this was a key issue. Although this could be worked on now with Councillor Stubbs, it was unlikely to be finished until January. She hoped that the applications by the NHS would not be put in before the master plan was completed. She did not want this development to go ahead in its current form and would do all she could to help.

Councillor New, Cabinet Member for Environment & Community Safety said that the city council had a good relationship with Portsmouth Water and Southern Water and would be meeting with them in September to discuss the situation regarding the sewage.

Councillor Linda Symes said that the city council was in an unfortunate position in that it could not buy the land and could not stop the developer unless the grounds were robust in planning terms.

Councillor Stubbs said that the council had to act within the legal framework and could not ignore the policy adopted by the council. The city council also had to take note of the very real possibility of planning applications being overturned on appeal and the financial consequences should this occur. In order to change the policy, it would have to go through an inspection and the policy cannot be changed now as it could be seen as really being done in order to sabotage a planning application. He said that the suggestion put

forward in Councillor Gerald Vernon-Jackson's paper circulated at the Cabinet meeting today was not really plausible. He said that the council did not have the money required.

Councillor Stubbs said that he would be happy to attend a meeting of the neighbourhood forum to discuss the matters raised today if that would help.

Councillor Wemyss said that many representations had been received on this item and there was a need to behave in a rational manner. He said that the city council could not compel the NHS to make a particular application. He said that space that was already protected remained protected. He said that even if the consultation were halted, this would not stop the development application being made by the NHS.

Councillor Ellcome said that as Cabinet Member for Traffic & Transportation he was well aware of the traffic issues. He said that he had stood down as a member of the Planning Committee at a recent meeting to make a deputation to refuse the Tesco application but this had been approved. He said with regard to the Milton site, mitigation could be made with regard to the schools issue, the sewage and the traffic issue. If a planning application were to be made, it would be critically examined on planning grounds and in particular on the highways ground but grounds to refuse the application would have to be robust. He said he could not see any benefit in going against the recommendations to go out to consultation as this would weaken the council's position.

DECISIONS

Cabinet

- (1) approved the Milton Sites consultation document (attached as Appendix A of the report) for public consultation;**
- (2) authorised the City Development Manager to make editorial amendments to the consultation document prior to publication, in consultation with the Cabinet Member for Planning, Regeneration & Economic Development. These amendments shall be restricted to correcting errors and formatting text and shall not alter the meaning of the document.**

The meeting concluded at 3.20 pm.

Councillor Donna Jones
Leader of the Council