

CABINET

12 December 2005

Attendance:

Councillors:

Campbell (Chairman) (P)

Beveridge
Collins (P)
Evans
Hiscock (P)

Knasel
Learney (P)
Wagner (P)

Others in attendance who addressed the meeting:

Councillors Beckett, Clohosey, Higgins and Jackson

Other in attendance who did not address the meeting:

Councillors Allgood and Stallard

621. **APOLOGIES**

Apologies for absence were received from Councillors Beveridge, Evans and Knasel.

622. **PUBLIC PARTICIPATION**

There were no statements made or questioned asked.

623. **SILVER HILL DEVELOPMENT – LANDOWNERS APPROVAL**
(Report CAB1179 refers)

The above item had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item onto the agenda, as a matter requiring urgent consideration, because of the need to maintain progress and adhere to the development timetable.

It was noted that recommendations from this meeting would be submitted for decision to a special meeting of Council to be held on 1 February 2006. Principal Scrutiny Committee would also be considering the above report later in the day and, should that Committee raise further issues for Cabinet to consider, a special meeting of Cabinet had been arranged for 9 January 2006, which would enable any additional recommendations to also be considered by Special Council on 1 February 2006.

Appended to the above report was an exempt paper (Exempt Appendix 3), which included a report from Drivers Jonas (the Council's external specialist property adviser), which set out a commercial analysis of the scheme submitted by Thornfield Properties plc. The appendix would be considered as exempt business at the conclusion of the public session.

The Chairman then invited the team representing Thornfield Properties plc to present their proposal for landowners approval.

Mr Carter (GVA Grimley) drew attention to the six national Planning Policy documents which were relevant to development of the site and which had been examined in a national, regional and local context, to ensure that the Thornfield proposals met the appropriate tests. He summarised the strategic aims of the proposals and then drew attention to five key areas of the scheme, namely affordable housing; the Antiques Market; archaeology; building heights; and energy efficiency/sustainability.

With regard to affordable housing, a minimum 35% provision would be achieved, but it was noted that a higher figure of 40% had been suggested through the Revised District Local Plan (which was now at Proposed Modification stage) and had been supported by the Inquiry Inspector. Although it was acknowledged that the mix was principally a planning issue and would be considered by the Planning Development Control Committee, it was an important point which should still be noted at this time. He pointed out that brownfield sites had higher development costs.

With regard to the Antiques Market, further work had shown that its retention would compromise the viability of the scheme. Therefore, a statement in accordance with PPG 15 was currently being compiled to explain the justification for its demolition.

With regard to building heights and the design proposals, Mr Appleton (Allies & Morrison) explained that the development area in its current state was alien to the rest of the City which came within the old city walls, and possessed few attractive features. Therefore, one of the main design principles was to re-establish, as far as possible, the original Saxon street pattern, together with reflecting the proportions of street space and buildings as seen around the old city. There had been particular attention to detail with regard to the composition of buildings and also to the materials used, which were local where appropriate (for example, Michelmersh brick). Other materials such as knapped flint, oak framing, terracotta panels, slate and tile would also be used to vary the finishes and create a high quality environment. It was further proposed to 'de-culvert' one of the Brooks streams and create a water garden feature in the area currently occupied by the Bus Station, which would have the ability to flood safely when required.

Mr Appleton then presented a number of computer generated images to show the appearance of the roofscape of the new development when viewed from the principal vantage points, such as St Catherine's Hill, Morestead, St Giles' Hill and the top of the High Street. In all cases the images (which had been verified by an independent consultant) demonstrated that the impact was minimal and that the roofscape sat harmoniously with the existing built forms.

Mr Bradley-Hole, (CBH Landscaping and Public Realm) commented that the hard landscaping which currently existed had no particular character and could be part of a street scene anywhere in the country. Therefore, it was proposed to use granite, high quality concrete pavers and bound gravel in an integrated fashion to create 'polite' surfacing, which gave character and defined areas, but without being intrusive. The soft landscaping would include the planting of 25 new trees to replace the 16 that would have to be removed, plus there would be 29 trees planted as part of the roof gardens. Landscaping would also be used to create a 'green wall' by the Bus Station to soften that area.

Mr Kirkpatrick (Arup – Sustainability and Energy) drew attention to the Brief which stated, inter alia, that the scheme should be ‘an exemplar of sustainable development’. To achieve those goals, Arups would be vigorously testing the design proposals at every stage to ensure that maximum sustainability appropriate to the development was being achieved.

Mr Rawlings (RPS Archaeology) informed the meeting that, depending on what was discovered, the likely archaeological approach with this development would be to ensure the preservation of most remains by leaving them in situ and then designing foundations which avoided damage to them. A series of 14 bore holes would be drilled to commence the site investigation and, following that, an Archaeological Mitigation Strategy would be prepared to guide future stages of the work.

In concluding the presentations, Mr Capocci (Thornfield Properties plc) emphasised that the scheme was financially robust and, by proposing a mix of uses and quality design, it would be able to withstand market fluctuations. The company had assembled a top quality team who were passionate about the development and wished to achieve a scheme of the highest standards.

The Chairman then invited questions from Cabinet members, which were followed by questions from Councillors Beckett, Higgins and Jackson. The developer’s team responded as follows:

- (i) With regard to a transport modelling exercise, this was currently in progress, but no conclusions had yet been reached. However, no surprise findings were anticipated and it was likely that the small additional traffic that would be generated by the development, could be absorbed within the existing road network. A new bus lane and junction would slightly alter the pattern of traffic in the town, but this was not thought to be significant. The contra-flow bus lane would also alter movements, but would have the positive benefit of saving many buses from travelling around the complete one-way system. The exercise had assumed that the direction of traffic in Parchment Street would be as existing.
- (ii) Issues surrounding the Air Quality Management Area were the subject of a separate exercise being undertaken by Arup, who were aware of the DEFRA studies and would adapt their approach in the light of any emerging advice.
- (iii) With regard to social sustainability, the question of building communities was very important and a range of one to three bedroomed houses, plus work/live units, should assist in creating a viable community. One of the key aims of the scheme was to create places where people would feel comfortable simply to sit and enjoy the new environment, all of which should engender a feeling of well being and help people to relate to the scheme as part of their city.
- (iv) A night club had not proved popular during the consultation exercise, but a youth facility building would be provided. This had attracted a Winchester-based organisation who had indicated a wish to purchase it outright; negotiations were continuing.
- (v) Formal discussions with the body representing the Antiques Market had yet to be held, but informal contact with some individual traders had taken place, who appeared to be willing to relocate to the new Pentice area.

- (vi) There were no proposals to relocate the Iceland food store within the new development, principally because that company had a commercial strategy of opting for secondary sites, just outside primary shopping areas.
- (vii) One of the implications of reducing the height of the development (in response to public criticism) was that the scheme now proposed 285 instead of 364 housing units. Of that number, 100 would be affordable, of which 20 would be socially rented units. The remainder would be shared equity and key worker units. Discussions were currently taking place with five Registered Social Landlords.
- (viii) Because of the significant floorspace required, it had not been possible to have the new medical building on one floor at street level. The doctors involved and the Primary Care Trust were generally satisfied with the alternative proposals, although negotiations were still continuing. Lifts constructed to NHS standards (i.e. capable of taking a stretcher) would be installed as part of the scheme.
- (ix) With regard to flooding, meetings had taken place with the Environment Agency and the scheme accorded with their requirements. Overall, the development would certainly not make the local flooding situation any worse and, in some respects, there would be improvements.
- (x) With regard to the issues of long-term maintenance of hard and soft landscaping areas, works would be undertaken through a management company and funded via a service charge agreement with retailers. However, it was emphasised that no particular problems were anticipated in this respect, because good quality schemes generated a caring momentum of their own, with all retailers appreciating the benefit of maintaining high standards to ensure continued customer appeal.

The Chairman then directed Cabinet to consider the five criterion set out in the above report, noting that Criteria (ii) and (v) would need to be dealt with in exempt session, due to the commercially sensitive nature of the information.

During discussion, it was noted the steps in Silver Hill and Middle Brook Street were to avoid flooding of the units and, whilst details were still be resolved, ramps would form part of the final design. With regard to the wider environmental health issues, it was agreed that the Environmental Health Division must be involved at the appropriate stages of development. On the question of sustainability, Members agreed that if the scheme was to be seen as top quality in that respect, then some of the sustainability ratings needed to be improved, to avoid giving the impression that only the minimum standards had been achieved.

Regarding the size of the Bus Station, this had been agreed with Stagecoach, but its capacity would allow the use of the facilities by other operators.

RECOMMENDED:

THAT SUBJECT TO THE MATTERS RAISED IN THE EXEMPT MINUTE BELOW:-

1. THAT AGREEMENT BE GIVEN TO THE SUBMISSION OF A PLANNING APPLICATION BY THORNFIELD PROPERTIES (WINCHESTER) LTD IN THE FORM OF THE SUBMITTED PLANS, SUBJECT TO THE CHIEF ESTATES OFFICER BEING AUTHORISED TO AGREE ANY MINOR AMENDMENTS.

2, THAT THE BROADWAY FRIARSGATE DEVELOPMENT AGREEMENT BE VARIED TO REDUCE THE MINIMUM NUMBER OF RESIDENTIAL UNITS FROM 364 TO 285.

3. THAT THE COUNCIL RESERVES ITS POSITION WITH REGARD TO ITS REQUIREMENT FOR A MARKET COMPACTOR COMPOUND UNTIL THE CONCLUSION OF A SCHEME-WIDE WASTE AND RECYCLING PLAN.

4. THAT CABINET BE AUTHORISED TO AGREE, OR OTHERWISE, ANY SUBSEQUENT REQUESTS FOR CHANGES IN THE MINIMUM REQUIRED ELEMENTS OR MATERIAL VARIATIONS.

624. **EXEMPT BUSINESS**

RESOLVED:

That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
625 & 627	Silver Hill Development – Milestones Report	Information relating to the financial or business affairs of any particular person (other than the authority). (Para 7 Schedule 12A refers).
626 & 628	Silver Hill Development – Landowners' Approval (Exempt Appendix 3)	Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services. (Para 9 to Schedule 12A refers).

Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-

- (a) any legal proceedings by or against the authority, or
- (b) the determination of any matter affecting the authority, (whether, in either case, proceedings have been commenced or are in contemplation). (Para 12 to Schedule 12A refers).

625. **SILVER HILL DEVELOPMENT – MILESTONES REPORT**
(Report PS 210 refers)

Cabinet considered the above report, which had been discussed by Principal Scrutiny Committee at its meeting held on 5 December 2005. A draft minute of the decisions from that meeting was reported to Cabinet.

In summary, Principal Scrutiny Committee had requested Cabinet to seek assurances on five particular issues. Those issues were discussed with the Council's specialist advisors following the departure from the meeting of the Thornfield Properties representatives, and satisfactory conclusions were reached. The report also contained a recommendation for Cabinet to consider relating to the creation of a policy for hardship in respect of compulsory purchase orders, which was agreed (details in Exempt Minute.)

626. **SILVER HILL DEVELOPMENT – LANDOWNERS' APPROVAL (EXEMPT APPENDIX 3)**
(Report CAB 1179 refers)

Cabinet agreed that the team representing Thornfield Properties be requested to remain to answer questions, together with Mr Murphy (Drivers Jonas – the Council's property advisors) and Mr Hellier (Berwin Leighton Paisner – the Council's legal advisors). Having answered a number of questions, the representatives of Thornfield Properties left the meeting, but Messrs Murphy and Hellier were requested to remain to provide advice and guidance on the matters to be considered.

Cabinet considered the commercial and financial information set out in the above Appendix and noted the comments from the Council's specialist advisors before agreeing a number of recommendations to be made to Council (details in Exempt Minute.)

The meeting commenced at 9 am and concluded at 12.40 pm.