

**THE OVERVIEW AND SCRUTINY COMMITTEE – SPECIAL MEETING**

**30 November 2016**

Attendance:

Councillors:

Learney (Chairman) (P)

Griffiths  
Gemmell (P)  
Hiscock (P)  
Laming (P)

Stallard (P)  
Tod (P)  
Thacker (P)  
Warwick (P)

Deputy Members:

Councillor Gottlieb (Standing Deputy for Councillor Griffiths)

Others in attendance who addressed the meeting:

Councillors Godfrey (Leader), Hutchison and Burns

Others in attendance who did not address the meeting:

Councillors Byrnes (Portfolio Holder for Transport and Professional Services), Elks, Humby (Portfolio Holder for Business Partnerships) and Thompson

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1. **DISCLOSURE OF INTERESTS**

Councillors Stallard and Tod each declared a disclosable pecuniary interest in respect of agenda items due to their role as County Councillors. Councillor Thacker, whose husband was a County Councillor, also made a similar declaration. However, as there was no material conflict of interest, they remained in the room, spoke and voted under the dispensation granted on behalf of the Standards Committee to participate and vote on all matters which might have a County Council involvement.

2. **PUBLIC PARTICIPATION**

During public participation, Richard Jobson (Design Engine, Architects), Chris Higgins (City of Winchester Trust), Michael Carden (City of Winchester Trust), Kate MacIntosh, John Hearn and Councillors Hutchison and Burns addressed the Committee in respect of Item 3 and Members' questions were answered thereon. A summary of their comments are outlined below.

Richard Jobson stated that he had worked with organisations on various projects around the City such as Winchester School of Art and University of Winchester and had participated in numerous design competitions with successful results. Design Engine had progressed through a number of stages to reach the position of being one of the last five Architects submitting designs for the Station Approach project. However, he stated that it became clear that the impact on the brief was not understood, particularly with reference to the car parking aspects, placing the majority of the parking below ground level, inevitably leading to an increase in on-site housing provision to achieve commercial viability. He made reference to the scoring process which he stated increased with the introduction of greater parking provision which appeared to be the driver. In conclusion, Mr Jobson stated that the focus was on the number of car parking spaces achievable on site and not on the design recognised by the dialogue group, resulting in a difficult and flawed process.

Following questions from Members in relation to lessons learnt from the project, Mr Jobson considered that the way forward for the Council following the outcome of this process was to ensure that the brief was understood prior to the competition stage. He stated that the project became architecturally challenging in terms of establishing feasibility due to the scheme not being tested adequately at the outset. Mr Jobson suggested that the architect selected to proceed with the development going forward should be appointed to take the process to completion and that the Committee should commission a model of the site to understand the scale and mass of the buildings, with an allowance for architects to 'offer up' different ideas.

Mr Jobson suggested that there was no relationship between the Carfax and Cattle Market sites and as such, a separate masterplan should be prepared for each site. He drew Members' attention to a number of different procurement methods that could be used based on the client's requirements and budget constraints. In response, the Interim Managing Director clarified that no extra marks were available for the provision of extra car parking spaces on the site which were unrelated to either the quantum of office space or the Council's Parking Strategy.

In conclusion, Mr Jobson stated that, in his experience, clients were increasingly looking for a masterplan process which allowed flexibility in ideas, the setting of goals and the ability to test ideas on a larger scale. In his opinion the Competitive Dialogue Process did not go far enough to achieve this or address in detail the problems on site.

Chris Higgins stated that the representation provided by Richard Jobson, as outlined above, was most helpful in setting out the reasons why the development had failed from the architect perspective. He made reference to the report, which he considered provided an unbalanced view and outlined that during the consultation process, the City of Winchester Trust, 20/20 Group and other organisations had urged the Council not to pursue the Competitive Dialogue

Process (CDP) and to commission a masterplan and a transport plan for the area, but this had been refused. He considered the withdrawn process to have been intimidating, legally threatening and a huge volume of work for the reward and felt that architects had also been put off by the approach the Council had adopted.

In response to questions, Chris Higgins outlined that he was supportive of development on site, but as guardian of the heritage of the City the Brief needed to recognise this aspect and not be commercially driven. In his view, public opinion needed to be taken on board to achieve the right scheme.

Michael Carden circulated a paper outlining comments from the City of Winchester Trust and made reference to the lessons identified in the report which he considered failed to address the fundamental reasons for the failure of the CDP to produce a successful outcome. He outlined the process, the design brief, the complex regeneration and its disparity with the history of the City as lessons that should be learnt for future projects.

In response to Members' questions relating to how he envisaged the City of Winchester Trust and architects should be involved to take the project forward, Mr Carden stated that the Council had the knowledge of Station Approach Stakeholders Panel. This consisted of external experts but did not appear to have taken on board the advice given. In conclusion, he stated that the City of Winchester were happy to see the regeneration of the Station Approach area, but wished to see a sensitive development in keeping with the historic nature of the area with an alternative competition as outlined in the advice provided by RIBA.

Kate MacIntosh reiterated the concern previously expressed regarding the CDP and the parking provision on site, which she considered to be flawed from a design point of perspective. She also referred to the waiver of the intellectual property rights which she indicated would act as a great deterrent for architects in the process. In conclusion she suggested that the architects nominated to sit on the independent jury should be named.

John Hearn addressed the Committee in his capacity as member of the Design Jury. He also spoke on behalf of other members of the Jury, advising that this had comprised of Urban Designers, Architects, Transport Planners, Ward Councillors and other Members. The Jury had concluded that both Schemes submitted by Bidder B and Bidder C were poor in terms of transport and traffic. Design Engine architects received a higher score than Hopkins, but neither design had adhered to the published brief and had exceeded the floor space figures and provided a high quantum of car parking spaces. The Brief had only set out the public parking spaces and as such (in his view), neither would have been likely to receive a recommendation for approval had they been submitted as planning applications. In terms of their planning design. Mr Hearn considered both designs to be flawed and unsympathetic to the sensitive nature of the Station Approach area. In conclusion, he stated that the Jury continued to offer its expertise to the way forward with a revised brief addressing the points raised.

In response to Members' questions, Mr. Hearn stated that the extra residential space had not been tested in contextual terms within the surrounding area, from a viability perspective, or from a traffic generation/car parking point of view. The differences between a movement strategy and a traffic assessment were clarified.

Councillor Hutchison stated that she was a Juror and had been involved in the Station Approach project since 2010. She stated that Station Approach was an important part of the City linking the train station to the centre and required freedom of movement, masterplanning and respect for the character of the Town. She suggested that residents be involved as part of the process to build trust and confidence in a masterplan process.

In response to matters raised during public participation, the Interim Managing Director confirmed that aspects of the expertise of the Design Jury would be retained moving forward, if it was feasible to do so.

Councillor Burns addressed the Committee in her capacity as Ward Member of St Bartholomew and as a Member of the Station Approach Stakeholder Group. Having taken part in the consultation exercise, she suggested that ward residents had not been sufficiently consulted with and that this needed to occur from the outset. She referred to the risks that needed to be considered during the next design competition including the viability of the scheme and archaeological mitigation to be addressed at an early stage, in reference to the 2009 Wessex Archaeology report.

She also reiterated that she considered the Design Brief to be inadequate with the increase in car parking that became necessary resulting in overdevelopment of the whole of the project.

In conclusion, Councillor Burns stated that she hoped to see the Committee establish a Major Projects Sub Committee, previously raised at the last meeting of The Overview and Scrutiny Committee held in October, to scrutinise the project process going forward.

At the conclusion of public participation, the Chairman thanked those who addressed the Committee for their informative representations. Councillor Godfrey stated that it was of great benefit to receive feedback from both architects involved in the project, if they were willing to contribute further to future discussions.

The Assistant Director (Policy and Projects) clarified the levels of car parking spaces existing on the Carfax site, of which 105 were public spaces, with a similar number of private spaces across the site. The Interim Managing Director stated that the Council would need to look at the right way forward in terms of the quantum of parking design and the overall contribution to the local Town economy. This would be worked through over the design process.

3. **STATION APPROACH – END STAGE REVIEW REPORT FOR THE COMPETITIVE DIALOGUE PROCESS**

(Report OS157 refers)

The Committee noted that the 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 to enable the views of Committee to be sought without delay.

The Committee considered the report, as requested at a previous meeting, in order to review the Competitive Dialogue Process (CDP) recently undertaken by the Council in respect of the Station Approach project. The report outlined the project's End Stage Report for the process, which detailed the assessment of the process and the lessons learnt, as set out in Appendix 1 to the Report.

The Committee gave consideration to the key issues and lessons learnt arising from each stage of the project, raising the following points as highlighted in (i) to (v) below:

(i) **The Brief**

The Committee questioned the scope for interpretation and the flexibility within the design process to achieve the best results for the City. In response, the Interim Managing Director advised that as the 'client' seeking development, the Council had put forward its firm requirements and aspirations for the site in the usual approach taken by any client, but it had not prescribed how the architect would achieve this; the Brief provided the scope for architects to bring their expertise forward. It was acknowledged that there had been more investigations than envisaged necessary within the process and issues regarding massing and problem solving which the process was designed to 'flush out', but the competitive dialogue process was not considered flawed as a result. It was noted that the Council may need to chose a different starting point which could be amended next time around, but that a great deal had been learnt from this process which he acknowledged had been time-consuming and costly.

In response to queries raised regarding the movement strategy and traffic impact, it was noted that in order for the Hampshire County Council to address this matter, they would require direction from the Council on what it wanted to achieve; this was not a static process.

The Committee were informed that as landowner, the Council was entitled to bring forward its own proposals and there were aspirations and responsibilities on the Council to deliver development proposals for the Station Approach area. Officers highlighted that it was not a requirement

for the Council to provide a masterplan on an area it owned and of which it possessed a good understanding. Several Members considered that a masterplan would help to inform the Brief for this particular site but noted that it would be a matter for Council to determine how it progressed with the process going forward.

The Committee queried the process for the Brief being prepared. Councillor Godfrey reminded the Committee that this involved the Council and the community. He emphasised that Councillor Byrnes had attended a series of public workshops during 2014/15 which had been very successful in bringing forward the views of local residents, businesses and stakeholders. This had led to the initial Brief and the Station Approach Panel then developed the Brief which reflected the broader range of views.

Members made reference to the figures quoted in the Brief and noted that these had come as a result of the analysis carried out by the Head of Estates and Regeneration of market demand for Grade A office space and work carried out to assess this. This demand would remain going forward and the level of provision was considered a reasonable number to meet requirements. The Council viewed the Carfax and Cattle market sites as two related areas to accommodate purposeful development to serve the economic community. Work would be carried out with architects to assess how the uses would be distributed across the two sites.

A Member queried the three parking assessment methods and why the process resulted in the Council looking at higher levels of parking? In response, the Assistant Director (Policy and Projects) advised that the Council's parking standards only applied to residential development. The three parking assessment methods were based on the work carried out by urban flow, in conjunction with the Tibbalds report and surveys undertaken.

In conclusion of discussion, the Committee agreed that the following additional points be drawn to the attention of Cabinet:

- (1) That the lack of a masterplan and movement strategy before creating the brief had led to public and Member concerns about the project;
- (2) That the new project should not proceed until the Brief has been reviewed and tested;
- (3) That clearer evidence of public opinion/views be sought in the process; and
- (4) That workshops be carried out with the public before the Brief is written, with the involvement of the architect chosen to deliver the project.

(ii) The Competitive Dialogue Process

Members questioned the scoring system and how this was developed? The Interim Managing Director emphasised that this was not prescriptive across the area and that the Car Parking Strategy was reflected. No further marks had been given for public parking provision over and above that specified in the Brief. There were three ways of calculating the requirements for private parking and they related directly to the quantum of development. There were no marks available to a design simply for adding parking spaces to the development proposals without justification.

Councillor Godfrey outlined that the criteria had been set by the Station Approach Panel as part of the whole Design Brief and subsequently considered by Cabinet. However, the implications and interpretations that had emerged from the process had not been expected and the Council would take this on board.

Members queried the 'gateway' 20% return on investment that was set to ensure that any scheme would be viable in the commercial market place. Officers highlighted that this requirement had been an integral part of procurement process, in order to test commercial viability of the proposed scheme.

During debate, Members considered that the process going forward needed to be transparent and concise about what was to be achieved. The competitive dialogue process had provided limited scope for public involvement until later in the process. The Committee emphasised that the model had not included adequate scrutiny of the process to test the Brief and that this needed to be built into the project going forward, along with a requirement to ensure scoring systems were formally and rigorously scrutinised.

In conclusion of discussion, the Committee agreed that the following additional points be drawn to the attention of Cabinet:

- (1) That better methods to balance the public realm and financial requirements for projects needed to be achieved to allow trade-offs to be considered; and
- (2) That it was unlikely that Members would support a competitive dialogue process in future and that the process to scrutinise Major Projects be reviewed.

(iii) Jury Process

Members questioned the requirements of the confidentiality agreement and the use of a jury in the process going forward. The Head of Legal and Democratic Services emphasised that legal advice had been obtained, with a firm recommendation that jury members should be required to enter into such an agreement. The Interim Managing Director confirmed that although the next process would involve a Panel to recommend the architects appointment to Cabinet, this would not take the form of a jury. The process moving forward had been considered and agreed at the last meeting of Full Council, with the comments from the Committee going forward to Cabinet for consideration in due course.

During debate, Members passed on their gratitude to the design jury for their time given throughout the process and considered this was a useful tool, with much to be learnt from the jurors.

In conclusion, the Committee considered that the lessons learnt within the Jury Process, as set out in the report, to be adequate.

(iv) Legal Issues

A Member considered that the process had become 'fixated' in procurement and that adequate legal advice was available internally which omitted the need to seek the degree of external advice sought in this instance. In response, the Head of Legal and Democratic Services stated that the Council would have to take account of all possible issues that arise.

In conclusion, the Committee considered that the lessons learnt within Legal Issues, as set out in the report, to be adequate.

(v) Traffic and Transport

The Committee considered this to be a major element in the process and the Interim Managing Director expressed the concerns of how transport issues had been addressed via the design. In response to questions regarding the Air Quality Management Area, it was noted that a correct response to this matter could not be known at the start of the process but it was recognised in the Brief that any impacts would have to be mitigated within more detailed proposals.

The Committee considered that both a movement strategy and a traffic impact assessment should be carried out to minimise problems occurring in future. It was noted that the Council were currently working with the County Council to determine a timetable for a traffic impact assessment and wider movement and transport study. This should be available in



approximately six months and could run alongside the process once broad parameters were known.

The Committee considered that on sites where traffic and air quality were important issues relating to the site, a movement study should be completed. Access and movement were key issues and there was a need to improve the situation and not just mitigate it.

In conclusion, the Committee agreed that the following additional points be drawn to the attention of Cabinet:

(1) That as a key issue, Air Quality be considered, wherever relevant, in specific projects.

RESOLVED:

1. That the contents of the End Stage Report be noted;
2. That the 'lessons learnt' section of the report be endorsed, subject to the additional points as set out in (i) and (v) above; and
3. That Cabinet have regard to the comments and additional points of the Committee, as set out above.

The meeting commenced at 6.30pm and concluded at 10.10pm.

Chairman