

REPORT TO EXECUTIVE 19 NOVEMBER 2007
CITY COUNCIL 27 NOVEMBER 2007

REPORT BY: CITY SOLICITOR & ACTING STRATEGIC
DIRECTOR, ENVIRONMENT AND TRANSPORT

&

STRATEGIC DIRECTOR, CORPORATE
RESOURCES & SERVICES

WRITTEN BY: TONY MARGRAVE

Heading LAND AT FORT CUMBERLAND ROAD,
SOUTHSEA

1.0 Purpose of report

To recommend that the council approve recommendations (A) and (B).

2.0 Recommendations:

That the Council

- (A) Accepts the offer made by QinetiQ Limited and referred to in 3.7 for a variation in the rights enjoyed by that company over the Council's land.

And

- (B) Appropriate from general purposes, to highway purposes, two sections of land located along the line of the areas shown coloured in grey, and cross-hatched in black on plan 2 accompanying this report (inclusive of the area covered by all highway works constructed along this line), once the two sections have been made up to adoptable standard at the expense of QinetiQ (or its successors) to the satisfaction of the Head of Transport and Street Management, once all moneys have been paid to the Council by QinetiQ (or its successors), for the future maintenance at public expense of these two sections.

3.0 Background

- 3.1 The Council is the freehold owner of the land shown edged in black ("the Council's land") on the plan. QinetiQ Limited owns the land shown hatched in black ("the development site") on plan 1 accompanying this report. The Council's land is encumbered by covenants and QinetiQ has the benefit of those covenants.

- 3.2 Application was made by QinetiQ Limited (application DA:A*26996/AP) on 28 April 2005 for permission to redevelop the development site to provide 131 residential units (a total of 13,300sqm gross external floorspace) accommodated in three new build blocks; Block A, Part 7, Part 6, and Part 5 storey (7,400sqm); Block B, part 6, Part 5, and Part 4 storey (3,500sqm); and Block C, Part 5, Part 4, and Part 3 storey (2,400sqm); together with construction of associated car parking, provision of means of access (including access road from Fort Cumberland Road) and landscaping works (including esplanade)
- 3.3 The application was considered by the Development Control Committee on Wednesday 30 November 2005, and it was resolved that on completion of a planning agreement under section 106 of the *Town and Country Planning Act 1990* (“the Planning Agreement”), and an agreement under section 278 of the *Highways Act 1980* (“the Highways Agreement”), delegated authority be given to the head of Planning Services to grant outline planning permission subject to detailed planning conditions being formulated by him covering all matters listed in the report together with any amendments or additions he considers necessary.
- 3.4 The Planning Agreement will provide for:
- (A) the provision/retention of 33 units of affordable housing, nineteen of which will comprise social rented properties, eleven will be for shared ownership and three for intermediate/key worker occupation. Of that total number (33) thirteen will comprise 1-bedroom units with a minimum floorspace of 47 m², thirteen will comprise 2-bedrooms units with a minimum floorspace of 65m², and seven will comprise 3-bedrooms units with a minimum floorspace of 78m².
 - (B) a financial contribution of £70,000 towards off-site cycle network improvements (that sum to be payable on first unit occupation of any part of at least two of the blocks);
 - (C) improvements to flood/sea defences in accordance with a scheme to be agreed with the Council shall completed before first occupation of any part of the development and shall thereafter be maintained;
 - (D) the provision and management of the area south of Fort Cumberland (to include controlled public access);
 - (E) the provision and maintenance of publicly accessible open space to the west of Fort Cumberland and the provision and maintenance of an equipped play area between Blocks A and B;
 - (F) a financial contribution of £2,500 towards the provision of an appropriate reference/history board/panel on the site; and
 - (G) A bond to ensure future maintenance of (D) and (E)
- 3.5 QinetiQ has access to the development site by way of:

- (A) local roads, in part maintained by the Council under the *Highways Act 1980* (Category 1 roads), such as Henderson Road, Gibraltar Road, and Lumsden Road;
- (B) local roads owned by the Council and held by the Council for general purposes (Category 2 roads, within the Leader's portfolio) but which the Council has no statutory duty to maintain, such as Fort Cumberland Road; and
- (C) a metalled track across the Council's land ("the easement track") running from Fort Cumberland Road, to the development site. This is coloured in grey on plan 2. QinetiQ has the right to use the easement track.

3.6 The Highways Agreement will require the construction of the access road (the easement track and a cycle track, which is to be added to the access), works at the junction of same with Fort Cumberland Road, and improvements to a section of Fort Cumberland Road to Lumsden Road. These are the sections shown in grey and cross-hatched in black on plan 2. QinetiQ requires that these sections to be made up to adoption standard to the satisfaction of the HT&SM and that they then be adopted. QinetiQ (or its successors in title to the development site) will meet the cost of bringing these two sections of land up to adoption standard, and will also pay the necessary moneys to provide for their future maintenance.

3.7 QinetiQ has offered to pay to the Council a consideration for a deed of variation of the original easements, and it has also offered to release the Council's land from the covenants referred to above. It has also voluntarily agreed to take on an additional obligation (for inclusion in the Planning Agreement), that the controlled public access (3.4 (D) above), can be linked to a similar foot / cycle path on the land to the east of the development site, should that ever prove to be possible. The Head of AMS is of the opinion that this offer not only enables an important development to take place, but also generates a receipt for the Council, coupled with a proposed unencumbered freehold title.

4.0 Legal Advice

This report has been considered by the City Solicitor for legal issues.

5.0 Financial Implications

As detailed in the exempt appendix

6.0 Conclusions

It is in the interests of the Council to adopt the two recommendations.

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Michael Lawther, City Solicitor & Acting Strategic Director, Environment and Transport

5. Access to Information

Background List of documents:

Section 100D of the Local Government Act 1972 - None

Title of Document

Location

The recommendation(s) set out above were approved/approved as amended/deferred/rejected by the [Executive] [Executive Member] on [date]

Signed

[Title of the Leader of the relevant executive member]