

RAPLEYS

Hearing Statement
Summerbrook Limited (Representor Ref: 51989)
**WINCHESTER LOCAL PLAN
PART 2 EXAMINATION
MATTER 15 WINCHESTER
TOWN POLICIES WIN11**

16 June 2016
Our Ref: 1088/63/1

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1 INTRODUCTION

This statement has been prepared on behalf of Summerbrook Limited in response to Inspector's Matter 15 Winchester Town Policies WIN5-11.

This statement relates specially to Policy WIN11, and responds to the following Inspector's questions:

1. Are the policies and proposals for growth and change in the area appropriate and justified, including in relation to the NPPF/PPG, and in terms of environmental, economic and social impacts?
2. Are they clear and deliverable, including in respect of the associated infrastructure requirements?

As stated in the previous representations, dated 17 December 2015, to the pre-submission Local Plan Part 2 consultation, our client is the freehold owner of Winchester Trade Park ('WTP') to which this statement relates. The extent of the ownership, as identified on the site location plan is attached at **Appendix 1**. WTP is located in the proposed Winnall Planning Framework sub area 2 (policy reference WIN11.2), under Policy WIN11. Our representations seek an appropriate policy framework for WTP so as to ensure that our client's ongoing and future operational needs are met and their growth and enhancements which contribute to the local economy are supported.

2 BACKGROUND

WTP lies on Eastern Lane, and the site extends approximately 1.2 hectare, currently comprising 16 purpose built units, in four separate blocks. The park has been in operation since 2002, and is occupied by a mix of class A1 retailers and the class operators including trade counters. The retail element has evolved from trade counter operations over time and has been regularised and established, following our clients ownership under planning permission (ref: 12/01435/FUL).

As described in the previous representations, WTP lies in an area dominated by commercial and employment generating uses outside Class B uses, including retail.

Summerbrook manages WTP and continues to invest in the ongoing maintenance and enhancement of the site, in order to ensure that WTP maintains a high level of occupancy and continues to thrive as a major contributor to the local economy. Accordingly, a positive planning policy framework for the area is essential for the ongoing operation and future of Winchester Trade Park and its growth.

Against the background, the following representations are made in response to the Inspector's questions in respect of Policy WIN11.

3 REPRESENTATIONS

Are the policies and proposals for growth and change in the area appropriate and justified, including in relation to the NPPF/PPG, and in terms of environmental, economic and social impacts?

Are they clear and deliverable, including in respect of the associated infrastructure requirements?

PRINCIPLE OF POLICY WIN11 IN RELATION TO SUB AREA 2

As stated in the previous representations, we support the principle of the Winnall Planning Framework for sub-area 2 in Policy WIN11 as it adopts a flexible approach in allowing employment degenerating uses outside of the B1, B2 and B8 class uses. We consider that the policy which supports economic growth and change in the area is appropriate and justified on the basis of the following.

The strategic vision for Winnall relative to economy, as set out in Winnall Planning Framework ('WPF') (Ref: EBWT11), seeks to ensure that Winnall will cater for a range of employment activities and will be a place for continued investment and success. The objectives to achieve this vision include:

- Improving the area in order to reinvigorate the employment area so that it can respond to changing economies, including new businesses and businesses wishing to grow and requiring space, and
- Encouraging businesses already in presence to be retained and to continue economic investment.

As such, the flexible approach towards non-B class employment generating uses adopted the Winnall Planning Framework sub-area 2 is justified as there is a clear economic vision for Winnall in the future. This is consistent with the NPPF which requires Local Plans to positively and proactively encourage sustainable economic growth (paragraph 21) to allocate site to promote development and flexible use of land (paragraph 157).

WPF (ref: EBWT11) identifies the area along Easton Lane, including WTP, as a new 'civic boulevard'. This corridor, including WTP, is dominated by non-B class employment generating uses. Furthermore, WPF acknowledges that around half of all premises in the Winnall Industrial Estate are in retail and trade use and most of these are located along or off Easton Lane, as it is generally accepted as a relatively good location for these types of activities for reasons including compatibility with surrounding use type. The document recommends that "Easton Lane is defined as a retail and trade corridor without precluding employment uses coming forward in this location", on the basis that these uses are spreading beyond the immediate Easton Lane frontage.

Therefore, there is evidence and clear justification for the designation of sub-area 2, which reflects the existing character and operation of the area and recognises the contribution the existing retail and trade use makes to the area along Easton Lane. Retail and trade use in the area, including WTP, is well established and longstanding, with retailers operating for a number of years. Therefore, the principle of Policy WIN11 in relation to sub-area 2 is appropriate, rather than seeking to safeguard the area for traditional B class employment uses only, as such safeguarding would be impediment to the economic growth of the area, where the operation of non-B class occupiers are established and market demand such uses continues to exist. This is consistent with the NPPF which advises at paragraph 21 that existing business sectors are supported, taking into account whether they are expanding or contracting, and that policies should be flexible enough to accommodate needs not anticipated in the plan and to allow for a rapid response to the changes in economic circumstances.

WORDING OF POLICY WIN11

Notwithstanding our view that Policy WIN11 in relation to sub-area 2 is appropriate and justified in principle, we **object** to the wording of Policy WIN11 of the following reasons.

The first paragraph of Policy WIN11 states that “the Council will continue to apply policy CP9 in Local Plan Part 1”, which provides a stringent requirement to provide justifications for the loss of existing and allocated floorspace specifically within Classes b1, B2 and B8. WPF (ref: EBWT11) recommends “*reinforcement of Policy CP9 in Local Plan Part 1, seeking to protect and retain employment land premises through the promotion of an ‘employment first’ approach to the proposal in the Moorside Road area.*” However, this approach is not specifically recommended for the Easton Lane area. Therefore, Policy CP9 should not be applied to the consideration of proposals in sub-area 2, as it conflicts with the objective of Policy WIN11 to adopt a more flexible approach to support economic growth by allowing employment generating uses outside of the B1, B2 and B8 use classes.

The NPPF requires that Local Plans should set out the opportunities for development and clear policies on what will or will not be granted (paragraph 154). Therefore, in order to remove the ambiguity, we consider it necessary to include an exception to Policy CP9 in Policy WIN11 in relation to proposals within sub-area 2.

In addition, the policy criteria for sub area 2 are considered to be onerous or ambiguous, as stated in the previous representations as follows:

The second paragraph of sub-area 2 policy: It requires “all new development, including changes of use” along this corridor to demonstrate the five criteria set out in the policy. We object to this sentence as it is onerous for “all” development proposals, including minor alterations and extensions, to demonstrate and satisfy the requirements. We consider that “where appropriate” should be included in the sentence to ensure that the application of the criteria can be considered based on the nature, type and scale of the proposals.

Criterion i): It is onerous to seek the provision of “a range of employment opportunities” as the diversity of employment opportunities may or may not exist, depending on the nature of operators and type of employment floorspace proposed. As such, the criterion should be amended to seek “the provision of employment opportunities.”

Criterion ii): The term, “tangible” improvements to public realm, is ambiguous. In addition, the improvements to public realm should only be expected where appropriate within the site, and should be sought depending on the nature and scale of the development proposed. As such, we consider that this criterion is onerous and should be deleted.

Criterion iii): We consider that the requirement for active frontage on to Easton Lane is inappropriate, as the design and layout and orientation of new buildings or alterations to existing sites are guided by operator requirements and the site context. Therefore, active frontage onto Easton Lane should not be a requirement, and the criterion should be amended.

Criterion v) Whilst we do not object to the principle of requiring retail use to apply a sequential approach, we object to the requirement for evidence that the use requires an out-of-centre location, as this is not in line with the NPPF. The NPPF requires applications for out of centre retail proposals to demonstrate that no suitable sites are available in main town centre location and edge of centre sites. As such, it is also unnecessary and unclear to require the consideration of “a sequentially preferable location” without any definition. We therefore request that this criterion is amended to ensure consistency with the NPPF.

The last part of Policy WIN11: It requires “all proposals” to maximise opportunities to create or improve pedestrian/cycle links and to create or improve creation and green space opportunities in the area. This should not be a requirement for all proposals as such requirements should only be sought where it is appropriate, practically feasible, and proportionate to the scale and type of proposals.

Overall, it is considered that ambiguous and unnecessarily onerous requirements would not facilitate or encourage the businesses/uses already in presence to be retained and make investment towards improvements to the facilities. Fundamentally, such requirements could make development proposals unviable, which is contrary to the NPPF which seeks to ensure that the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened (paragraph 173).

WORDING OF POLICY WIN11

On the basis of our representations above, we consider that the wording of Policy WIN11 should be amended as follows:

First sentence: Within the Winnall area **except for sub-area 2**, as shown on the Policies Map, the Council will continue to apply policy CP9 with the exception that it will remain as the main employment area in Winchester Town.

Sub-area 2: In sub-area 2, along Easton Lane, the Council will adopt a more flexible approach in allowing employment generating uses outside the B1, B2, and B8 Use Classes. **All Where appropriate**, new development, including change of use, along this corridor will be expected to:

- i) Provide ~~a range of~~ employment opportunities;
- ii) ~~Provide tangible improvements to public realm;~~
- iii) **Where practically feasible**, ~~Provide~~ provide an attractive, active frontage which ~~properly~~ addresses the street and avoids bland rear / side elevations onto Easton Lane;
- iv) Provide parking for staff and commercial users to meet the requirements of the proposed development;
- v) Where new ~~trade or~~ retail use is proposed, provide evidence to show ~~that the use required an out-of-centre location and~~ that a ‘sequential approach’ has been applied to demonstrate that the use could not reasonably be accommodated in the town centre ~~or in edge of centre, or a sequentially preferred location.~~

Last sentence: “ **Where appropriate, practically feasible and viable**, ~~All~~ proposals should maximise opportunities to:...”

4 CONCLUSION

As noted above, we support the principle of the Winnall Policy Framework under Policy WIN11, and flexible approach taken in relation to sub area 2, which is considered to be appropriate and justified as demonstrated above. However, we consider that the wording of Policy WIN11, particularly policy requirements, are ambiguous and unnecessarily onerous, which is not justified or consistent with national policy. Consequently, for the soundness of the Plan, we consider that the wording of the policy should be amended, as stated above.

We respectfully request that our client’s representations will be fully taken into consideration in the examination.