

A Submission by Kim A Gottlieb (representor no: 52024)
For the Winchester Local Plan Part 2 Examination
Regarding Silver Hill – **Policy WIN4**

1. This note is supplementary to the representation made by email (only) on 20th December 2015, which was submitted on behalf of Cllr Rose Burn and me. I copy the email below, but would reiterate that its purpose was to seek;
 - The removal of the requirement that the architecture for any new development needs to be “contemporary”,
 - A downgrading of the requirement to include retail uses within any proposed development,
 - A clarification of the word “comprehensive” so that it should include piecemeal development under the framework of a master plan, and
 - A promotion of the requirement to enhance the public realm, and
 - A raising of the status of potential archaeological assets in the context of any new development, and an acceptance of its potential exploitation by means of its display or sensitive incorporation.
2. Since my email was submitted, the Council has submitted “Background Paper 3 – Silver Hill, Winchester” dated March 2016.
3. Paragraph 2.3 requires clarification. The Planning Committee resolved to approve the ‘2014 scheme’ in December 2014 but no Section 106 Agreement was agreed and no planning permission was issued.
4. Paragraph 2.5 also requires clarification. Henderson has withdrawn its appeal to the 2015 Judicial Review Judgment, and the facts of the Council’s unlawful conduct in accepting the changes to the ‘2009 scheme’ are uncontested. Furthermore, it is not just the CPO which has lapsed, as of March 2016, but also the 2009 planning permission too, as of February 2016.
5. Following the issue of the Judgment in February 2015 Henderson, with the Council’s agreement, did attempt to realise the 2009 scheme. The fact that it failed to achieve this over the subsequent twelve month period, is more of a reflection on the inherent defects of the proposal than of the legal conflict in the background.
6. The conclusion at paragraph 7.1 which says that Silver Hill is still needed “as a source of substantial new retail floor space” is contested. Elsewhere in the paper it is suggested that retail accommodation at Silver Hill will not be available until the “latter part of the Plan period” (paragraph 5.26), and that it is not needed to provide for additional space considered to be required in the short term.
7. This conclusion fails to acknowledge how the entire retailing sector, and requirements for retail floor space, have been completely revolutionised by the

internet in recent years. Five years ago very few people could predict where we are today, with virtually all the main supermarkets and most other major retailers either completely halting or curtailing their expansion plans. It simply is not possible for the City Council to make any predictions about what the city's retail requirements will be in five years' time, ie in the "latter part of the Plan period". Any attempt to do so would be unreliable and unsound.

8. The conclusion at 7.7 indicates that the Council will be proposing changes to policy WIN4, and as long as that includes all references to retailing I would be content.
9. Paragraphs 6.5 and 6.6 refer to the establishment of a new 'task and finish' group to produce a Supplementary Planning Document for Silver Hill and its environs. It has since been decided that this group will not be Cabinet-led but a cross-party group of councillors. I have been invited to chair the group, but as it has not yet met in formal session I cannot speak on its behalf. I can, however, say that given the long history of unsuccessful attempts to regenerate this site and the controversy that various proposals have attracted, it is essential that WIN4 is made as open and as flexible as possible, and that all prescription should be avoided.
10. The draft remit for the new group says that it is "to produce a Supplementary Planning Document (SPD) that Cabinet could subsequently recommend for adoption by the Council. The SPD should set out the detailed aims and objectives for regeneration of central Winchester (as defined by the red line on the accompanying map) guided by the adopted planning policies in the Local Plan. This SPD should have the broad support of Winchester's residents, businesses and public service providers. It should be commercially realistic and capable of implementation within a realistic timeframe".
11. By way of background I would add that I became a member of the Royal Institution of Chartered Surveyors in 1983, and have been involved in commercial and residential property development, both as an advisor and as a principal, throughout my professional career. I became a Winchester City Councillor in May 2011 representing the ward of Itchen Valley and, in May 2016, was elected as one of three councillors for the newly formed ward of Alresford and Itchen Valley. I have closely followed the progress of Silver Hill since 2011 and, in January 2015, successfully pursued a Judicial Review against the City Council for their acceptance of proposed changes to the scheme consented in 2009, which were judged to have breached the relevant procurement regulations.

Kim A Gottlieb
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21st June 2016

COPY OF SUBMISSION DATED 20.12.2015

From: Kim A Gottlieb

Sent: 20 December 2015 09:01

To: 'SOpac@winchester.gov.uk' <SOpac@winchester.gov.uk>

Cc: RBurns@winchester.gov.uk; 'LPP2@winchester.gov.uk' <LPP2@winchester.gov.uk>

Subject: LPP2 - Silver Hill representation

Dear Steve

I write, on behalf of myself and Cllr Rose Burns, to seek amendments to the references and proposals relating to Silver Hill, as presently set out in draft Local Plan Part 2. In all the circumstances the policy and supporting text cannot be considered to be 'sound' in planning terms. Whether or not the Council accepts these changes, I would be grateful if you could ensure that the Inspector considering the adoption of LPP2 is made aware of this representation. I would be grateful if you could confirm that this will be done.

The changes being sought have the objective of ensuring that the eventual development of this site is carried out in a way that is sensitive to the particular characteristics and future needs of the city.

We would seek the deletion of paragraph 3.7.12. The data establishing the future retail needs for Winchester can no longer be considered to be robust. The whole retail sector has fundamentally and rapidly changed in recent years and it is expected to continue to do so for some years to come. The impacts of these changes are not fully understood, but one consequence that is certain is that the volume of floor space required to provide retail services is now considerably less than it used to be. Another thing that is certain is that retail centres increasingly need to find a purpose or a feature that distinguishes them from other centres, in order to enhance their competitiveness. In Winchester's case that feature is its high street which is reputedly to be the oldest in northern Europe. It is a well-functioning and very attractive high street but it is already under considerable stress. In the evidence submitted by the Council to the CPO Inquiry in June 2012 it was admitted that the proposed Silver Hill development would draw a significant amount of trade away from the high street. That potential adverse impact would have increased in the period since the Inquiry because of shrinking retailer demands which are very clearly evidenced.

The amount of new retail space proposed in Silver Hill is not enough for Winchester to match the size of the major retail centres in Southampton and Basingstoke. It was never was and never could be the case that Winchester would become a major retail centre to compete with those centres by virtue of its scale and range of multiple retailers. It thus follows that damaging the one feature that distinguishes Winchester as a retail centre, ie its high street, as would occur if Silver Hill was built as proposed, would be to diminish the whole city's retail offering and attraction.

It would be reasonable to provide within policy that retail uses would be acceptable but not to indicate that they are a requirement, such that any future development proposal without a retail provision might be deemed unacceptable.

In the preamble to Policy WIN4 the word “comprehensive” needs clarification, if it is not already the case in either general or specific policy. Whilst it is accepted that the whole area needs to be regenerated, “comprehensive” must be allowed to mean either by way of a single development or by a series of developments under the framework of a masterplan for the locality, which has yet to be devised. By its approval of the revised Henderson proposal in December 2014, the Council acknowledged that the nature and volume of civic uses may be very different to those included in the scheme approved in 2009. As such there is no longer any imperative for the development to comprise a single entity, so that the non-commercial uses will be subsidised by the commercial uses proposed. This was the argument put forward at the CPO Inquiry by the Council and it is no longer valid. The reality is that both affordable housing and a new bus station should be regarded as self-financing ‘commercial’ uses. It is also the case that elements of the existing site, including Coitbury House, the St Clements surgery and the Sainsbury unit may be retained and included within the overall development. There is no imperative that these buildings should be demolished and there may be considerable townscape and financial advantages in retaining them.

Paragraph (ii) of Policy WIN4 needs to be amended and the word “contemporary” to be deleted. Any proposals coming forward do need to be of a high quality design, but to require that it must be a contemporary design is unduly prescriptive and not in the best interests of either the city or planning policy.

Paragraph (iii) of Policy WIN4 refers to the long distance view from St Giles Hill. Whilst it and other long distance views are important what has not been mentioned, and should specifically referred to, are the short distance. The most important of these is that from within Friarsgate from where the most public view of the proposal is afforded. The policy should go further and provide that any proposals coming forward should be so designed to give Friarsgate a ‘front of house’ appearance, with an active frontage and a high degree of permeability to the development/s behind. Also requiring much further consideration are views of the Cathedral where any new proposal may be viewed in conjunction with it. Protecting views of the Cathedral and its setting must be considered as a primary objective.

Paragraph (iv) needs to be expanded upon and the requirement for an enhanced public realm to be made a key feature of any new development/s. Similarly, it should be made a clear requirement that the brooks within the site should be opened up and restored, and made a feature of any development. Water courses generally and the broader impact of any new development upon them must be regarded as a significant constraint.

It should be stipulated in policy that, in addition to Woolstaplers Hall, the Antique Market within King’s Walk should be retained, restored and incorporated into any new development. The objective set out in the 2003 Planning Brief that required that Woolstaplers Hall be regarded as the dominant building on the site in terms of height, should be re-introduced and strengthened.

The 2003 Planning Brief also envisaged that the archaeology on the site would be investigated prior to the layout of any future development being fixed. This objective should also be re-introduced and strengthened with a definitive statement that the scale, nature and layout of any proposal will be dependent upon the archaeology that is revealed

and that no percentage destruction will be permitted. Since the 2003 Planning Brief was produced the Council's archaeology department have acknowledged that the Roman and Medieval remains are likely to be of national significance. There are thoughts that features that may be found, such as potentially the Roman baths, may be of international significance. In view of this and of the limitations of desktop studies it must be enshrined within policy specific to this site that a full intrusive excavation is undertaken, before any consideration is given to any planning applications.

The Council should then take a step further and, instead of allowing the archaeology to be covered over, adopt the objective of exposing the archaeology for the benefit of the present generation and, if feasible, look to include any significant remains within an exhibition centre in situ. If that can be achieved it would form the centrepiece of any new development, and would very significantly benefit the city in many different ways.

We believe that the above amendments are necessary to ensure the soundness of LPP2, and we intend to submit further information to the Inspector and to attend the examination to explain how it might be put into practical effect.

We look forward to your acknowledgement to this email.

Regards Kim

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For Itchen Valley
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