

HEARING STATEMENT

In respect of

**WINCHESTER DISTRICT
LOCAL PLAN PART 2
EXAMINATION**

**WINCHESTER TOWN
POLICIES WIN1-4**

On behalf of

TESCO STORES LIMITED
(Representor No.51960)

RPS CGMS REF: MB/19606

20 JUNE 2016

Secure & Stable
ADDING VALUE

QUALITY MANAGEMENT

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CONTENTS

1 INTRODUCTION 3

2 SUMMARY OF REPRESENTATIONS TO PRE-SUBMISSION DRAFT PLAN 4

3 LEISURE CENTRE ISSUES AND SETTLEMENT BOUNDARY 6

4 HOUSING NEED AND SUPPLY ISSUES 9

5 CONCLUSIONS 11

6 RESPONSE TO INSPECTOR’S QUESTIONS 12

APPENDICES

APPENDIX 1 – SITE OWNERSHIP PLAN

**APPENDIX 2 - WINCHESTER DISTRICT STRATEGIC HOUSING LAND AVAILABILITY
ASSESSMENT (SHLAA) – SEPTEMBER 2015 UPDATE EXTRACT**

1 INTRODUCTION

- 1.1 This Statement has been prepared in support of a forthcoming appearance at the Winchester District Local Plan Part 2 (LPP2) Examination on behalf of Tesco Stores Ltd (Tesco) in respect of Winchester Town policies WIN1-4 (Matter 14).
- 1.2 The Inspector has posed two principal questions in respect of Matter 14, viz:
- i) Are the policies and proposals for growth and change in this area appropriate and justified, including in relation to the NPPF/PPG, and in terms of environmental, economic and social impacts?
 - ii) Are they clear and deliverable, including in respect of the associated infrastructure requirements?
- 1.3 The Examination Programme Officer has clarified that participants wishing to discuss issues that are specific to a settlement are allocated to the relevant settlement session but that wider discussion is permitted on matters such as land availability and settlement boundaries.

2 SUMMARY OF REPRESENTATIONS TO PRE-SUBMISSION DRAFT PLAN

- 2.1 We briefly set out below a summary of our representations to the Pre-Submission draft plan dated December 2015. Objections were raised to paragraphs 3.3.1 and 3.6.4, Policy DM1, and the Policies Map in respect of Bar End.
- 2.2 In reference to draft paragraph 3.6.4 we welcomed the recognition of the suitability of Bar End as the only option for a new leisure centre. However, we understand the Council's preference is for Option 5 (the 'back site'). We do not consider there is any planning justification for this given it is recognised in the 9 September Cabinet Report that 'Option 4 (the 'front site') would have a *"similar profile to Option 5 for the facility itself"*. We therefore maintained that LPP2 should identify sites at Bar End with development potential to accommodate a new leisure centre. This should include the Option 4 site as the planning reasons for omitting it have not been conclusively made.
- 2.3 In respect of draft Policy DM1 we stated that LPP2 should not be considered sound if it does not allocate a site(s) for the new leisure centre. The existing leisure centre and the Option sites at Bar End remain allocated as countryside in LPP2. Draft policy DM1 states that only development appropriate to a countryside location will be permitted in such areas as specified in Part 1 policies MTRA4 and MTRA5 and draft DM policies 9-12. None of these policies appear to advocate a substantial new building/structure in the countryside. The countryside allocation should therefore be removed for these sites with redevelopment potential adjoining the built up area of Winchester. LPP1 Policy WT1 sets out that the spatial planning vision for Winchester will be achieved through, inter alia, *"development and redevelopment of existing premises and sites and other opportunities within and adjoining the defined built-up area of Winchester..."*
- 2.4 In response to paragraph 3.3.1 we contended that LPP2 should allocate more sites for residential development, such as part of the Tesco site at Bar End, adjoining the defined built up area of Winchester and the former Bar End Depot, in order to reduce reliance on windfall development and to ensure the Council can meet its Objectively Assessed Housing Needs.
- 2.5 As a consequence of these representations we considered the Policies Map should be amended so that part of the Tesco site at Bar End be removed from the countryside designation to reflect its redevelopment potential either to facilitate the delivery of a new

leisure centre or for future residential development. The site lies in a sustainable location and forms part of the 2015 SHLAA Update which identifies it for 108 dwellings between 2025-30; i.e. within the Plan period. The northern part of the Tesco site at Bar End adjoins the former Bar End Depot land which itself offers redevelopment potential (but is not allocated in LPP2). We considered the development potential of this part of the site should be reflected in the LPP2 allocations.

3 LEISURE CENTRE ISSUES AND SETTLEMENT BOUNDARY

- 3.1 Tesco own the site known as The Garrison Ground, off Bar End Road, Winchester, and currently lease it to Winchester City Council. I am advised by Tesco that the lease to the Council is excluded from the Landlord & Tenant Act 1954 and is due to expire in March 2022 with landlord break clauses every 6 months.
- 3.2 The various land ownerships at Bar End are reflected in the Plan which forms **Appendix 1**. The Garrison Ground was promoted in the Council's Strategic Land Availability Assessment (SHLAA) Update (September 2015) under site reference 2417 as suitable for 108 dwellings towards the end of the Plan period (**Appendix 2**). It has also been actively promoted as a suitable location for the proposed new leisure centre until the Council opted in September 2015 to pursue a site to the east of the University athletics track (known as 'Option 5').
- 3.3 Option 4 (the 'front site') for a new leisure centre comprised the WCC former depot and Garrison Ground, with Option 5 (the 'back site') comprising WCC, Kent City Council and University of Winchester land to the east of the existing athletics track.
- 3.4 An earlier report to Cabinet in December 2014 considered that:
- "Options 4 and 5 at Bar End are both shown to be feasible as a location for a new facility. The problems for provision at Bar End remain as cost (both in terms of the loss of potential development income from other uses of the Bar End depot, and of acquiring land from Tesco and/or the University), land assembly (including dealing with the fact that some of the land required for Option 5 is subject to restrictions from its status as a King George V playing field) and potentially planning. However, these should be explored further to test how they might be resolved."*
- 3.5 The Tesco option was however seemingly dismissed when it was next reported to Cabinet in September 2015 as it would *"use more of the existing depot land and the need to acquire land from Tesco would add to the cost substantially"*. This was despite the conclusion that *"Option 4 would have a similar profile to Option 5"*.
- 3.6 The Cabinet Chairman went on to state that *"Option 5 would allow the Garrison Ground to be safeguarded for the foreseeable future as it was not required for the leisure building and the Council was investigating whether it could purchase it"*.

- 3.7 A further report was presented to Cabinet in March 2016 to provide an update following a targeted consultation on the leisure centre options. This established that no firm conclusions have yet been reached despite discussions progressing with Winchester University, Hampshire County Council, and other partners. That report did however establish that:
- It would be necessary to reach agreement with Hampshire County Council regarding use of land in their ownership for the Council's preferred option;
 - There would be a requirement to relocate the existing University synthetic pitch onto playing field land;
 - A new leisure centre would require substantial partnership funding with project costs estimated at £29m;
 - Refurbishment of the existing River Park leisure centre cannot increase the quantity of facilities and is therefore not the preferred option;
 - There are a number of unresolved issues relating to land use, access and legal status at Bar End;
 - There is no guarantee of external funding;
 - Discussions with Tesco have not reached a conclusive position;
 - There was apparent confusion during the consultation over the proposed location of the leisure centre at Bar End (i.e. the front or back site, Options 4 or 5).
- 3.8 In dismissing Option 4 as a potential leisure centre location, we therefore consider that the Council has not demonstrated that this is the most appropriate strategy and has not fully and properly explored all reasonable alternatives based on proportionate evidence as required by NPPF paragraph 182.
- 3.9 We also consider that the Plan has not been positively prepared, based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. It is a considerable omission from the draft Plan, which seeks to set out Site Allocations and Development Management policies, for there to be such limited reference to the future of the leisure centre. There is just one reference to leisure centre options in the draft Plan (at para 3.6.4) wherein it is stated that timescales do not enable a site to be identified within the draft Plan so any proposals will need to accord with LPP1 Policies WT1, CP6, CP7 and other relevant policies.
- 3.10 LPP1 Policy WT1 sets out the vision for Winchester. This includes provision for development adjoining the defined built-up area of the town. However, the policy also seeks the "*retention*

of existing open space and recreation provision and not releasing this for alternative purposes.” Policies CP6 and CP7 reiterate the presumption against loss of sports or recreation facility (including built facilities), except where it can be demonstrated that:

- alternative facilities will be provided and are at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality; or
- the benefit of the development to the community outweighs the harm caused by the loss of the facility.

3.11 LPP1 policy MTRA4 sets out the types of development permissible in the countryside. This is very restrictive and does not appear to support a substantial new building/structure. It should be noted that the Council’s now preferred option for a new leisure centre (Option 5) would also have to be brought forward on land currently defined as countryside on a site which we contend is further divorced from the settlement boundary than the Garrison Ground.

3.12 Draft policy DM9 states that the development of essential facilities and services to serve local communities may exceptionally be permitted, where it complies with the Development Plan and, inter alia:

- there is an identified need for the development within that area;
- there are no suitable alternative sites for the proposed development within the defined built-up area of the settlement(s) which the development is intended to serve;
- traffic issues can be addressed satisfactorily.

3.13 Draft policy DM12 states that outside defined settlement boundaries, the development of new leisure and recreational facilities for which a countryside location is necessary, the expansion of established facilities, and the use of land for leisure and recreational activities will be permitted, where it accords with the Development Plan and other operational and amenity considerations.

3.14 It is difficult to envisage how any of the leisure centre options could be readily delivered against this policy context without a more positive statement being incorporated into LPP2.

3.15 In our opinion the draft LPP2 does not therefore constitute a positive or effective plan which can be shown to be deliverable over the Plan period.

4 HOUSING NEED AND SUPPLY ISSUES

- 4.1 The site has also clearly been considered by the Council as a potential future residential development site for 108 dwellings. This has not though progressed beyond the 2015 SHLAA into an allocation in the draft LPP2 due in no small part to the site's location just outside the existing settlement boundary of Winchester. It does however offer longer-term potential, providing local impacts, most notably on existing playing fields, can be suitably mitigated.
- 4.2 The reluctance of the Council in the draft LPP2 to review the settlement boundary in this location is doubtless partly driven by their view that they can demonstrate a 5 year housing land supply. However, for Winchester this relies heavily on one large greenfield development at Barton Farm (2,000 units) and a very generous windfall allowance, equivalent to 23% of the identified requirement.
- 4.3 Whilst the NPPF is clear that local planning authorities may make an allowance for windfall sites in their five-year supply, they are by definition, sites which have not been specifically identified as available in the Local Plan process and normally comprise brownfield sites which have become available unexpectedly. We consider placing a heavy reliance on windfalls, rather than adopting a proactive approach to site allocations does not constitute positive forward planning or a sound approach to plan-making.
- 4.4 As the Plan progresses, one could reasonably assume that there should be fewer 'unexpected' residential developments coming forward, particularly now that LPAs are required to maintain a brownfield land register, whereby suitable sites for residential development are to be identified using established processes such as Local Plans and the Strategic Housing Land Availability Assessment process, including annual reviews, to identify sites.
- 4.5 Furthermore, it has been widely recognised by Inspectors that strategic allocations tend to have long lead-in times and can be prone to slippages in delivery rates. Even the most positive housing trajectories may not be achievable if completions are delayed, and therefore Inspectors are advising that additional sites are considered which could meet a possible shortfall to give more certainty and flexibility to adapt to rapid change thereby increasing the chances of maintaining a five year supply.
- 4.6 There are a number of question marks over the Council's housing trajectory and the deliverability of the sites identified in the Council's Annual Monitoring Report (AMR).

- 4.7 Appendix 4 of the AMR sets out the phasing of all the large sites in the District. The 2014 AMR (December 2014) sets out that of the 307 dwelling units available at Silver Hill, Winchester, 127 are now considered unlikely, but 20 are to be delivered in 2016/17; 75 in 2017/18; and 85 in 2018/19.
- 4.8 However, in the 2015 AMR (December 2015) it is again envisaged that all 307 units will come forward, albeit pushed back 1 year (i.e. 20 units next year, in 2017/18, with the scheme to be complete by 2021/2022). Given it was announced in early 2016 that the Council had decided to terminate its deal with the preferred developer and significant land holder, TH Real Estate, and would therefore essentially need to commence the whole process again, there must be considerable uncertainty over the delivery assumptions made for this site in the latest AMR. A Cabinet report in March 2016 suggested it was *“reasonable to assume that the site will not be comprehensively developed for up to seven years.”*
- 4.9 As NPPF paragraph 47 establishes, Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer to ensure choice and competition in the market for land. To be considered ‘deliverable’ sites should be *“available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.”*
- 4.10 In this regard, we note from the 2015 AMR that Barton Farm (Policy WT2) is anticipated to deliver 50 units this year (compared to 120 in the 2014 AMR), rising to 200 year on year from 2018/19. We understand progress had stalled due to ongoing land price negotiations between the developer (CALA Homes) and the landowner, Winchester College. Works do appear to be underway, albeit as of May 2016 these are understood to comprise enabling infrastructure works only. The ability of this key strategic site to deliver housing for Winchester Town in accordance with the AMR in the next few years is open to question.
- 4.11 As stated above, the Council’s strategy for meeting its housing needs is heavily reliant on three major developments coming forward as planned. 2,000 units at Barton Farm as outlined above, 2,500 units at West of Waterlooville (policy SH2) and North Whiteley (policy SH3). The 2015 AMR establishes that the latter is expected to deliver up to 450 dwellings per annum by 2021/22. This is a very ambitious build rate and should be carefully reviewed and monitored to establish its credibility. It is noteworthy that Barton Farm and West of Waterlooville are anticipated to deliver a maximum of 200 units p.a. at their peak in the 2015 AMR.

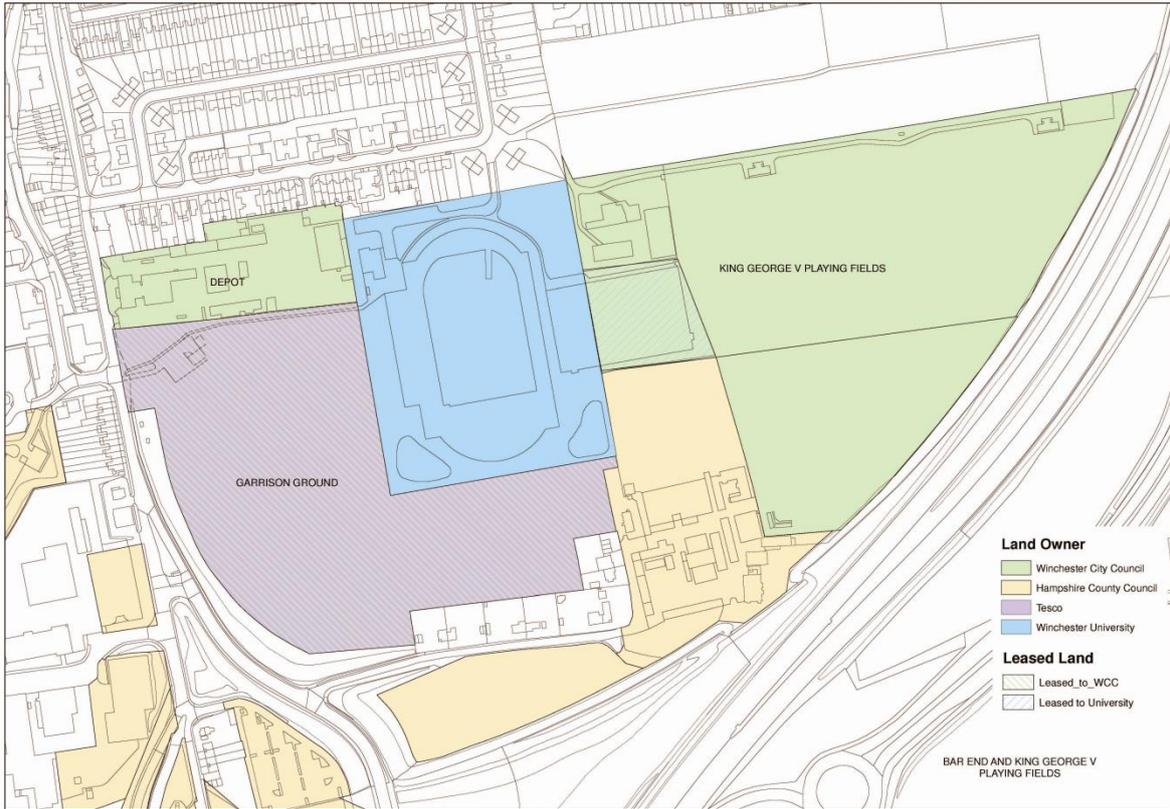
5 CONCLUSIONS

- 5.1 We consider the LPP2 should recognise the potential of the Garrison Ground to meet future development needs through a plan-led mixed use approach involving provision for a new leisure centre, redevelopment of the Council's Bar End Depot site, and some enabling residential development on part of the site to help deliver new leisure facilities and investment in outdoor recreation.
- 5.2 The Garrison Ground site offers a more accessible and sustainable option than the Council's preferred Option 5 which will require a lengthy access road to be constructed through the Bar End Depot site thereby limiting the development potential of that area, particularly for residential use. We also do not agree that Option 5 would result in a lesser impact on existing playing fields.
- 5.3 In respect of land at Bar End we would therefore seek:
1. a mixed use allocation including a new leisure centre and modest enabling development
 2. a review of the settlement boundary
 3. safeguarding the land for appropriate and sustainable future development
 4. more clarity and positivity in the draft LPP2 over the site's potential
 5. greater reference in LPP2 and commitment to a master plan approach to enable the precise location for development to be determined at a subsequent date once all reasonable alternatives have been fully explored and dismissed
 6. if none of the above, an early review of the Plan.

6 RESPONSE TO INSPECTOR'S QUESTIONS

- 6.1 We therefore do not consider the policies and proposals for Winchester in LPP2 are appropriate and justified.
- 6.2 Nor are they considered to be clear and deliverable, particularly in respect of infrastructure requirements in the form of a new leisure centre to serve the town.
- 6.3 We therefore do not consider LPP2 is sound in its current draft form, as it is not positively prepared, justified in its strategy when considered against reasonable alternatives, or consistent with national policy.

APPENDIX 1 - SITE OWNERSHIP PLAN



APPENDIX 2 - WINCHESTER DISTRICT STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT (SHLAA) – SEPTEMBER 2015 UPDATE EXTRACT

Within Settlement: Countryside
Nearest Settlement: Winchester

SHLAA ID Ref: 2417
In PUSH: Non-PUSH
Estimated Capacity: 108

Address: Land Off Bar End Road

FACTORS AFFECTING SUITABILITY

Main Land Use: Open space/recreation
Character of Area: This is a large field used for recreation and leisure on the edge of Winchester Town at Bar End.
Site Access: Onto Main road

Legislative Constraints	Policy Constraints	Physical Constraints
SSSI:	Strategic Gap:	Flood Zone 2: part
Ramsar:	Local Gap:	Flood Zone 3a/b: part
SPA:	Ancient Woodland:	Overhead Cable:
SAC:	RT1, RT2 Policy:	Other Considerations
Listed Building:	Facility SF7:	Employment site
Scheduled Monument:	Conservation Area:	(No. employed):
National Park	Historic Park/ Garden:	Agricultural Land Grade: Urban
TPO: Yes	SINC: AQMA:	Previously developed land?: Greenfield
Sustainability of Site Location		
Location:	Outside Settlement	Settlement (or nearest) Strategy Class: WT1
For sites within settlements		For sites outside settlements
Within Town Centre:		Proximity to Settlement (km): 0
Within 100m of Town Centre:		Proximity to village/town centre (km): 0.5

Notes: The central area is identified as within Floodzone 2 and 3.

HOW AVAILABLE IS THE SITE?

Is there interest in developing? Yes **Estimated Timescale for Delivery:** 2025-2030

HOW ACHIEVABLE IS THE SITE?

Proposed Future Land Use: Mixed use

Summary: This is a large site on the edge of urban area; partly within Floodzones 2/3.

