

7th October 2024
L 241007 SAV WCC - Reg 19 Local Plan Reps



Planning Policy Team
Winchester City Council
PO Box 497
City Offices
Winchester
SO23 3DD



Dear Sir or Madam

**WINCHESTER DISTRICT LOCAL PLAN 2020-2040 – PROPOSED SUBMISSION LOCAL PLAN:
REGULATION 19 CONSULTATION
REPRESENTATIONS MADE ON BEHALF OF REASSURE LIMITED C/O LEGAL & GENERAL REAL
ASSETS**

Introduction

We write on behalf of our client, ReAssure Limited c/o Legal & General Real Assets and hereby provide our client's representations to the current Regulation 19 consultation on the draft Winchester District Local Plan 2020-2040 ('the Local Plan'). This follows representations made in December 2022 to the Regulation 18 consultation and which have been given Response ID: ANON-KSAR-NKZX-V.

By way of background, our client is the freehold owner of land at Moorside Road within the wider Winnall Industrial Estate. It therefore has a keen interest in the appropriate formulation of policy within the new Local Plan, in order to ensure that it can be found 'sound'.

This correspondence provides our client's representations to the current Regulation 19 consultation in order to assist the production of the new Local Plan. We would however welcome the opportunity to meet with Officers in due course in order to discuss the enclosed comments in more detail, should that be of assistance.

Whilst our client generally supports the Local Plan, we continue to have a number of objections to specific parts of individual policies, which we set below.

The specific policy comments have also been submitted online via the Council's 'citizenspace' consultation portal.

Policy SP2 – Spatial Strategy and Development Principles

As set out in the representations to the Regulation 18 Consultation, our client supports the general approach to the delivery of, and support for, economic growth within the spatial strategy. However, whilst the strategy for Winchester Town under Policy SP2(i) refers to the growth of the economy in number of sectors, such as higher education, creative and media industries, and other knowledge-based activities, it does not refer to those traditional employment uses (within Class B and E(g)) which remain of importance to the economic growth of Winchester. These uses continue to provide an important contribution to the economy and further growth of such uses should be explicitly supported.

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In relation to the Regulation 18 Consultation, we recommended that Policy SP2(i) set out explicit support for traditional employment uses within Class E(g)(ii) and (iii), B2 and B8 in order to address the above point.

The Council's Consultation Comments document in relation to this Policy sets out that the first and third paragraphs of Policy SP2 adequately address this point. However, we disagree as there is no such general support for traditional employment uses in this part of the Policy. Indeed, it specifically only refers to higher education, creative and media industries, and other knowledge-based activities. If the intention of Policy SP2(i) is to support traditional employment uses in Winchester Town, as it appears from the Consultation Comments document, then it should be explicitly referred to in the Policy.

Policy E1 – Vibrant Economy

Our client generally supports the approach to encouraging economic growth within the policy.

In our client's previous representations to the Regulation 18 Consultation, we recommended that the policy be amended to include explicit support for the redevelopment of existing employment sites / premises for employment use.

Whilst we note that this recommendation has not been taken forward, we note that the policy has been amended to refer to 'modernisation'. Whilst we support this inclusion, this does not entirely address the matter made in our client's representations, namely that the reference to the 'retention of appropriate premises and sites', could be interpreted as requiring the retention of outdated employment premises and preventing their redevelopment for modern employment premises.

Whilst our client therefore welcomes the inclusion of 'modernisation', this does not provide explicit support for redevelopment of existing employment sites / premises for employment uses. The term 'modernisation' itself suggests a refurbishment to modernise existing premises, rather than support for redevelopment.

We therefore maintain our previous position and recommend that the policy be amended to include explicit support for the redevelopment of existing employment sites / premises for employment use.

Policy E6 – Retaining Employment Opportunities

Our client's previous representations to the Regulation 18 Consultation set out that whilst the intention of the policy is to prevent the loss of employment land and floorspace to non-employment uses, as with Policy E1 above the current wording of the policy could be interpreted as preventing the redevelopment of outdated employment sites / floorspace for modern employment premises.

It was therefore recommended that the policy be amended to include explicit support for the redevelopment of existing employment sites / premises for employment use, or to simply set out that the policy only applies to the redevelopment of employment sites for non-employment uses.

We note that the Council's Consultation Comments document in relation to this Policy, states that this is covered by point i) of the Policy. This is not strictly correct, as the policy still relates to the loss of existing floorspace, not redevelopment. However, our client welcomes the amendment to Policy E5 as noted in the Council's Consultation Comments document.

Policy W6 - Winnall

Consistent with our previous representations to the Regulation 18 Consultation, our client supports the general approach to employment land in Winnall and its specific allocation for employment use (page 337 in the Regulation 19 Consultation). It is however particularly important to ensure that future development of land within Winnall for appropriate employment uses, has clear support within the Local Plan.

In this respect, and with particular focus on sub area 1, we reiterate that the references to B2 and B8 uses should be expanded to include support for Class E(g)(ii) and (iii) uses. The current proposed wording appears

to have arisen following the changes to the Use Classes Order in 2020, wherein former B1 use Classes were incorporated within the new Class E (Class E(g)). However, these are still employment uses that are entirely appropriate to be undertaken in this location (in accordance with the allocation for 'employment' use), and should therefore be explicitly supported in the new Local Plan, as is the case within the current adopted Local Plan, which supports such uses (then falling within B1(b) and (c)) and which the adopted Plan considered to be traditional employment uses.

This would ensure consistency with the definition of 'employment uses' within Policy E5 and the support for new employment opportunities at Winnall under Policy E2. It also reflects a number of existing such uses within Winnall, including sub area 1. It is therefore recommended that the policy be amended accordingly.

As with our comments in relation to Policies E1 and E6 above, Policy W6(i) is somewhat ambiguous as it suggests that existing employment uses be retained, which could be interpreted as preventing the redevelopment of outdated employment sites / floorspace for modern employment premises. For avoidance of doubt, it is recommended that the policy be amended to state that the redevelopment of existing employment sites for employment use is supported.

Finally, the policy adopts an inconsistent approach to the application of Policy E6. For example Policy E6 is referred in the introductory paragraph, and only afterwards in criteria W6(iv). There may be instances where individual sites within sub-area 1 are no longer appropriate or suitable for employment use, or that there is no such demand for premises in the future. As such, Policy W6 should incorporate the same flexibility for other uses to come forward where it can be demonstrated that the retention or provision of employment uses is no longer appropriate under Policy E6, in all sub-areas.

We note that the Council's Consultation Comments document in relation to this Policy has not recognised or commented on the above points in relation to sub area 1, except for adding the definition of Class B2 and B8 uses. Our client therefore maintains its position in relation to the above matters.

Policy CN3 – Energy Efficiency Standards to Reduce Carbon Emissions

In relation to criterion (v), consistent with our previous representations to the Regulation 18 Consultation, our client has no comments on the specific BREEAM target, but recommends that the policy be amended to remove such requirement for minor applications, or those for changes of use, whereby the ability to achieve a BREEAM target can be difficult.

The requirement for such small scale applications to submit a BREEAM pre-assessment also represents an unnecessary and disproportionate burden in relation to such development, which could comprise of minor extensions or the change of use of small premises. It would also apply to physical alterations to buildings that do not create new floorspace, e.g. elevational alterations. It is therefore recommended that the Policy CN3(v) be reworded to apply only to major development for new non-residential buildings.

We note that the Council's Consultation Comments document states that there should be no change in relation to the above, mistakenly stating that extensions or conversions would be 'permitted development' and would not therefore be covered by the Policy, despite setting out that improving energy efficiency standards for such uses is more problematic than new builds.

However this does not adequately address the issue. Permitted development rights apply in limited circumstances and can be removed by specific condition attached to a planning permission, or of course by an Article 4 Direction. If the intention is for small scale alterations or extensions to existing premises, including changes of use, to be excluded, the policy should explicitly say so. As it stands, the policy wording clearly sets out that it applies to all development.

Whilst the Council's Consultation Comments states that they don't wish to exclude all minor applications, they mistakenly only refer to this in the context of residential development, whilst our client's comments relate to non-residential development under CN3(v). As such they do not directly address the particular issue in hand.

If the Council does not wish it to apply to all minor non-residential developments, it can be addressed by, for example, setting a floorspace threshold above which BREEAM applies under CN3(v) and the subsequent paragraph in relation to onsite renewables for non-residential development, e.g. a threshold of an increase in floorspace of 500 sq m GIA. Both of these parts of the policy should then explicitly exclude development that does not create new floorspace, and which such requirements would create an unnecessary burden, e.g. physical alterations to premises such as alterations to elevations.

Policy NE8 - South Downs National Park

As set out in our representations to the Regulation 18 Consultation, the policy requires development adjoining the National Park to accord with the statutory purposes and duty for National Parks, as specified in the National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995 and which are summarised at paragraph 7.68 of the current Regulation 19 Consultation.

However, we maintain our position that it is unclear how the development of sites outside of the Park can be required to accord with the statutory purposes and duty for the National Park themselves. It is clear from the Council's Consultation Comments that the intention of the policy is to ensure that development on land adjoining the National Park should not affect or conflict with the ability of the Park to continue to carry out its statutory purposes / duty. It is therefore recommended that the Policy itself be amended to make that clear, rather than requiring development sites to accord with the statutory purposes and duty, which they themselves cannot.

Policy NE16 - Nutrient Neutrality

The issues arising from nutrient neutrality are essentially a matter arising from new residential development including that which results in overnight accommodation, as set out at paragraph 7.111 of the Local Plan. However the policy wording under NE16(ii) seeks to apply this to all development and is therefore inconsistent.

We note that the Council's Consultation Comments state that references to 'residential' should change to 'overnight' development (as set out in the new supporting paragraphs 7.111 and 7.113). Our client supports this change. However, our client still objects on the basis that the Policy wording itself still applies to all development proposals, rather than those containing overnight accommodation.

It is therefore recommended that the Policy NE16 be amended to explicitly refer to overnight development for the avoidance of any doubt as to what applications / uses will be subject to the policy.

Summary and Conclusion

We trust that these formal representations will be afforded the appropriate weight by the LPA and assist in the formulation of the emerging Winchester District Local Plan.

Whilst our client is generally supportive of, and welcomes, the new Local Plan, there are a number of detailed policy considerations that we object to and which require amendments for the reasons set out above.

We would be grateful if you can keep us updated of any further stages of the Local Plan, including submission and any further consultation, in order that we can provide any further comments as may be required.

Should you require any clarification or additional information, please do not hesitate to contact Alistair Ingram or Sophie Moore at these offices.

Yours faithfully

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