

Winchester District Local Plan Part 2: Development Management and Site Allocations

Background Paper 3 – Silver Hill, Winchester

Winchester City Council

March 2016



Winchester
City Council

1.0 Purpose of Background Paper

- 1.1 This Background Paper sets out the planning position in relation to the site known as Silver Hill in Winchester town centre, the area was formally referred to as the Broadway/Friarsgate Area. The area includes 2.3 hectares of land, bounded by Middle Brook Street, Friarsgate and incorporating the bus station, the former Friarsgate medical centre, Kings Walk and the Friarsgate multi-storey car park, now closed, as indicated on the plan at Appendix A. This site has been subject to much debate and media interest in recent years and remains a key site for the implementation of the development strategy for Winchester Town established in Policy WT1 of Local Plan Part 1 (LPP1). The site is currently allocated for mixed use development in the Winchester District Local Plan Review 2006, under Policy W2, and is referred to in other approved strategies of the Council.

2.0 Brief History and Current Position

- 2.1 The area is run down and in need of regeneration. The Council entered a Development Agreement with developer Thornfield in 2004, following the agreement of a Planning Brief in 2003. Planning applications were submitted in 2006 and it was resolved to approve them in 2007. There were revisions to the scheme in 2008 and permission was issued in 2009 following the completion of S106 agreements. This '2009 scheme' was for a comprehensive mixed use development.
- 2.2 Following the economic crash, Thornfields was unable to secure bank funding and were put into administration in 2010. It was acquired by Henderson (now TH Real Estate) later in 2010 and the Development Agreement was revised to accommodate this. Compulsory Purchase proceedings progressed to a CPO Inquiry in 2012 and the CPO was subsequently confirmed by the Secretary of State.
- 2.3 In 2014 a revised planning application was submitted and subsequently approved. This '2014 scheme' was also for mixed use development but reduced the scale of housing proposed and increased the amount of retail floorspace to reflect changing market conditions. The scheme was referred to the Secretary of State but notice was received in July 2015 that it would not be 'called in'. The planning consent has not yet been issued, pending the discharge of planning conditions.
- 2.4 A legal challenge was commenced in 2014 regarding alleged unlawful aspects of the Development Agreement in relation to procurement law. The resulting judgement was issued in February 2015 and found that the Council had acted unlawfully, in brief by not re-tendering the Development Agreement when variations were made to it. As the challenge and resulting decision related to changes to the Development Agreement, it meant that the '2104

scheme' could not be implemented as it relied on these changes to the Development Agreement.

- 2.5 Henderson has appealed against the judgement and seeks to test what changes could be made to the scheme without 'unlawful' changes to the Development Agreement. The Council has since resolved not to extend the deadlines within the Development Agreement and the CPO has now lapsed. As a result, neither the 2009 or 2014 schemes are currently capable of being implemented.
- 2.6 The Silver Hill area remains in severe need of regeneration and, while there is wide acceptance of this, the solution in terms of future development is more controversial. It remains likely that a mixed use development will be provided on this site within the Plan period and it remains realistic to expect Silver Hill to contribute significantly towards meeting future retail, housing, etc needs within the Local Plan period. However, the timing of such provision is now likely to fall later within the Plan period than originally assumed and this Background Paper sets out the situation regarding Silver Hill and retail provision in more detail. The following therefore, discusses the background to the site, provides an overview of key relevant documentation, and considers the need to retain a planning proposal for the site through LPP2.

3.0 Broadway/Friarsgate Planning Brief adopted 2003

- 3.1 The planning brief was formulated to respond to the findings of the [Future of Winchester Study](#) (WCC 1999) which identified the need for Winchester to make better use of the town, while recognising its special character and protecting its heritage. The aim of the brief was to ensure that resultant development achieves the highest standards of architecture, urban design and public realm as well as making positive contributions to the local community and economy. The brief therefore established the following development parameters to resolve a number of long-standing problems in the locality:

- Providing a modern well-planned and more passenger-friendly bus station and closer integration with community transport and shopmobility services;
- Removing eyesores and unsightly buildings;
- Providing a wider range of shops and services to meet current and future demand;
- Strengthening Winchester's niche within the wider retail hierarchy;
- Creating a more attractive public realm encouraging shoppers and visitors to stay longer;
- Providing spaces for public use and activity;
- Providing housing that helps meet the needs of the district in this sustainable location;

- Providing dwellings of mixed tenure with a substantial component of affordable housing;
- Providing a boost to the local economy and creating jobs;
- Incorporating leisure provision, particularly for young people.

3.2 The [Planning Brief](#) was subject of both informal and formal consultations carried out by the City Council over a four-year period. The final version was agreed at a meeting of the full Council on 25 June 2003, as a background document to the Revised Deposit Winchester District Local Plan (it was not adopted as a Supplementary Planning Document as there was no 'parent' Local Plan policy at the time).

4.0 Other Council Plans and Strategies that refer to Silver Hill

4.1 The Council has produced other plans and strategies that reflect both retail matters and aspirations for Winchester Town Centre. Of particular note are the following:-

Community Strategy 2010 - 2020

4.2 The Council adopted its revised [Community Strategy](#) in January 2014. This includes three overarching priority outcomes identified for the District - Active Communities, a Prosperous Economy and a High Quality Environment. The proposals for Silver Hill cut across all themes, through the provision of employment opportunities, homes and a high quality public realm. The Community Strategy does not include detailed projects to deliver its vision, these are set out in a series of [Portfolio Plans](#), linked to the key responsibilities of the Council's Cabinet Portfolio Holders. Silver Hill is listed under the Leader's Portfolio Plan, this ensures that progress on key projects is regularly reported to the Overview and Scrutiny Committee.

Economic Strategy 2010 – 2020

4.3 This document was adopted in June 2010, and utilises much of the evidence base for LPP1 including the spatial themes introduced in LPP1 to sub-divide the Winchester District into three key economic areas:- Winchester Town, Market Towns and Rural Areas and South Hampshire Urban Area. This strategy also reflects the five key sectors which make up the Winchester economy, these being:- public service, knowledge and creative, land-based, tourism and retail. With regard to the retail offer, this is summarised in relation to Winchester Town, as high street names and local shops for provisions and essential services together with character/niche shops which differentiate the district's retail offer from major retailing outlets at West Quay (Southampton), Gunwharf Quays (Portsmouth) and Festival Place (Basingstoke). This is further emphasised in the analysis for Winchester Town which includes reference to independent speciality shops, together with high street names and high-end boutiques, located both centrally and in the secondary streets.

- 4.4 The Economic Strategy also refers to the proposals at Silver Hill and the vision for the area to incorporate shops, eateries, homes and a new bus station, creating a new retail dynamic within the city. The lay-out will provide the multiple retailers with sought-after large units currently in short supply, which will prompt some movement away from existing premises.
- 4.5 This strategy also refers to the vibrant 'cultural quarter' evolving in Jewry Street at the other end of the High Street, and comments that it is essential that planning policy allows for the evolution of the High Street itself to avoid a 'dumb-bell' effect with shoppers being drawn away from the more traditional units.

The Vision for Winchester Town 2012-2017

- 4.6 During 2012, Councillors for the unparished Wards of Winchester Town, who make up Winchester Town Forum, updated the Vision for Winchester Town. This document highlights changes desired in the Town area, with a focus on economic prosperity. The Vision relies on partners and other organisations for implementation of the changes identified, some of which have land use requirements and are reflected in LPP2 (Policies WIN1 & WIN2). The Vision reflects the exciting regeneration proposals of the Silver Hill development and recognises that these will help to revitalise the town centre with better public facilities, retail space and more people living in the heart of the urban area. There is also the desire that the redevelopment will act as a catalyst for the whole town and bring benefits which reach wider than the development itself.

5.0 Winchester Planning Policies that provide guidance for proposals at Silver Hill

Winchester District Local Plan Review (WDLPR) 2006

- 5.1 Preparation of WDLPR included the commissioning of a retail study in 2002, resulting in the publication of the [Winchester Retail Study 2003](#) (Winchester City Council/Nathaniel Lichfield and Partners). The findings of this report were incorporated in WDLPR which proposed that any further significant retail development should be concentrated in Winchester town centre, primarily as part of the proposed Broadway/Friarsgate development (Policy W.2). The Plan also expected that other significant retail development proposals which were unable to be located in the Broadway/Friarsgate development, or elsewhere in the town centre, would be required to follow the sequential test.
- 5.2 At that time the Winchester Retail Study recommended that Winchester provides additional floorspace of approximately 8500m₂ gross (6000m₂ net) for 'comparison' shopping and 5000m₂ gross (3300m₂ net) for 'convenience' shopping. These quantities would meet the growth projected at the time in retail spending during the Plan period (up to 2011).
- 5.3 WDLPR, therefore, included a site allocation policy (Policy W.2) for the Broadway/Friarsgate (Silver Hill):

Policy W.2

Development proposals for a mix of uses including housing, shopping, leisure, and possible civic, cultural and community facilities will be permitted on approximately 2 hectares of land between the Broadway and Friarsgate, as identified on Inset Map 31, provided that they:

- (i) incorporate an appropriate mix of uses that reinforce and complement the town centre, including housing, retail and other town centre uses;*
- (ii) provide a new bus station, retain the existing street market and provide sites for the relocation of existing healthcare facilities, the Post Office, taxi rank and other important facilities in the area;*
- (iii) provide the main vehicular access to the multi-storey car park and service areas from Tanner Street, with the closure of Silver Hill to through traffic, except where access is required for servicing;*
- (iv) retain and enhance key views and provide a series of linked public spaces;*
- (v) include a satisfactory archaeological assessment;*
- (vi) provide public art within the scheme and a 'percent for art' contribution;*
- (vii) make an appropriate contribution to the improvement of the public realm on the site and in the surrounding area, in particular Friarsgate, Middle Brook Street, and the Broadway;*
- (viii) provide appropriate on and off-site highway works and traffic management arrangements to accommodate a new bus station and associated revised bus routes and stops in the town centre;*
- (viii) incorporate adequate flood protection measures;*
- (ix) include an Environmental Impact Assessment and Transport Assessment.*

5.4 This policy has been saved and currently forms part of the development plan for the Winchester District, pending replacement by Policy WIN4 in the emerging LPP2.

Local Plan Part 1 – Joint Core Strategy adopted March 2013

5.5 To update the future retail needs of the District, the Council commissioned a further [Retail and Town Centre Uses Study](#) in 2007, to inform the preparation of LPP1. That report included the following elements:-

- an assessment of the future needs for additional retail and commercial leisure facilities within the authority area up to 2026;
 - an analysis of the role and function of existing centres in Winchester;
 - an assessment of the capacity of Winchester's centres to accommodate growth, and the identification of potential development sites; and a policy review and proposed issues and options for the Local Development Framework (LDF).
 - an assessment of the future needs for additional retail and commercial leisure facilities within the authority area up to 2026;
 - an analysis of the role and function of existing centres in Winchester;
 - an assessment of the capacity of Winchester's centres to accommodate growth, and the identification of potential development sites; and
 - a policy review and proposed issues and options for the Local Development Framework (LDF)
- 5.6 Section 5 of that study covers Winchester town centre and includes a commentary, which refers to the town centre having a higher proportion of A1 and A2 units compared to the national average, with a lower proportion of A3 and A5 uses, and a vacancy rate of 9% which is also lower than average .
- 5.7 That report included a SWOT analysis of the town centre, which under 'weaknesses', identified the lack of modern premises to accommodate new operators in the primary area, but that this could be addressed by the proposed development at Silver Hill. This matter was further expressed under 'opportunities' which stated that *'there are a number of opportunity sites within the town centre, including the Silver Hill development site, which could accommodate new retail/leisure uses, which could help to retain more expenditure and customers in the area and possibly generate more trade for existing occupiers in Winchester town centre.'* (page 36/37).
- 5.8 The 2007 retail report concluded that the Silver Hill development and other commitments would accommodate growth in the short term (up to 2011), with a projection for further comparison retail need of 8,400 sq m net (11,200 sq m gross) by 2016, with scope for substantial further growth up to 2026. There was a much lower projection for convenience floorspace needs of 2,600 sq m net of convenience sales floorspace (3,700 sq m gross) in the District as a whole by 2016
- 5.9 With changes to the population and continued effects of the recession, the Council in 2010, commissioned an [update of the 2007](#) study, to focus on the retail floorspace projections – [Winchester Retail and Town Centre Uses Study Update 2010](#). Due to continued uncertainty arising from the recession and the need for up to date evidence for the Silver Hill Compulsory Purchase Order inquiry in 2012, a further update was produced and [published in 2012](#). This was able to include changes to reflect the introduction of the National Planning Policy Framework and the need to identify objectively assessed needs for various land uses. The report also acknowledged that the economic downturn was still having a significant impact on the retail sector, with a number of national operators failing, leaving major voids within centres and town centre development schemes being delayed.

- 5.10 The [Retail and Town Centre Uses Study \(May 2012\)](#) report concluded that the existing commitments including Silver Hill were expected to accommodate projected growth in the short to medium term (up to 2018), but after that additional floorspace in the region of 9,000 sq.m net would be required, mostly comparison floorspace. LPP1 therefore, includes in Policy WT1 reference to the *'provision of additional retail floorspace through existing planned developments at Silver Hill in the short to medium term and future additional provision of about 9,000 sq m to 2031 to support Winchester's role as a sub-regional shopping centre for existing and new communities.'*
- 5.11 Given the strategic focus of LPP1, that Plan did not allocate any sites for retail purposes, although policy WT1 refers to Silver Hill, para 4.17 refers to the strategy being established for any future site allocations which may be needed through Part 2 of the Local Plan. This is reflected in Policy WT1, which also refers to *'promotion of the town centre as the preferred location for new development that attracts high visitor numbers such as retail, commercial and offices, leisure, culture and tourism. Proposals for new floorspace of 1,000 sq m or more outside of the defined town centre will need to demonstrate that it would not have a harmful impact on the town centre'*.
- 5.12 LPP1 therefore establishes the 'objectively assessed need' for retail floorspace in Winchester Town, as about 9,000 sq m to 2031 and that the town centre is the preferred location for such provision.

Local Plan Part 2 – Development Management and Site Allocations

- 5.13 To inform the preparation of LPP2, further retail work was commissioned by the Council, to undertake a partial update of the existing evidence, with an emphasis on retail floorspace projections, retail frontages and opportunities to accommodate growth. The findings of previous studies in relation to the household shopper survey results, commercial leisure provision, the network of centres, centre health checks and centre boundaries, were not reassessed as it was concluded that these remained relatively up to date and the conclusions robust.
- 5.14 The [Retail Study Update Report published in 2014](#), identified the updated requirement for additional floorspace to accommodate new retail floorspace in Winchester town centre (over and above commitments) as 6,250 sq.m gross by 2031 (3,800 comparison and 2,450 convenience). This was over and above existing commitments of almost 7,000 sq m for comparison floorspace (including retail warehousing) and about 1000 sq m for convenience.
- 5.15 This report also considered a number of potential development sites (updating earlier studies) within and around Winchester town centre, some of which have 'reasonable' to 'good' potential to deliver additional retail/leisure floorspace.
1. Middle Brook Street Car Park;
 2. Infill plot Southgate Street;

3. National Tyres, Southgate Street; and
4. Chesil Street Car Park
5. The Cattlemarket site;
6. Station car park east;
7. Station car park west; and
8. The Carfax site.

5.16 Sites 5-8 are now included within Policies WIN5-7 of LPP2, with provision for limited retail floorspace. Site 4 is being developed for elderly persons accommodation, sites 2 and 3 have been redeveloped for other uses, leaving only site 1 remaining for potential retail use – Middle Brook Street Car Park. This site currently lies outside the primary shopping area, but within the town centre boundary defined in LPP2.

5.17 Projections of retail floorspace in the 2014 Retail Study and set out in Table 1 below, identify that in Winchester the levels of floorspace growth can be justified. The comparable figures from the 2102 Retail Study have been included in italics to show how the 'objectively assessed need' established in LPP1 (based on the 2012 Study) compares to the 2014 Study. However, the 2012 Study figures are net floorspace figures whereas some 2014 floorspace figures are gross. The authors Nathaniel Lichfield and Partners, advise a 70% net to gross ratio to convert between net and gross (2012 Study, table 5.1) and this has been applied to the gross figures from the 2014 Study to give equivalent net figures for all categories.

Table 1

Convenience Floorspace Projections						
Retail Study Source	Existing commitments	Additional (over and above existing commitments) gross				Total net need (commitments + projected)
		2013-2021	2021-2026	2026-2031	Total 2013 - 2031	
2014	1065 sq.m Net	50 (35 net)	1,250 (875 net)	1,150 (805 net)	2,450 (1,715 net)	2,780 net
<i>2012</i>	<i>1,243 net</i>	<i>0</i>	<i>1,125 net</i>		<i>1,125 net</i>	<i>2,368 net</i>
Comparison Floorspace Projections						
Retail Study Source	Existing commitments	Additional (over and above existing commitments) gross				
		2013-2021	2021-2026	2026-2031	Total 2013 - 2031	
2014	6,934 sq.m net	0	0	3,800 (2,660 net)	3,800 (2,660 net)	9,594 net
<i>2012</i>	<i>4,734 net</i>	<i>3,338</i>	<i>4,483 net</i>		<i>7,821 net</i>	<i>12,555 net</i>

		<i>net</i>			
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- 5.18 It can be seen that the total projected need for convenience floorspace in Winchester under both the 2014 and 2014 Retail Studies is very similar, with the 2014 Study showing a very small short term need (compared to none in the 2012 Study) and a slightly higher need overall, but only by about 400 sq m. However, the differences between the Studies are larger for comparison retail, where the effect of the recession has resulted in lower total floorspace projections in the 2014 Study (about 9,500 sq m) compared to the 2012 Study (about 12,500 sq m). It can also be seen that the 'existing commitments' were different in both studies, reflecting the time differences between them.
- 5.19 Between 2012 and 2014, there have been some changes to retail provision within the Winchester Town area with the Aldi store at Weeke (a convenience floorspace 'existing commitment' of 760 sq m net in 2012) being completed along with smaller provision totalling 478 sq.m. Together these account for almost exactly the level of 'existing commitments' for convenience in the 2012 Study (1238 sq m). The remaining/new convenience commitments in the 2014 Study relating to Winchester (1065 sq m in Table 1) consists of elements of Silver Hill and the Barton Farm local centre. These are sufficient to meet the 2012 'objectively assessed need' of zero floorspace to 2021 and most of the 1125 sq m required to 2031. It can, therefore, be seen that any delays to development of Silver Hill will not materially affect the ability to deliver both the 'objectively assessed need' for retail space (based on the 2012 Study) or the updated 2014 Study projections.
- 5.20 For comparison floorspace, a Wickes DIY store has opened in Winnall creating some 2700 sq. m (gross) of bulky goods space. This was not specifically included within either the 2012 or 2014 Study lists of 'existing commitments' so is effectively a 'windfall'. Of the 'existing commitments' in Winchester of 6,934 sq m, 1,700 sq m has been developed through changes of use at Winchester Trade Park, Winnall, with the remaining 5,234 sq m still available. Of this, about 4,734 sq m is at Silver Hill (based on the 2009 scheme), so will now be delivered later in the Plan period, with the remaining 500sqm being within the Barton Farm local centre.
- 5.21 The 2014 Study also suggests that the reoccupation of vacant premises could reduce the overall retail floorspace projection by about 1,500 sq.m gross (1,050 sq m net). The Study advises that the short to medium term priority in Winchester town centre should be the reoccupation of vacant floorspace, and the implementation of known retail commitments. In the longer term development sites within the town centre should be explored.
- 5.22 A recent survey (March 2016) of vacant premises within the Town Centre has revealed 27 units are current vacant with 2 in the process of closing down. Using details from estates agents where available, this equates to some 1550 sq m (gross) of available floorspace, with the majority of these properties within the primary and secondary shopping frontages. Some of the vacancies have resulted from well-known high street chains consolidating their portfolios, and closing stores in locations such as Winchester.

- 5.23 This indicates a small reduction from the number of vacant units identified in the 2012 retail study, which recorded 33 vacant units representing a 9.3% vacancy rate, which is below the national average of 13.9%. It is, however, a similar level of floorspace –, the 2014 Retail study estimated vacant floorspace was 1,500 sq m compared to an estimate of 1,550 sq m (gross) now. The 2014 Study, advised that it is reasonable to assume that some of the retail projection could be met by the reoccupation of vacant floorspace in the town centre, so it currently estimated that this could provide for 1,550 sq m gross (1085 sq.m net) in the short term.
- 5.24 Accordingly, the currently-identified sources of comparison floorspace which have been developed or are available to meet the 'objectively assessed needs' in LPP1 (based on the 2012 retail Study) are:
- Wickes, Winnall 2,700 sq m
 - Winchester Trade Park 1,700sq m
 - Silver Hill*, Winchester 4,734 sq m
 - Barton Farm local centre 500 sq m
 - Reuse of vacant floorspace 1,085 sq m
 - TOTAL 10,719 sq m (net)

*the figure for Silver Hill is based on the '2009' scheme . the '2014' scheme would include a much larger amount of floorspace.

- 5.25 It can, therefore be seen that existing retail completions and commitments already very nearly reach the total expected by the 2012 Retail Study and LPP1 (10,719 sq m compared to 12,555 sq m). The above figures make no allowance for any comparison provision in the Station Approach area, where a modest element is likely, or for other 'windfall' developments. They are also based on the lower levels of floorspace in the '2009' scheme for Silver Hill. It is, therefore, expected that the LPP1 'objectively assessed need' can be met within the Plan period and that the updated needs identified in the 2014 Retail Study will be exceeded.
- 5.26 In terms of the timing of development, Silver Hill is now expected to be delayed until the latter part of the Plan period. However this would still leave completions and commitments of about 5,985 sq m to meet pre-2021 needs. Such a figure would be close to meeting the updated 2014 projections (to 2026 in fact), although the 2012 Study projections total about 8,000 sq m. There is, therefore, a modest (about 2,000 sq m) element of the pre-2021 OAN which has yet to be identified, with the Silver Hill development expected to exceed the post 2021 projection, when Silver Hill is included. .
- 5.27 It will be noted that the only suitable and potentially available site that was assessed in the Retail Studies is Middle Brook Street car park, but this is separated from the main retail area by the Silver Hill area. It would, therefore, not be logical to allocate the Middle Brook Street car park for retail or mixed use development in advance of the Silver Hill area being developed. It would also be extremely unlikely to 'overtake' Silver Hill and contribute to pre-2021

retail needs, given that there has been no work so far to test its capacity or bring it forward for development, as well as due to its location.

- 5.28 It is, therefore, concluded that adequate retail provision (convenience and comparison) will continue to be made in Winchester during the Local Plan period as a whole, despite the expected delays to the Silver Hill development. Identified opportunities for comparison provision in the short term (up to 2021) fall slightly below the LPP1 'objectively assessed need' but there are no suitable/available sites which it would be logical to allocate in LPP2 to meet this need. Given the 'town centre first' approach established within LPP1, the potential for windfall provision, and the additional flexibility provided at Winnall by policy WIN11, it is most likely that the modest amount of additional floorspace by 2021, can be provided assuming there is sufficient market demand.
- 5.29 LPP2 therefore, includes a commentary on the retail needs of Winchester Town, including reference to the [2014 Retail Study](#) . Para 3.5.2 of LPP2, refers to the short to medium term (up until 2021) retail growth requirements being met through the redevelopment at Silver Hill (Policy WIN4 of LPP2), together with small scale retail provision at Barton Farm (Policy WT2, LPP1) and planned through the Station Approach proposals (Policies WIN5-7 of LPP2) and for limited provision at Winnall through Policy WIN11, LPP2. The references to Silver Hill meeting short term needs should be updated to reflect the current situation, through Minor Modifications to the Plan in due course.
- 5.30 LPP2 therefore, concludes, that given the uncertainties over the long-term nature of retailing and retail projections, there is no need to allocate any further retail floorspace through LPP2. This remains the Council's position, reflecting the capacity that has been provided through recent developments, is available in existing commitments, the potential to reuse vacant retail units within Winchester Town Centre, and the potential for 'windfall' capacity that could be utilised to accommodate short term future growth.
- 5.31 Policy WIN4 will effectively replace saved Policy W.2 of WDLPR 2006, once LPP2 is adopted. Policy WIN4 includes all the key elements referred to in previous planning policy statements, and there is reference in the supporting text to the site having planning permission and the relevant compulsory purchase orders being confirmed (also likely to need updating through minor modifications), to demonstrate that the policy is deliverable during the Plan period.
- 5.32 The LPP2 Policies Map depicting the area to be covered by WIN4 is, however, inaccurate as the boundaries between WIN4 and DM7 designation (prime shopping area) have become transposed. This is corrected on the Submission Policies Map and will need to be corrected in LPP2, through a proposed modification, during the examination process.
- 5.33 The representations received to the Publication version of LPP2, as they relate to Policy WIN4, focus on matters of detail such as the provision of housing or car parking on the site, rather than the development in principle. It

is not the purpose of this statement to respond to these in full, especially as it appears that, in principle, the concept promoted by WIN4 is not disputed.

6.0 Current Situation

- 6.1 Given the importance of Silver Hill, and the Council's role as land owner/developer and local planning authority, this is managed as a key corporate project for the Council, being specifically listed under the [Major Projects](#) programme.
- 6.2 The redevelopment proposals have been subject to an array of procedures and Council decisions, these can be summarised as:-
- Adoption of Planning Brief in 2003
 - Planning permission granted in 2009, this scheme includes:
 - 287 residential units (and 20 'live/work' units)
 - Just under 100,000 square feet of new retail space
 - 18,000 square feet of office accommodation
 - A new bus station
 - 330 space public car park
 - New public spaces, including improvements to the Broadway
 - The Council resolved to use compulsory purchase powers during 2009, when it became clear that the land necessary for the redevelopment would not be brought together by agreement between the various land owners..
 - A public inquiry was held to consider objections to the Compulsory Purchase Order in June 2012. The Inspector recommended confirming the CPO and the Secretary of State agreed in 2013.
 - The scheme was updated and it was resolved to permit a revised planning application in 2014 so that the design and content were fully in line with the needs of Winchester, this scheme includes:-
 - 184 residential units
 - 150,00 sq feet new retail floorspace
 - Bus facility
 - 279 public parking spaces
- 6.3 The main changes between the 2009 and 2014 schemes can be viewed at [How the scheme has changed • Winchester City Council](#). There was then the High Court challenge on procurement matters. This has resulted in numerous complex reports and appraisals being presented to and considered by the Council. These have culminated in an independent review being commissioned to review how the project has reached its current position. [The Winchester Silver Hill Independent Review](#), was published on the Council's website and has been reported to various Council committees.
- 6.4 A key decision was subsequently made on [10 February 2016](#), where the Council's Cabinet resolved:-

1. To serve notice of termination of the Silver Hill Development Agreement (dated 22 December 2004) on the grounds that the unconditional date and the date for start of works as defined in the Development Agreement had not occurred by 1 June 2015.
2. That no further action be taken to implement the compulsory purchase order (CPO).
3. That a decision on whether or not to retain the freehold and leasehold interests within the Silver Hill area which were acquired by the Council in January 2014, together with the budget and estate management implications, be considered at a special Cabinet meeting (scheduled for 4pm on Tuesday 29 March 2016), and subject to consideration of a business case, with a preference that the properties be retained by the Council.
4. That a report be brought to the special Cabinet meeting setting out in outline how development might be brought forward on the Silver Hill site in the light of termination of the Development Agreement.
5. That an update report on the possible acquisition of the St. Clements Surgery and construction of a replacement surgery on Upper Brook Street Car Park be considered at a special Cabinet meeting.

6.5 As indicated above this matter will be further reported to the Councils Cabinet on 29 March 2016. This report which can be viewed at [CAB2794](#), and sets out a way forward for the project, recognising the links with the LPP2 process and Policy WIN4. The report suggests that the ultimate aim of the process will be to produce a Supplementary Planning Document (SPD) for Silver Hill and its environs (which it is suggested is called simply 'the Central Winchester SPD') which will act as a new planning brief for the area and will have the benefit of established status in the local planning system.

6.6 The reports sets out the early part of the SPD process through:

a) Establish a task and finish group led by Cabinet to oversee the production of the SPD. This group will commission and oversee the engagement and consultation process. Members will need to consider, in the light of Clear Lloyd-Jones' comments on challenge and scrutiny, whether this should be on an all-party basis.

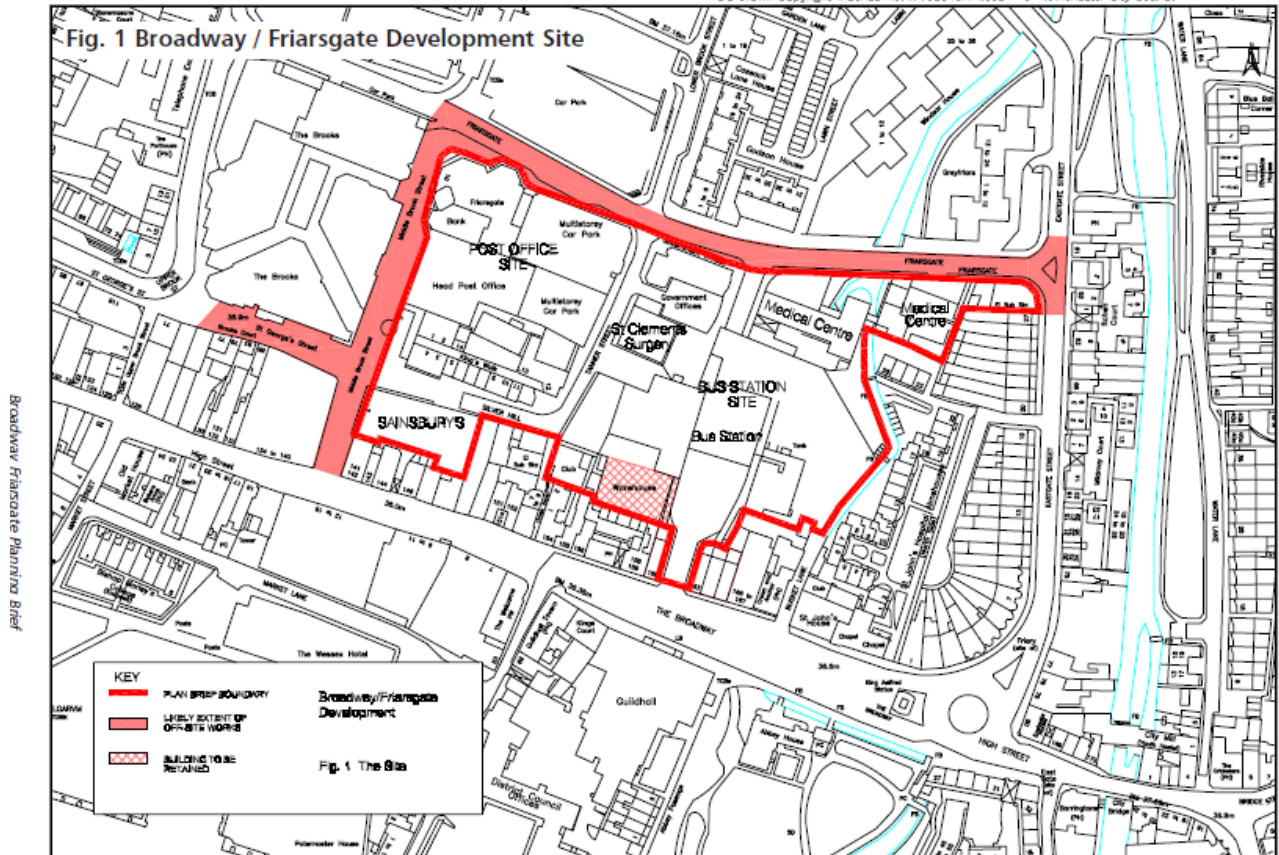
b) Commission a series of external professional studies into the key issues which should underpin any new proposals for Silver Hill:

- *Traffic and transport – including parking, public transport and air quality management*
- *Winchester's cultural offer and potential new assets (including archaeology)*
- *Winchester's retail requirements*
- *Housing and affordable housing on the Silver Hill site*
- *The requirements and aspirations of existing land owners and occupiers.*

7.0 Conclusion

- 7.1 The various Retail Studies commissioned by the Council to inform the preparation of both LPP1 and LPP2, confirm the need to retain Silver Hill as a source of substantial new retail floorspace, together with other uses appropriate to this town centre location. There are various references to Silver Hill being able to address the short-medium retail needs of Winchester Town up until 2021. It is referred to as a commitment, as planning permission has been granted for the 2009 and 2014 schemes. Therefore, in planning terms, the allocation of the site for mixed use development is appropriate and planning consents exist, albeit that it is now unlikely that these could be implemented.
- 7.2 The most recent report to the Councils' Cabinet seeks a way forward and not only acknowledges the need for an engagement strategy and re-branding but also the preparation of a Supplementary Planning Document (SPD) to build upon and provide more detailed advice/ guidance on the Silver Hill policy included in the LPP2 (WIN4). The SPD will consider how the policy can be delivered and how important infrastructure such as bus facilities and public realm improvements can be provided and funded, in the context of a comprehensive approach and a coordinated delivery mechanism.
- 7.3 While it is now most unlikely that Silver Hill will deliver significant retail provision in the short term, the sections above show that the 'objectively assessed needs' for retail provision set in LPP1, and updated in the 2014 Retail Study, will be met over the Local Plan period as a whole. There have been some retail schemes completed, there are a number of retail commitments, there is potential for retail windfall development, and policy WIN11 provides a more flexible approach in Winnall. It is, therefore, expected that there are sufficient opportunities for retail proposals to come forward in Winchester Town to meet short term retail needs, even based on the lower level of floorspace in the 2009 scheme.
- 7.4 The identified sites are expected to provide for the vast majority of the 'objectively assessed need' for convenience and comparison floorspace that are identified in the Local Plan Part 1 (based on the 2012 Retail Study). The modest need for additional provision in the short term (pre-2021) is likely to be offset by other windfall or unidentified sources of supply that can provide for these needs. Silver Hill remains the only suitable site in the town centre on which a substantial scale of retail development could be delivered, so it remains important to maintain its allocation for mixed use development, including retail. It is also a site that it is expected will be delivered within the Plan period, albeit not now in the short term.
- 7.5 Policy WIN4 includes all the key elements to allow a scheme to be brought forward on the site within the context of a masterplan for coordinated comprehensively planned development, to deliver the range of uses and benefits originally intended.

- 7.6 This masterplan is expected to be developed and agreed through a Supplementary Planning Document, using LPP2 policy WIN4 as its 'parent policy', and enabling wide involvement from the public and stakeholders, as well as a formal consultation and adoption process - see the Council's report to Cabinet 29 March 2016 [CAB2794](#).
- 7.7 Therefore, it will be necessary to make generally minor amendments to both the supporting text and Policy WIN4, to reflect the current situation, refer to the intention to produce SPD, and to ensure that the policy is deliverable during the Plan period. The details of such modifications are not set out at this stage, as the Council is likely to promote a schedule of modifications, either during or after the examination process, taking account of any advice or recommendations by the Local Plan Inspector.



Appendix A : Area covered by the Broadway/Friarsgate Planning Brief