

Hearing Statement
By Kim A Gottlieb
Re Proposed Policy W7
Winchester City Council
Local Plan 2020 - 2040

4 April 2025

INTRODUCTION

1. I write as the owner of the former St Clements Surgery, which occupies an area of approximately 8,000 square feet, and to which Proposed Policy W7 would apply.
2. W7 covers the Central Winchester Regeneration area (“CWRA”) (aka Silver Hill). The City Council (“WCC”) has been pursuing the area’s regeneration for more than 25 years. The proposal which WCC had promoted from 2005 was terminated in 2016. Next, in June 2018, WCC adopted a Supplementary Planning Document (“SPD”), and in 2024 WCC partnered a developer consortium – Jigsaw – for a development of part of the CWRA, the majority of which it owns. An ownership plan is at Appendix A.

MIQs

3. In the MIQs, the Inspector perspicaciously notes:
4. ***“2. Policy W7 refers to a masterplan with no requirement for this to be produced. Policy W7i refers to a supplementary planning document? In this regard would the Plan be clear and thereby effective? Paragraph 12.71 refers to a supplementary planning document. Does this include a masterplan?”***
5. The short answers are, 1) yes, there is no requirement to produce a masterplan, 2) there is a conflict between W7 and the SPD which makes W7 unclear and ineffective, 3) the SPD does not include a masterplan.
6. The whole of W7 has been drafted on the assumption that there is a masterplan in place, and that it aligns with WCC’s own ambitions for the regeneration of the CWRA.

MASTERPLAN

7. The fundamental issue with W7 is that no masterplan exists. Nor has any draft, if there is one, been disclosed to the public.
8. There is no mechanism to ensure the production of a masterplan by any party. The general assumption was that Jigsaw, a commercial developer, as opposed to a professional consultant, would be given the role as the project leader and because WCC may soon be devolved out of existence.
9. There is no clarity about what the masterplan might contain. There is no one accepted definition for the same.
10. There is no clarity about the extent of the masterplan. W7 refers to a masterplan for the “whole site” but Jigsaw/WCC are developing only a part of it. And at a recent public presentation Jigsaw confirmed that they are not now producing a masterplan. Please see correspondence at Appendix B.
11. Without a definitive masterplan in place, it is not possible to objectively assess whether any proposal might “prejudice the implementation of the masterplan”. Even if a masterplan was produced, assessing whether any proposal might be prejudicial is very

subjective. This could be interpreted to mean that if Jigsaw plan to include a hotel on their site, there can't be one on the surgery site.

12. As drafted, W7 is completely open to interpretation. Interpretations can change over time and be influenced by extraneous or political considerations. Over time, and in the context of different sites, the potential for inconsistent decision-making is very high, if not almost certain.
13. Furthermore, the words “***not in any way***” prejudice ... are capable of being interpreted in a severe and, for those few sites not owned by WCC, in a potentially capricious way.
14. It is noteworthy that the first of the 19 criteria in W7 is the requirement that proposals should accord with the SPD.
15. This criterion is strongly supported. However, thereafter there is no consideration given to the incremental approach favoured by the SPD, in contrast to the comprehensive approach favoured by existing Policy Win4, which is continued by W7.
16. The intention of the SPD was to reflect the changed attitude of WCC to the development of CWRA and to ameliorate the direction of Win4.
17. Paragraph 3.11.3 of the SPD is critical:
18. ***“In contrast [to the previous proposal] the Central Winchester Regeneration SPD envisages:***
 - ***Multiple smaller projects on individual sites***
 - ***No requirement for a CPO***
 - ***Multiple developers***
 - ***Multiple architectural practices”***
19. Undoubtedly, the SPD sought a change of tone, and a more incremental, organic approach to development. W7 is thus in conflict with the SPD, even more so than Win4, because it requires a strict adherence to a masterplan and, in practice, an all or nothing approach.
20. All other criteria assume the authority of a masterplan, and all are inclined towards a large-scale area-encompassing scheme. There is no consideration as to how smaller and independently owned sites might be developed. The following highlights just some of the difficulties.
21. Criterion iii. assumes that each proposal can and should deliver a broad town-centre use mix. Sites, such as the former surgery, the former RAOB club, and 149-159 High Street are too small to contain a broad mix of uses, although each can accommodate uses that otherwise comply with the SPD (page 46). Attempts to squeeze multiple uses into individual sites may prove to be financially unviable and physically unfeasible.
22. Criterion vi. assumes that every site can enhance the public realm. This requirement is onerous and impractical for smaller sites. Also, it is unclear what “enhancement”

means, making it an open-ended requirement that can be applied punitively, even when smaller development proposals do not cause harm.

23. Criterion viii. is unduly onerous and impractical and conflicts with the NPPF, which promotes sustainable travel but does not prohibit parking, even in central areas. The criterion removes discretion for even a minimal number of parking bays, and may be unlawful as it ignores individuals with disabilities. Winchester is a small city, and its public transport is limited. Many elderly residents, and virtually all who live in the rural communities surrounding the city, are entirely dependent upon having their own means of transport.
24. Criterion xi. is unfeasible for smaller sites and assumes that area-wide traffic movement strategies are defined and deliverable, which they are not. The word “site” is vague. Does it mean the Broadway or the whole Allocated Site or any site for which an application has been submitted?
25. Criterion xiv. assumes that smaller site owners know where the existing infrastructure is located and can accommodate easements or exclusion zones. It is unclear from the wording of the criterion what qualifies as “infrastructure” or who determines the acceptable level of access, or what upsizing may be necessary for future purposes.
26. Virtually all the criteria are written to cater for the large-scale scheme hoped for but present an unfair challenge for smaller sites, and a context in which assessments will be very subjective.

THE PRE-APPLICATION

27. An example of how policy can be interpreted in a stifling way is provided by WCC’s response to the pre-application submission made in respect of the surgery site on 12 December 2022. The proposal sought to demolish the existing structure and redevelop the site into a hotel with 60 rooms and commercial space on the ground floor. The use accords with the SDP, and WCC had itself identified a need for additional hotel accommodation.
28. The exchanges with WCC planning officers were cooperative and productive. We complied with requests to present our proposals to a Design Review Panel and to the City of Winchester Trust, and the scheme’s design was refined to take account of comments made.
29. However, following a change of the officers involved, at a meeting on 1 March 2024 we were told that WCC couldn’t finalise its response without a full understanding of the context around the surgery site yet to be devised by Jigsaw.
30. We protested that it made our scheme dependent upon the aims of a competitor developer, and that our proposals should be considered on their own merits having regard to existing policy. Although, Jigsaw had recently completed its contract with WCC, there was no certainty about when, or if ever, it would reveal its proposals. That remains the case.

31. Following the publication of Jigsaw's DDP in March 2025, we wrote again to WCC to ask if the pre-app could be progressed but, at the time of writing this statement, more than two years after the submission was made, we have yet to hear whether WCC will issue a formal response. Copy correspondence is attached at Appendix C.
32. In the case of an application for 149-150 High Street, ref: 22/02554/FUL, reason 1. of the refusal notice dated 31 May 2023 states.
33. ***"There is no demonstration of how the proposal for all or parts of the site that falls within the Central Winchester Regeneration Area or adjacent to it will accord with the principles and achieve the form of development intended by this allocation as a whole by reasons of its form, internal layout, massing, bulk, design, materials and height in relation to its neighbouring properties and the wider context of the area and as the proposed building will be highly visible from key viewpoints of the High Street and urban central areas, and longer views including Joyce's Gardens, Magdalen Hill and St Giles Hill.***
34. ***The proposal therefore gives rise to significant detrimental and demonstrable harm to the vitality of the town centre area, the historic and characterful roofscape of Winchester town centre and the special qualities of Winchester Historic townscape. The proposal will also set a precedent in its design which may make it difficult to resist further development adjacent the Central Winchester Regeneration Area".***
35. There may be other reasons why the application was refused, but there was a heavy reliance upon the potential impact on proposals for the broader regeneration which have yet to be devised and years from being consented and constructed.

CONCLUSION

36. Proposed Policy W7 relates to one of the most important sites in the city. It is crucial that it is effective, clear, fair, proportionate, properly evidenced and leads to consistent decision making. As drafted, W7 fails on all counts.
37. Fundamental is the lack of a masterplan upon which W7 revolves. There is no indication that a masterplan for the whole site will ever be produced, and there is no party, including WCC's development partner, presently drafting the same.
38. What the masterplan is meant to contain, or the area it is meant to cover, is far from certain. Yet criterion ii. requires that any proposal comprising less than the whole Allocated Site must "not in any way prejudice the implementation of the masterplan for the whole of the site". This policy is capable of being interpreted in a rigid, draconian way and may lead to development on smaller and independently owned sites being delayed and effectively stymied for years.
39. W7 will lead to inconsistent decision making as proposals are submitted at different times, and prevailing conditions change.

40. WCC has pursued regeneration for over 25 years. Its previous efforts over 2005-2016 collapsed amid much rancour, and WCC's own approach to this site was changed greatly by the adoption of the SPD which WCC and the public saw as being more in keeping with grain of the rest of the city centre. Although it purports to support the SPD, W7 fails in that endeavour because it makes it very difficult for incremental development to occur.
41. Inhibiting small scale development, and imposing requirements which are virtually impossible to achieve, is prejudicial and ultimately counterproductive as smaller schemes, which are generally easier and quicker to progress, could stimulate activity across the whole site. There are many examples of grass-root led regeneration around the country. W7 is inflexible, burdensome and cannot be justified.
42. The general aim to regenerate this important part of the city centre is strongly supported, but W7 is much flawed. There is too much uncertainty and potential for misapplication, and W7 should, I contend, either be very substantially revised or abandoned.

APPENDIX A

Land Ownership



- WCC
- SANDBURY King Edward VI School
- SULLERY Tanner Street Limited
- WCC Intercessions
- M&S
- 149-150 HIGH STREET Guardian Pensions
- Southern Electric
- R.A.O.B
- M&S Leased

Exchange of emails Matt Woolgar, project director for Jigsaw, and Kim Gottlieb

From: Matt Woolgar [REDACTED]
Date: Friday, 4 April 2025 at 15:21
To: Kim Gottlieb - Lonb [REDACTED]
Cc: [REDACTED]
Subject: Re: Central Winchester Regeneration Area - Public Presentation

Hi Kim

Thank you for your email and attendance this week at our public meeting.

I think the word masterplan is causing some confusion here so I'll do my best to answer your questions directly below. My planning advisors and the WCC team will no doubt be better placed to be more specific but my understanding of the local plan is that elsewhere in Winchester there is a need to undertake a "concept masterplan" which does not apply to CWR due to the existence of the SPD. I think this is where the word masterplan becomes confusing.

1. Yes we are proposing to put forward a hybrid planning application for Parcel A in detail, with Parcel B in outline which is in compliance with WIN 7 point 2 of the local plan policy.
2. Jigsaw's design team will be looking at the whole of the CWR area and will be considering the relationships between land governed by the Development Agreement, and how this could impact land not governed by the DA, all within the context of the SPD.
3. Yes, our proposal is to take forward a series of plots, with different architectural teams adding variety to the whole
4. In order to articulate that this, we will of course need drawings and plans to demonstrate how the Jigsaw plots interact between themselves and adjoining plots so that the wider area can be viewed as a new part of the city.

I hope this is helpful.

Kind Regards,

Matt



for people,
place and planet

[Website](#) | [LinkedIn](#)



From: Kim Gottlieb - Lonb [REDACTED]
Sent: Wednesday, April 2, 2025 9:15 PM
To: Matt Woolgar [REDACTED]
Cc: [REDACTED]
Subject: Central Winchester Regeneration Area - Public Presentation

Dear Matt

It was good to see you in the Guildhall earlier this evening.

During his part of the presentation John said, on at least two occasions, that Jigsaw was not intending to produce a masterplan. He then confirmed the same in his response to my specific question in the Q&A part of the presentation.

He indicated generally that there was no real need for one, and that Jigsaw's plan was to submit a detailed planning application of Phase A and an outline planning application for Phase B, as soon as practicably possible.

He also took pains to stress Jigsaw's support for the SPD and your intentions to comply with the same. He stressed the point about building out a number of different plots, with different teams of architects involved.

I would be very grateful if you could confirm that what I say above accurately reflects what was said this evening.

I look forward to hearing from you.

Kind regards

Kim

Kim A Gottlieb
[REDACTED]

Extracts of email exchanges with WCC

From: [REDACTED]
Subject: RE: CONFIDENTIAL request for Pre-Application Advice
Date: 14 December 2022 at 11:37:49 GMT
To: Kerry Dames

Thank you for submitting your pre-application. I have set this up and the reference number is 22/02829/PRE.

The fee for this application is £5405.40 and I have emailed [REDACTED] to make payment.

[REDACTED]
Planning Support Officer

From: [REDACTED]
Date: Thursday, 2 February 2023 at 17:02
To: Kerry Dames [REDACTED]
Cc:
Subject: UPDATE - 22/02829/PRE - St Clements

Dear Kerry,

Thank you for your email.

As agreed in our telephone conversation and email on the 20th of January, I advised I would provide an initial written response within two weeks. I have set out below the principle of development on the site, along with a number of other points that we consider to be the main considerations associated with a redevelopment of this particular site.

In order to ensure that I can give you as much information as possible at this stage, I have been engaging with a number of internal council consultees, of which I have been awaiting their initial written comments further to our initial conversation. Please note, as agreed, that a more comprehensive, letter headed, written response will follow the DRP as this will allow us to continue to collaborate and work proactively once we are in receipt of the DRP's comments on the scheme. For now, I wanted to provide initial points and will provide further detail in the formal response, please see below:

Principle of Development

- The location of the proposed development is acceptable

- Having conducted a review of the CWR masterplan, the mix of uses proposed on the site, can be considered acceptable and the SPD highlights this as a mixed use area.
- The indicative height shown within the submitted information at this stage, of 52.25 AOD, would be in accordance with the maximum datum heights allowed under the SPD however it is important to stress this is subject to contextual analysis to determine whether this is acceptable.

[REDACTED]
Senior Planning Officer

From: [REDACTED]
Date: Tuesday, 5 March 2024 at 13:36
To: Kim Gottlieb - Lonb [REDACTED]
Cc:
Subject: St Clements Surgery pre-app

Dear Kim,

It was good to see you and [REDACTED] on Friday.

We discussed Objective 6 (Incremental Delivery) which you refer to below. Please note the later sentences within this objective where it states *“Within phased development implementation, there needs to be a consistent and coordinated approach to delivery of the public realm, following the guidance contained in this SPD.”*

As this needs a co-ordinated approach, an action from the meeting was to seek your approval so we can on-board the Jigsaw Partnership, and have discussions on timeframes and plans to reduce the risk of potential conflict between the two schemes and surrounding public realm. Due to this being a pre-application enquiry we are unable to do this without your approval.

I will wait until I hear from you before taking next steps.

[REDACTED]