

Hearing Statement (Stage 2) Examination of the Winchester District Local Plan 2020-2040

Inquiry Document ED 17 - Matter 16: Creating a vibrant economy

Policy W6 : Winnall

Response on behalf of Marks and Spencer Plc
(Response ID: ANON-AQTS-3BBW-7)

14 April 2025

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1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of Marks and Spencer Plc (M&S) in relation to the Examination of the Winchester District Local Plan (WDLP) 2020-2040. It relates to the following matter identified in Inquiry Document ED17:

Matter 16: Creating a vibrant economy

Issue: Would the strategy and provision for employment development and town, district and local centres be effective and justified and are the individual economic growth policies clear, justified and consistent with national policy, and would they be effective?

Winchester Employment Allocations: Policy W6: Winnall.

Questions 1 and 2 only.

Context

- 1.2 Lichfields submitted representations to the Regulation 19 consultation (reference number ANON-AQTS-3BBW-7) in the name of Royal London Asset Management (RLAM) in respect of their interest in land within 'Sub Area 2' at Winnall (covered by Policy W6).
- 1.3 Since these representations were submitted Mark & Spencer (M&S) have acquired a relevant land interest from RLAM. We are now progressing the representations that we submitted on behalf of RLAM for M&S at this Examination¹.
- 1.4 As set out in the Regulation 19 representations (submitted on behalf of RLAM), whilst our client supports the continued allocation of Winnall as an employment area under Policy W6 (Winnall) it considers that the Policy as currently worded is not "*justified*". This is because criterion 2 (relating to 'Sub Area 2' of the Policy) does not include the flexibility for employment generating uses which sit outside of the B2 and B8 Use Classes.
- 1.5 The Regulation 19 text omits text which was included within both the Regulation 18 Plan and adopted Local Plan which our client considers remains appropriate.
- 1.6 On this basis the Reg 19 representations focussed on the following two points:
- 1 The proposed removal of text providing 'flexibility' around non B-class uses within 'Sub Area 2' of the W6 allocation (from both the adopted Local Plan and Regulation 18 draft of the emerging WDLP) is inappropriate and means that this part of the emerging WDLP is not "*justified*;" and
 - 2 Supporting text (paragraph 12.67) should be amended to delete the current reference to the W6 area avoiding "*out of town destination retail and other recreational proposals*". This reference is inconsistent with both national planning guidance and emerging Policy E4: Main Town Centre Uses Out of Centre which identify that retail and leisure proposals in such locations are appropriate in principle where they comply with the sequential and impact test (where the latter is applicable).

¹ As summarised in the correspondence from Lichfields to the Programme Officer dated 4th April 2025

- 1.7 In essence M&S seek amendments to both **Policy W6: Winnall** and related **paragraph 12.67** to seek flexibility around non B class uses.
- 1.8 We expand upon these points in the following section in response to the Inspectors MIQs.

2.0 **Response to Matter 16: Creating a vibrant economy (Site Allocations) – Policy W6: Winnall**

Question 1.

This policy aims to allocate and protect existing traditional employment uses, retaining 43 hectares of the area for traditional B2-B8 uses, with more flexibility elsewhere.

In relation to sub areas 1 and 2, policy W6 seeks to ensure retention of existing industrial type uses and the creation of additional B2 and B8 floorspace. In so doing, would the policy be unduly restrictive, particularly in terms of retail and leisure sectors beyond traditional industrial uses? Should it provide greater flexibility e.g. employment generating uses outside B use classes, including retail, leisure and other sui generis uses with the aim to better reflect the diverse economic base of the District?

- 2.1 Mark & Spencer (M&S) consider that Policy W6 (Winnall) criterion 2 (relating to ‘Sub Area 2’) in the submission Winchester District Local Plan (WDLP) (2020-2040) (ref: SDO1) is unduly restrictive for employment generating uses which sit outside of the B2 and B8 Use Classes (such as retail/ food retail).
- 2.2 The submission WDLP, at supporting text paragraph 12.67, notes the “*employment area in Winnall is the largest employment area in Winchester Town and generally the area is thriving with very few vacant premises.*” There are a number of established non B2 and B8 Class uses across Sub Area 2 of the allocation specifically including retail such as a Tesco Extra foodstore and The Range (as of April 2025). In addition, the Council has, as recently as 2023, granted planning permissions for a McDonalds drive-thru restaurant and a Greggs drive-thru restaurant within Sub Area 2, both developments being non B2 and B8 uses.
- 2.3 These established uses, have been permitted over the years and are important generators of jobs and economic growth. The development of, and change to, non B2 and B8 Uses within the allocation/ Sub Area 2 has already taken place over time and the Policy should reflect the facts on the ground. Policy W6 and its supporting text fails to recognise the current role of retailers within Winnall.
- 2.4 The submission WDLP (ref: SDO1), supporting text paragraph 12.67 states that Policy W6 allows “***for a degree of flexibility in those parts of the employment area where change might be expected***” [Lichfields emphasis]. This is not consistent with paragraph 10.38 which states “*The policy is aimed at retaining the core of the 43 hectares of the area in sub-area 1, for industrial (B2) and storage and distribution (B8) employment, **with more flexibility in other parts of Winnall.***” [Lichfields emphasis]. Despite the reference to ‘flexibility’ in the supporting text, Policy W6 includes no such flexibility.

Regulation 18 version of the WDLP

- 2.5 The Regulation 18 draft of the WDLP (ref: CON01) included suitable flexibility for non B2 and B8 uses (such as retail/ food retail). This is expanded on in the RLAM (now M&S) representations to the Regulation 19 consultation.
- 2.6 The Regulation 22 Statement of Consultation Part 1 (November 2024) (page 47) (ref: SDO7a) sets out a comment from respondent BHLF-KSAR-N8BD-W in relation to Policy W6 of the Regulation 18 draft of the WDLP as follows:
- “It is important to protect employment sites so Policy W6 should be clearer and stronger. The criteria allowing non B use class employment for sub areas 2 and 3 should be consistent with those for sub area 1, namely: “...there is a presumption in favour of the retention of existing B use class employment and the creation of additional B2 and B8 floorspace to ensure Winnall continues as a centre for more traditional employment opportunities.””*
- 2.7 The Officer response set out in SDO7a to the comment is:
- “Points noted but this is the whole reason why the Winnall industrial estate has been divided up into different zones. It is considered that there is more scope within sub area 2 and 3 for employment uses that fall outside of B2 and B3 uses [sic] which is an approach that has been taken in the existing adopted LP. Recommendation: no change”*
- 2.8 Whilst the Officer response recognises that Sub Area 2 (and 3) have more scope for non B2 and B8 uses this is not reflected in Policy W6 of the submission WDLP. It is not clear why the Council deleted the reference to “flexibility” within Policy W6.
- 2.9 It should also be noted that the adopted Winchester District Local Plan Part 2: Development Management and Site Allocations (2017) Policy WIN11 (Winnall) (ref: LPO4) included suitable flexibility with regards to non B2 and B8 uses (such as retail/ food retail).

Winchester City Council evidence base

- 2.10 Policy W6 is also not consistent with the Council’s own evidence base. The Winchester: Town Centres Study – Stage 2: Partial Refresh (July 2024) (paragraph Ixxi) (ref: VE02) prepared by Lambert Smith Hampton on behalf of the Council states:
- “Emerging Local Plan Policy 6 (Winnall) **makes provision for town centre uses where evidence shows that the use requires an out-of-centre location and that a ‘sequential approach’ has been applied.** It is recommended that the policy wording is amended to include a reference to emerging Local Plan Policy E4 (Retail and Main Town Centre Uses) and the requirement for main town centre uses that exceed 350 sqm to be accompanied by an impact assessment.”* [Lichfields emphasis]
- 2.11 Policy W6 criterion ii) does not incorporate the “provision for town centre uses...” as set out in the evidence base.

Amendments to Policy W6 and 12.67

- 2.12 M&S support the continued allocation of Winnall as an employment area under Policy W6 (Winnall) but for the reasons above the Policy as currently worded is not “justified”.

- 2.13 As set out in the Regulation 19 representations amendments are required to Policy W6, and its supporting text, to ensure it contains flexibility for employment generating uses outside of the B2, and B8 Use Classes (such as retail/ food retail) – a number of such uses already being in existence within this sub-area.
- 2.14 The first sentence of Policy W6 criterion ii) should be amended to read as follows:
“In sub area 2, along Easton Lane, the council will adopt a more flexible approach in applying Policy E6 (retention of employment land and premises) and may permit employment generating uses outside of the B2, and B8 Use Classes.”
- 2.15 This wording would revert to the text within the Regulation 18 Draft. For clarity it could go on to state *“for example where proposals comply with the sequential and retail impact tests.”*
- 2.16 As a result of the suggested amendments to the draft Policy W6 above, a consequential amendment is required to the supporting text to the Policy to ensure the internal consistency of the WDLP. Paragraph 12.67 should be amended as follows:
“The employment area in Winnall is the largest employment area in Winchester Town and generally the area is thriving with very few vacant premises. The employment area also includes several established non B2 and B8 uses that are important generators of jobs and economic growth. The policy therefore is aimed at retaining the core of the employment area in traditional employment uses (Use Classes B2 and B8) while allowing for a degree of flexibility in those parts of the employment area where change might be expected and would support the vitality and viability of the area ~~and avoid out of town destination retail and other recreational proposals.~~ It also recognises the need to maximise opportunities to create additional B2 and B8 employment floorspace, improvements to community infrastructure, open space and green infrastructure provision.”

Question 2.

In this respect would the policy accord with other policies in the Plan, in particular policy E6, which aims to retain employment land and premises and employment opportunities?

Strategic Policy E1

- 2.17 M&S consider that whilst Strategy Policy E1 (Vibrant economy) states *“the plan recognises the contribution to the local economy of employment opportunities outside of traditional industrial use classes”* and the supporting text of Policy W6 (at paragraph 12.67), generally accept the need for flexibility to support employment generating uses outside of the traditional B use classes, Policy W6 criterion ii) does not in practice support this.
- 2.18 Policy W6 is therefore not consistent with other policies in the Plan. Policy W6 criterion ii) should be amended as per the suggested amendments set in the response to Question 1 above to ensure consistency.

Strategic Policy E4 and paragraph 12.67

- 2.19 The National Planning Policy Framework (NPPF) and Strategic Policy E4 (Main town centre uses out of centre) (and its supporting text such as paragraph 10.102) require proposals for non town centre uses (including retail) to comply with the sequential and impact tests (where applicable). Whilst the NPPF and Policy E4 provide flexibility for main town centre uses in out of centre locations to come forward subject to the sequential and impact tests, the supporting text to Policy W6 (at paragraph 12.67) does not provide this flexibility as it states that the W6 area should “*avoid out of town destination retail and other recreational proposals.*”
- 2.20 This wording (at paragraph 12.67) is unduly onerous and inconsistent with national policy and Policy E4. It should be deleted as per the suggested amendment set out in the response to Question 1 above.

Policy E6

- 2.21 Policy E6 (Retaining employment opportunities) sets out several criteria which development proposals that “*involve the loss of existing or allocated employment land and floorspace, or land that was last used for an employment use*” are expected to take account of. Criterion 1 refers to “*redevelopment potential for other employment uses.*”
- 2.22 Policy E6 allows for some flexibility of “*other employment uses*” whereas Policy W6 is specifically restrictive for employment generating uses which sit outside of the B2 and B8 Use Classes (such as retail/ food retail). Policy W6 criterion ii) should be amended as per the suggested amendments set in the response to question 1 to ensure consistency with Policy E6.
- 2.23 M&S support the continued allocation of Winnall as an employment area under Policy W6 (Winnall) but for the reasons above the Policy as currently worded is not “*justified*”.