

EXAMINATION OF THE HOCKLEY AREA ACTION PLAN

INSPECTOR’S FURTHER QUESTIONS AND COMMENTS TO THE COUNCIL

COUNCIL RESPONSE – 19 July 2013

The Council has responded to my initial questions of 17 May 2013 following my preliminary examination of the Hockley Area Action Plan (HAAP). I am grateful for those answers and for the additional information provided including the A3 sized plans and also note that the Council is proposing a number of minor changes to the Plan.

The matters that are critical to the soundness and legal compliance of the Document are set out in the final version of my issues and questions. These should be addressed by the Council in its hearing statements which are due to be submitted by **Friday 16 August 2013**. However, in the meantime, there are some matters arising from the Council’s answers that prompt further questions on my part which would be helpfully addressed in the interim period.

As they ‘follow-up’ questions previously asked I will adopt the original numbering system. In certain instances I will give an initial view where the Council’s answer invited this although this may be subject to change following the hearings. The absence of further questions should not be taken to mean that soundness or legal compliance has been demonstrated since these will be covered in the hearings sessions starting on **Tuesday 17 September 2013**.

Further answers should be concise and should be sent to the Programme Officer by **Friday 19 July 2013**.

1. For consistency my initial view is that the HAAP should have the same plan period as the Core Strategy rather than the Retail and Leisure Study. Does the Council agree?

The Council has no objection to this and will amend the HAAP so that it fits within the same plan period as the Core Strategy, running to 2025. This change will be included in an updated schedule of changes.

2. I appreciate that the Council is suggesting various changes in respect of the draft DM policies. However, there is scope for such references to become outdated and I question whether their inclusion serves any real purpose when any amplification of the objectives for Hockley can be stated in any event.

The Council referred to DM policies that were relevant to, or helped to justify specific policies within the HAAP. Whilst the DM policies have not yet been formally adopted the Council is confident that the content of the relevant DM policies is justified.

However the Council accepts the point that as the DM policies may be subject to change before they are formally adopted, reference to them should be removed from the HAAP. Replacement text will be introduced to the HAAP in place of text referring to the DM policies. This text will make general reference to the Council’s position.

These changes will be included in the updated schedule of changes.

- 9.c) My view is that reference to areas outside of the HAAP boundaries should be removed in the interests of clarity.

The Council agrees that reference to areas outside of the HAAP boundaries should be removed from the document in some instances, for example in sections of the report that deal specifically with the framework of the proposals.

The Council does not agree that all references to the areas immediately adjacent to the HAAP area should be removed. The Council feels that the impact of the HAAP on the surrounding area should still be mentioned in parts of the HAAP dealing with the context of the HAAP. The issues relating to the area surrounding the HAAP proper occurred as part of the initial formulation of the AAP and should be represented.

The Council feels that the HAAP document is an integral part of the strategy for the rest of Hockley and the wider district and that it should still include some reference to the wider impact of the HAAP and its policies on the rest of the immediate area, particularly those areas which are geographically contiguous with the HAAP.

Changes to the HAAP will include altering the main framework diagram figure 13. As well as removing similar references from sections related to the policies. These changes will be included in the additional updated schedule of changes.

- 10.a) What evidence is there of expenditure being lost to other areas? Can you advise on the floor areas of the Sainsbury’s and Costcutter stores?

The Retail Leisure Study was originally published in March 2008. It indicates that the Hockley home zone retains only 13% of convenience spend. There are no significant changes in the retail offer since the 2008 study to suggest that retail spend within Hockley has altered and that it remains on at a low order of magnitude.

It is certainly true that in the interim period between the 2008 Retail Leisure Study and the present some small food retailers have come to Hockley, notably a Sainsbury’s and a Costcutter.. However neither of these developments represents an increase in the amount of retail floor space in the centre as they did not involve any change of use and merely replaced previous occupants who were making similar use of the premises. These two premises have gross floor spaces of 300sqm and 250sqm respectively.

- 10.b) The National Planning Policy Framework at paragraph 161 indicates that the evidence base should be used to assess the need for floorspace for economic development (including retail) in quantitative terms. However, the most recent letter from GL Hearn (85.EB36) ends by commenting that “updated market testing would probably be required to ensure that was still deliverable”. Could further guidance be provided on the meaning of that statement given that it is also observed that the size of store outlined in the HAAP is still appropriate?

The statement from GL Hearn is primarily directed at clarifying the present market situation. It shows that while the market continues to fluctuate there have also been expressions of interest from operators whose standard floor space requirements match those set out in the HAAP. Whilst it does indicate that further research into market conditions may be of use the Council takes the view that market conditions continue to fluctuate and that if the Council were to commission additional research that too would be overtaken by natural changes in the market.

The policies in the HAAP are intended to serve for the entire plan period and as such it is to be expected that the conditions in the market will change. As such the Council feels that it has engineered a degree of flexibility into the HAAP, for example by setting the cap on floor space for the proposed food retailer at 3000sqm. This ensures that 890sqm of additional net floor space can be provided to maintain the current level of expenditure in Hockley. It also ensures that there is a reasonable margin of additional potential floor space, which the Council believes could accommodate a national multiple, otherwise lacking in Hockley. Such a food retailer would attract further expenditure which is otherwise lost out of the area. It should also be noted that the limit of 3000sqm gross is commensurate with the scale demanded by national food retailers in other areas of Essex.

- 11.a) Given the existing, lower proportions of Class A1 uses how will 75% of retail uses in the primary shopping frontage and 50% in the secondary shopping frontage be achieved?

The Council contends that the percentages of desired use classes for the primary and secondary frontages are intended to be indicative targets for future development appropriate to a master plan or as might be found in a planning application. As such they will help to inform development management decisions and aid in reshaping the town centre.

The Council measures the percentage of use classes in its primary and secondary shopping frontages in metres rather than on a unit by unit basis as this may cause figures to appear skewed. As such the Council feels that the target of 75% A1 in the

primary area is eminently achievable, particularly if the food retailer were to come forward.

- 11.b) As the policy refers to development that supports “vitality and viability” is the word “appropriate” superfluous?

The word “appropriate” in the context of the HAAP was intended to signify that while development is encouraged it must be considered with regard to the character and local context of Hockley town centre.

For example if a development, such as a nightclub, were to be proposed it could be argued that the development meets the criteria of supporting both the vitality and viability of the town centre, however such a development would be likely to have significant additional impacts on Hockley with regards to local amenity and the character of the town in general that would need to be carefully considered.

This having been said the Council is willing to remove the word “appropriate” from the relevant section of the text if the Inspector feels that it is necessary to do so.

- 11.e) Paragraph 154 of the National Planning Policy Framework establishes that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the Plan. Whilst criterion c) might reinforce the spirit of the policy my initial view is that it does not meet the above test in the Framework.

It is possible that development proposals could arise that would either have a negative impact on the health of the town centre despite meeting the first two criteria or a positive impact on the health of the town centre despite failing the first two criteria. This third criterion would allow decision makers to either refuse or accept such development proposals as they see fit. In particular, it is possible that some uses may not be A1 but would have a very positive impact in terms of either improving the town centre overall or encouraging visitors, or both. The Council may wish to allow such development and should not be prevented from doing so by an over-prescriptive policy.

Noted. The Council suggest the following reasoned justification text be inserted into the supporting text to further explain this criteria:

“It is important to maintain flexibility in the management of development in the town centre particularly given the instability of the current economic climate. This will help to ensure that new development contributes positively to the town centre offer and helps to encourage new people into the town. However, some land uses associated with town centre locations have the potential to raise amenity issues for nearby residents. Such uses might include, but are not necessarily limited to, those falling within Use Classes A3, A4 and A5 or other Sui Generis uses such as night clubs. The impact of such non-retail uses on the amenity of those living within or nearby the town

centre will be an important consideration in determining relevant planning applications. Unless applicants can demonstrate how negative impacts can be appropriately mitigated, it may be that, on balance, such uses are considered unacceptable in Hockley town centre.”

The above will be included in the updated schedule of changes.