

**Council’s Response to Inspector’s Initial Questions (May 2013)**

- 1) Duration of the Plan – In Section 1.1 the Plan period is said to be until 2026 but that of the Core Strategy is until 2025 (para 1.1). What is the reason for the discrepancy?

The Retail and Leisure Study, which is relevant to the HAAP, runs until 2026 and as such it was deemed appropriate for the HAAP to do so as well. This will ensure that the trajectory of development for the HAAP will coincide with the general timeline of the Retail and Leisure Study.

- 2) Plans – It would be helpful if some of the plans and diagrams were larger (at least A3 size) to assist with comprehension. Is it possible to provide these for Figures 1, 12, 13, 14 and 17?

Yes, Figures 1, 12, 13, 14, and 17 are available in A3 format and have been passed onto the Programme Officer to be available for the Inspector by 17 June. These can also be available at the hearing sessions.

- 3) Draft DM Policies – On page 41 there is a reference to Draft Policy DM28 and other DM policies are mentioned elsewhere. It is assumed these relate to the emerging Development Management Document. Is it wise to retain or rely on these references given that such policies are subject to change?

The reference to various DM policies does indeed refer to the emerging Development Management Document. The Council acknowledge that the various DM policies may be subject to changes in the near future and that subsequently it may be unrealistic to place as much emphasis on them as is currently the case in the HAAP. As such the Council intend to amend the HAAP to rely less heavily on the DM policies, where it is appropriate to do so. These changes have been outlined in the attached schedule of changes.

It should be noted that due to the inclusion of several new policies in the emerging Development Management Document, draft Policy DM28 referred to in the HAAP has now been changed to DM31. This change does not affect the content of the policy, however, the numbering of the policies will be amended in the HAAP, as appropriate.

Although the Council anticipate that draft Policy DM28 (now draft Policy DM31) will be approved following its final submission stage, the Council intend to remove the reference to this policy on page 41 of the HAAP and replace it with text stating that any strategic planning applications will be required by Essex County Council Highways Department to be accompanied by a Transport Assessment. This is set out in the attached schedule of changes.

- 4) Land ownership context – Section 2.6 states that the Hockley Trading Estate is largely controlled by a single land owner but representors question the accuracy of this statement. Are they right?

Eldon Way Industrial Estate is largely controlled by a single land owner, however, there are several sites within the Estate that are under long lease by other individuals as well as several other sites that have been sold freehold. Land ownership for the majority of Eldon Way Industrial Estate is set out in the attached land ownership plan.

The land ownership map of the Eldon Way Industrial Estate, provided by London & Cambridge (LCP) is available as a supporting document. The document shows a red line representing LCP’s freehold ownership. Areas outlined in blue show the sites that are under long lease and areas outlined in green show a mix of freehold and long lease properties.

The Council does not envisage that these sites will cause any significant hindrance to the development of the Industrial Estate as proposed by the HAAP over the plan period as the development of the Eldon Way Opportunity Site is aspirational and will take place as part of the normal development process. The Foundry Industrial Estate is outside the control of the main land owner, however, this area is proposed to remain allocated for employment land as set out in the Plan (Figures 13 and 14).

It should also be noted that the HAAP proposes to build on the leisure and retail focus within Hockley centre, with a maximum of 50% of the site proposed for residential use.

- 5) Property market overview – Section 2.7 refers to certain findings of a “comprehensive review of Hockley’s property market”. However, this does not appear to be part of the evidence base. If that is correct, how are these findings justified?

The review of Hockley’s property market was not included in the original evidence base at the time of the HAAP’s submission because there were concerns that the information within it was of a commercially sensitive nature.

Since the submission of the HAAP the Council, working with AMUP, has liaised with GL Hearn and are now able to include the Hockley Property Market Overview in the evidence base (see attached and 85.EB36).

- 6) Figure 13 and Figure 14 – What is the inter-relationship between Figures 13 and 14? Should either of them be referred to in relevant policies in order to provide spatial guidance to new development?

Figure 13 shows an indicative framework for the development of Hockley centre and provides a broad outline of how the Council envisages development will take place within the wider context set out in Figure 14. Figure 14 is the Proposals Map, providing details of the locations in which the HAAP’s policies will apply to development proposals. It specifically identifies the Eldon Way Opportunity Site.

Figure 13 is indicative of the spatial context of Hockley, and in particular setting out the appropriate uses within the Eldon Way Opportunity Site and wider area.

An amendment to make reference to Figures 13 and 14 in all relevant policies has been included in the attached schedule of changes.

- 7) Eldon Way/Foundry Industrial Estate – What is the relationship between the policies in the AAP and Policy BFR2 of the Allocations Submission Document?

The Allocations identifies, in Policy BFR2, that the Eldon Way and Foundry Industrial Estates will no longer be allocated for employment use in accordance with the Core Strategy. However, the HAAP provides the detailed planning policies for Hockley centre and BFR2 in particular. The Allocations and the HAAP are functionally separate planning documents, and so it is considered appropriate for the Allocations to acknowledge that BFR2 will not be allocated for employment, irrespective of whether the HAAP is adopted or not.

- 8) Policy 3 – Are improvements to car parking wholly dependent on the development of the Eldon Way Opportunity Site?

The development of the Eldon Way Opportunity Site represents a major component of the proposals for the redevelopment of Hockley centre. Redevelopment of this site in accordance with the HAAP would require improved parking provision. The consolidation of parking in the Eldon Way Opportunity Site will be dependent on land ownership as there are several areas of within the site with differing sensitivity to development.

- 9) Policy 4

- a) Does 50% of the area relate to the entire Opportunity Site defined in Figure 14 or in Figure 13 (see Q6 above)?

The 50% of the area referred to relates to the entire Opportunity Site defined in Figure 14. This will be clarified in the HAAP with appropriate changes indicated in the attached schedule of changes.

- b) Can housing satisfactorily co-exist with adjoining employment uses to be retained and existing/planned leisure uses?

The proposed housing can co-exist with adjoining employment uses that the HAAP proposes be retained as long as it is appropriately designed and managed.

The current disposition of Hockley centre means that residential uses are already co-existing with employment and light industrial uses in several areas, including the housing which has been delivered in close proximity to the employment uses on the site adjacent to Hockley station.

- c) On page 44 there is mention of opportunities for housing on other sites “within and adjoining” the AAP area to the north of the railway line and opposite Plumberow Avenue and Mount Crescent. However, these locations would appear to be outside the boundaries of the AAP defined in Figure 1. If that is the case, is it appropriate to raise these possibilities as part of the AAP?

The Council feels that discussing these sites in the HAAP is appropriate as it helps to place the document in the wider context of the surrounding area, particularly as many of the issues raised during the extensive consultation on the HAAP related to the areas of Hockley immediately adjacent to the area covered by the HAAP. However these areas are not formally part of the AAP; if the Inspector feels it is not appropriate to mention these areas in the HAAP the Council would be willing to remove the relevant text.

- d) It is envisaged that approximately 100 new dwellings could be delivered on site. Should this be more clearly stated as part of the policy in order to provide appropriate detail on the quantum of development?

The Council feels that it is important to clarify in the policy that approximately 100 new dwellings are proposed to be delivered on up to 50% of the Opportunity Site. This approach means that the HAAP has more flexibility to respond to market conditions.

If slightly fewer or slightly more than 100 dwellings were to be proposed for the site, this would not necessarily pose a problem in planning terms. Additionally the greater flexibility in the proposed policy means that planning applications can be considered on their individual merits in terms of housing provision, as well as how well they comply with the policies.

Reference to Figure 13 within Policy 4 would clarify the area in which residential development is considered appropriate for up to 100 dwellings and discourage development of other uses within this area. An amendment to the policy is set out in the attached schedule of changes.

- e) A capacity study has been carried out (Document 81.EB32 of the Evidence Base). However, it was based on the provision of 146 units of residential accommodation which is acknowledged to be more than that referred to in the AAP. Does it therefore form a realistic basis for the assessment of development potential?

The assessment of development potential has been undertaken in an iterative way by the consultant team which is comprised of planners, architects and property advisors. Physical capacity is only one measure of development potential, and the 145 figure was revised down following wider consideration by the team as a whole.

The assessment is a guide to capacity. The 145 residential units represent a maximum figure. This figure was revised in the HAAP Viability Note which shows that while the initial design iterations found the site to have a capacity of approximately 145 residential units discussions between GL Hearn and the Council in view of Hockley’s

local character and context led to this figure being revised to provide a maximum residential capacity of 100 dwellings within the submission document.

The capacity study therefore continues to form a basis for the assessment of development potential given that the capacity figures were reduced based largely on local qualitative grounds.

10) Policy 6

- a) The policy allows for a food store of up to 3,000sq m (gross). However, as recorded on page 48 of the AAP the Retail & Leisure Study of 2008 referred to capacity for up to 890sq m (net) to 2026. Bearing in mind the other findings at paras 10.25-10.32 of the 2008 study, including the capacity given for the entire District and the recommendation that focus be maintained on developing Hockley’s existing strengths rather than retail expansion, what is the justification for that amount of floorspace now? Furthermore, some representors indicate that the convenience shopping offer in Hockley has increased since 2008.

Whilst the 2008 Retail and Leisure Study refers to a capacity of 890sq m, there are several issues that should also be considered when applying this figure to the assessment of the HAAP. Firstly, discussions with AMUP have led to the conclusion that the 3000sq m food store would include approximately 2000sq m of net retail floor space. Secondly, because the 2008 Retail and Leisure Study considers existing demand only, its scope only allows it to assess what level of retail floor space is needed to satisfy the current demand for food retail. Thirdly, although the HAAP proposes a 3000sq m (gross) food store the 2008 Retail and Leisure Study also indicates that there is a significant level of retail expenditure being lost from Hockley to other areas both within, and outside, the district. As such, the HAAP seeks to retain as much of this lost retail expenditure as possible, and it is reasonable to conclude that a larger food store would retain a larger amount of retail expenditure that is currently being lost to other areas.

It is also the case that there are several existing food stores in Hockley at present, although these vary considerably in scale, the most recent is a Sainsbury’s food store. This development did not require permission for a change of use as it was previously used as a Factory Shop (also A1 use) and provided convenience and comparison shopping. The other food retailer that has been developed in Hockley is a Costcutter convenience store (A1 use). This store was initially a bathroom furnishings outlet (also A1 use).

The Hockley Property Market Overview shows that although Hockley is well provisioned by smaller food retailers, a larger food store would have the potential to ‘mop up’ retail expenditure which is currently directed out of Hockley. This statement is supported in the Retail and Leisure Study which indicates that while Hockley’s current demand is satisfied there is still a significant loss of expenditure which could otherwise be positively directed back into Hockley.

- b) On a related point the Initial Officer Comments in the Consultation Statement state "research carried out by AMUP showed that there was a significant market demand in Hockley for an additional large food store" (p36). It is understood that this amounts to the Viability Note produced by consultants (Document 82.EB33 of the Evidence Base). Whilst issues of confidentiality may have affected the level of detail of that Note how does it substantiate the observation made in the Consultation Statement?

In July and August 2012 GL Hearn were contracted to produce a Property Market Overview to provide evidence for the initial HAAP illustrative options. This was issued in September 2012.

The Property Market Overview highlights the fact that Hockley is identified in the Retail and Leisure Study as performing poorly in terms of expenditure retention. The Overview showed that while Hockley is deficient in terms of larger high-street multiples it is reasonably well served by small scale comparison shops and that in this regard it is trading well. As such the Overview shows that the range and quality of retail in Hockley stands to be considerably improved.

The Overview states that food retail operators would be interested in developing a store of up to 3000sq m in Hockley provided that the Council does not have reason for refusal on planning grounds. This statement ties in with the evidence in the Retail and Leisure Study showing that Hockley currently loses a significant amount of retail expenditure to areas outside of Hockley.

In December 2012 GL Hearn provided the Council with a Viability Note which indicated that there was a demand for a food store of up to 3000sq m in Hockley. There were some concerns that the document contained commercially sensitive information however this has been addressed and the report is included in the HAAP Evidence Base.

AMUP liaised with GL Hearn regarding what further evidence could be put forward to demonstrate the level of market demand for a new store of 3000sqm (gross) in Hockley.

Additional correspondence with GL Hearn, which has also been added to the Evidence Base (85.EB36), has provided further clarification. GL Hearn emphasised that market conditions are not static and that the evidence they provided concerning the HAAP should be taken in the context of the time the study was carried out. This being said GL Hearn point out that recently there has been a trend towards focusing on 'metro' formats in town centres. They no longer believe that there is a guaranteed demand for a larger format food store however they also state that the size range proposed in the HAAP is still appropriate.

The Council feels that the approach taken in the HAAP of placing an upper limit of 3000sq m on any food store development coming forward ensures that there is a reasonable amount of flexibility in terms of the kind of development that can come forward in response to on-going fluctuations in market demand. The fact that a food



store operator may not wish do develop a site of 3000sq m does not render the HAAP’s proposal unviable. 3000sq m is an upper limit and as such somewhat smaller developments are also feasible because of the HAAP’s flexibility.

11) Policy 7

- a) What is the current proportion of Class A1 uses compared to non-retail uses in the primary and secondary frontages?

The current proportion of existing Class A1 uses within the primary shopping frontage is 58% of units. The current proportion of Class A1 uses is 44% of units within the secondary shopping frontage.

- b) What is the meaning of the word “appropriate” in this context?

The supporting text states the following: “An appropriate balance of uses is necessary to support the health of Hockley centre, and it is essential that retail uses are supported by non-retail uses such as cafés, pubs and banks.” In this context “appropriate” means that the services and facilities would enhance and support the primary functions and activities present within a thriving town centre.

- c) What is envisaged as having a “detrimental impact” in criterion a) and should reference be made to the guideline percentages in the text to ensure that the predominance of A1 uses is not undermined?

The Council feel that by referring to the percentages in the supporting text this would make it easier for cases to be considered on their own merits and to avoid the policies becoming overly prescriptive. Detrimental impact would include uses which may lead to a decrease in footfall in the centre of Hockley or those which would make it a less attractive place to visit.

- d) How will criterion b) be judged and what is likely to create a “cluster”.

Each planning application will be considered on its own merits. However, a cluster is considered to be any more than two immediately adjacent non-retail uses of the same use-class. A definition is proposed to be included within the HAAP as set out in the attached schedule of changes.

- e) Is it reasonable to require new uses to contribute positively and are there particular uses that should be restricted?

The Council think that this criterion would help to reinforce the spirit of the policy and would be useful in seeking to resist proposals that might come forward that were not considered to contribute positively to the economic health of the centre by ensuring that an appropriate balance of uses are supported. However, these criteria can be deleted if the Inspector feels it adds nothing to the policy.

- 12) Community infrastructure – Table 1 gives details of major environmental improvements and highways schemes. Is Policy CLT1 of the Core Strategy sufficient to ensure that contributions towards them are made as part of new development within the AAP area?

Policy CLT1 of the adopted Core Strategy refers to a standard charges document – the Community Infrastructure Levy (CIL). The Council is currently in the process of preparing a CIL which will set a standard charge for development in the district. At present it is anticipated that this standard rate will apply to the town centre, as well as development elsewhere.

#### Minor Modifications

If the Council intends to make minor modifications to the Plan then a table should be prepared, referencing all such changes and containing the wording of the proposed modification. This table should be posted on the Examination website and kept up-to-date throughout the examination process. Minor modifications are alterations to the Plan that have no bearing on its soundness. Confirmation that this course of action will be adopted would be appreciated.

The Council has prepared a separate schedule of changes for the HAAP Submission Document (November 2012) and can confirm that this will be posted on the website and kept up-to-date.