



The Planning Inspectorate

Report to Rochford District Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE HOCKLEY AREA ACTION PLAN

Document submitted for examination on 18 April 2013

Examination hearings held on 17 and 18 September 2013

File Ref: PINS/B1550/429/10

Abbreviations Used in this Report

CS	Core Strategy
EWOS	Eldon Way Opportunity Site
HAAP	Hockley Area Action Plan
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
RLS	Retail and Leisure Study 2008
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy

Non-Technical Summary

This report concludes that the Hockley Area Action Plan provides an appropriate basis for the planning of the centre of Hockley until 2025 so long as a number of modifications are made to the Plan. The Council has specifically requested that necessary modifications are recommended to enable it to adopt the Plan.

The modifications can be summarised as follows:

- Linking the plan period to that of the Core Strategy;
- Making clear reference to the framework plan and proposals map;
- Removing mention of the Local Plan and the emerging development management policies;
- Clarifying the extent of the housing area within the Eldon Way Opportunity Site;
- Amending Policy 6 to remove reference to a food store but giving priority to smaller shops or the expansion of existing stores whilst setting parameters for a large single store up to a maximum of 3,000 sq m (gross); and
- Adjusting Policy 7 to make it clear and effective in the interests of the health of Hockley centre.

Introduction

1. This report contains my assessment of the Hockley Area Action Plan (HAAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate and then whether the Plan is sound and compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound, a local plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Submission Document of November 2012 which is the same as the document published for pre-submission consultation between 29 November 2012 and 25 January 2013.
3. In accordance with section 20(7C) of the 2004 Act the Council has requested that I should make any modifications needed to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted¹. The main modifications required to make the Plan sound and legally compliant are identified in bold in the report (**MM**) and are set out in the Appendix. They have been subject to public consultation and Sustainability Appraisal (SA). The Council may also make additional modifications which do not materially affect the policies but these are not covered by this report.
4. In accordance with Regulation 23 I have given consideration to the written representations made under Regulation 20. I have also taken account of the oral contributions made during the hearing sessions and the consultation responses to the main modifications including the large number received in relation to **MM7**, **MM14** and **MM16**. However, this report does not deal with all of these individually but rather concentrates on whether the various aspects of the HAAP are sound and legally compliant.

Duty to Co-operate

5. The key strategic matters relating to sustainable development in the District were settled in the Core Strategy (CS) adopted in December 2011. Furthermore, because of its central location within Rochford, the sustainable development or use of land in Hockley would not have a significant impact on any other local planning authority area. As a result the duty to co-operate imposed by section 33A of the 2004 Act is not engaged. The Council has nevertheless continued to liaise with Essex County Council as Highway Authority in a constructive way as detailed in the Consultation Statement².

Consultation

6. Section 20(5)(a) of the 2004 Act requires that I consider whether the Council has complied with their statement of community involvement as set out in
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¹ Examination Document EXH138

² Document SUBDOC4

section 19(3). In addition, Regulation 18 states that local planning authorities must take into account any representation made to them during the preparation of a local plan.

7. The Statement of Community Involvement (SCI) is dated January 2007³. It confirms that the Council will use a number of techniques at various stages of the development plan process. The objectives of the SCI are, briefly, to engage effectively with all sections of the community; to use appropriate techniques; and to improve the quality of decision-making. The Council has provided copious details of the steps taken since 2008 to inform people about the HAAP. The receipt of over 3,000 representations indicates that local people are well aware of the document. Although there are quibbles about how this was undertaken including the categorisation and reporting of representations, I am satisfied that the Council has carried out the relevant techniques listed in the SCI. Furthermore, the nature of the HAAP has changed over time in response to comments made so that the process was a meaningful one. Therefore my conclusion is that the steps undertaken in relation to consultation are both sound and legally compliant.

Assessment of Soundness

Main Issues

8. Taking account of all the representations, written evidence, site visits and the discussions that took place at the examination hearings I have identified 4 main issues upon which the soundness of the Plan depends.

Issue 1

Is the overall strategy for development sound having regard to the needs and demands of the area; the relationship with other plans, national policy and Government objectives, the evidence base and preparatory processes?

9. In broad terms the HAAP seeks the incremental growth of the centre of Hockley in a manner that is consistent with its "village character" whilst at the same time improving the quality and safety of the environment. Earlier consultation versions of the HAAP were more radical whereas a 'do nothing' approach would have further weakened the role of the centre and missed out on the opportunities offered by its location. Indeed the Core Strategy (CS) refers to its "great potential" and representors refer to the important position of Hockley at the "hub" of the District.
10. By including policies that seek to enhance the retail offer; identify an Eldon Way Opportunity Site (EWOS) for mixed use re-development; provide for a public space and improved connectivity and environmental improvements, the aims of CS Policy RTC6 would be met. A considerable proportion of the buildings within the Plan area would be demolished but these make little positive contribution to the character of the village and re-development would bring about visual enhancement. Furthermore, the provision of additional housing on previously-developed land close to the facilities of Hockley and

³ Document SUBDOC11

public transport links would be sustainable in line with the NPPF. At the same time the retention of the Foundry Business Park for commercial uses would strike a reasonable balance between employment and housing.

11. It was argued that consideration should be given to a retirement village given the age profile of the population and the locational advantages of Hockley. This is not precluded by the HAAP but limiting new accommodation to one section of the community would deny those in need of affordable housing. Furthermore, the application of Lifetime Homes Standards in accordance with Policy H6 of the CS should ensure that units are able to adapt to residents' changing circumstances. As a result, this suggested change is not warranted.
12. Various modifications are required to make the policies and supporting text effective. These comprise linking the plan period to that of the CS (**MM1** and **MM2**); making clear references to Figures 13 and 14 which show the framework plan and the proposals map (**MM3, MM4, MM5, MM6, MM8, MM9, MM10, MM14** and **MM25**); and removing mention of the Local Plan as potentially out-of-date and the emerging development management policies as they are of little weight (**MM7, MM11, MM12** and **MM13**).

Issue 2

Is the policy for better movement (Policy 3) justified, deliverable within the plan period and consistent with national policy?

13. There is criticism that the overall impact on highway capacity in and around Hockley has not been addressed. The County Council, as Highway Authority, is confident that the proposed development arising through the HAAP could be accommodated and any necessary mitigation measures implemented. Rather than a District-wide transport model the use of more detailed, individual junction models is preferred. These could take into account existing, permitted and planned development.
14. However, the view that travel demands arising from future development can be adequately accommodated is not based on survey information. There is stress on the network and residents are sensitive to congestion. The role of the B1013 that runs through the heart of the District and the Spa Road junction are particular concerns. Given the lack of detailed evidence about the implications some are unconvinced by the County Council's approach.
15. That said, there is no other assessment to contradict the Highway Authority's position that both the network as a whole and the junction should be able to cope. It should also be borne in mind that the 100 housing units and the retail development proposed in Hockley would replace existing commercial and leisure uses so the actual increase in traffic might not be as much as it would appear. Furthermore, the CS has identified Eldon Way as an area of change and the principle of future growth is not open to challenge through the HAAP given the need for consistency with the CS.
16. The provisions of Policy 3 illustrated in Figure 17 provide for improved pedestrian links and measures to increase use of the train station and cycling and improved bus facilities. It is also proposed to increase station parking immediately to the south of the railway line and within the EWOS. Finally, criterion g. refers to increasing the capacity of the mini roundabout which

could entail 2-lane approaches in order to improve flow. The policy therefore contains measures to promote safety as well as sustainable transport in accordance with the NPPF. Deliverability is likely to be contingent on the EWOS but other improvements and schemes may come forward through the Local Highway Panel. Including detailed proposals in the HAAP is likely to assist in highlighting priorities and securing funds.

17. Policy 3 stipulates that planning applications should be supported by Transport Assessments having regard to the *Guidance on Transport Assessment* (DoT, 2007). The supporting text should reflect this requirement and hence **MM7** is necessary to make it effective. I have, however, omitted the word "strategic" suggested by the Council to avoid possible confusion with the terms of Policy 3 itself. This also states that all development proposals should either incorporate or contribute towards the schemes identified in the HAAP. The provisions of the policy should therefore should put the Council in a strong position to properly assess schemes affecting the EWOS and to ensure that achieving the planned improvements is not 'by-passed' by a series of smaller developments. Overall I am satisfied that this policy is sound.

Issue 3

Are the policies for the Eldon Way Opportunity Site justified, deliverable within the plan period and consistent with national policy?

18. The EWOS is largely controlled by a single land owner but there are several long leases and other freehold interests. However, there are a number of vacancies; the location has been earmarked for change in the CS and it represents a clear re-development opportunity. Moreover, the recent application for 27-29 Eldon Way⁴ indicates interest 'on the ground'.
19. The Hockley Viability Note⁵ refers to a residual land value which is a well established way of dealing with land cost in valuations. It also concludes that there is a realistic prospect of proposals being delivered during the life of the Plan although this assessment was predominantly based on residential and food retailing uses. In the circumstances set out in paragraph 18 above it is nevertheless right that the HAAP should provide long-term and comprehensive guidance on the form that development should take. Although the entire site is unlikely to come forward in the near future the policies allow for the EWOS to be developed in phases if necessary.
20. The site incorporates premises along the Spa Road frontage including the Co-op which has a long-term lease. In my view its extent is justified by the expressed aim of fully integrating any re-development with Spa Road to ensure that it forms part of Hockley and facilitates links to other parts of the village. Including the Co-op within the EWOS also means that the store would benefit from its provisions. Therefore the site boundaries are appropriate.
21. I am satisfied that the references to a new public space, better movement, and housing in relation to the EWOS in Policies 2, 3 and 4 are sound subject to

⁴ Examination Documents EXH133 & EXH134

⁵ Evidence Base Document 82.EB33

confirmation of the area to be developed for housing (**MM10**). The HAAP does not designate Hockley as a "prime" office location as such. Policy ED4 of the CS has nevertheless already confirmed that the projected demand for office space in the District will be directed to Hockley as well as to Rayleigh. This form of development would currently only be viable with a cross-subsidy from higher value uses or public sector funding but it is sensible to make allowance for Class B1a uses within the EWOS. Policy 5 is therefore sound.

22. Policy 6 and the supporting text indicate that the Council would allow a new food store with up to 3,000 sq m (gross) of new floorspace. In order to ensure the vitality of town centres the NPPF enjoins local planning authorities to allocate a range of suitable sites to meet the scale and type of retail development *needed* [my emphasis] in town centres. Although the final bullet point of paragraph 23 refers to encouraging economic activity there is no firm evidence that the centre is "in decline".
23. That said, I appreciate the Council's desire to bolster the fortunes of Hockley by strengthening the town centre so that it does not just "tick along". This is particularly in the light of the 'leakage' of expenditure away from Hockley with only 8% of main food shopping spend retained in Zone 3 according to the Retail and Leisure Study (RLS) of 2008⁶. This Study also identifies the lack of suitable larger premises for prospective traders as a weakness although what is meant by this in terms of size is not explained⁷. Demand has, however, been identified in the Property Market Overview of 2012 for a food store in the range of 2,000 – 3,000 sq m⁸. In the light of this the Council also wishes to set a maximum additional capacity for a new food store.
24. Set against this, the CS does not establish a quantitative need for further retail development or for food shopping. Moreover, the strategy of enhancing the role of Hockley was not addressed at that stage. The RLS found a need for up to 890 sq m of further convenience floorspace in Hockley by 2026 due to overtrading and based on current market shares. It also commented that the scale of need does not lend itself to a food store capable of retaining a significant proportion of main food shopping expenditure⁹. The Study went on to recommend that the focus for Hockley should be on developing its existing strengths rather than retail expansion. Since then the number of convenience stores has increased.
25. Although the RLS is somewhat dated it paints a recognisable picture of Hockley and there is no evidence that its findings are seriously flawed. For the HAAP to 'fly in its face' by accepting a medium-sized food store would require compelling evidence that this is now the most suitable strategy. In theory, 'clawing back' expenditure lost to other centres outside the District is attractive in economic, environmental and social terms as journeys would be reduced and choice for Hockley residents would increase. However, there is no assessment of the extent to which this could be achieved or the consequential impact on Hockley itself or on other centres.

⁶ Evidence Base Document 61.EB12 (p38)

⁷ Evidence Base Document 61.EB12 (Table 6.3 p58)

⁸ Evidence Base Document 85.EB36

⁹ Evidence Base Document 61.EB12 (p120)

26. The Viability Note confirms that food retailing and residential use will be the main value drivers for Eldon Way. If a store of the size envisaged were the only way that development of the EWOS would be triggered then that might have been a reason to accept it. However, whilst retail development is financially attractive there is no evidence on viability that 'unlocking the door' to re-development is dependent on a 3,000 sq m food retailer. This argument does not therefore justify the policy which is unsound.
27. The drawbacks outlined above are largely overcome by the Council's proposed changes (**MM14, MM15, MM16, MM17, MM18, MM19** and **MM20**) which include specific guidance for a single store. These modifications involve setting a maximum overall additional retail capacity of 3,000 sq m (gross); removing reference to food (although this would not preclude an individual proposal from coming forward) and giving priority to smaller shops or the expansion of existing stores. They also establish that any proposal for a large single store should demonstrate that 'clawback' of expenditure from other centres would be achieved, assess the implications for them and also show that the overall vitality of Hockley would not be harmed. The references to "convenience capacity" and a "food store" suggested by the Council in **MM15** and **MM16** should be clarified and removed respectively. Subject to these necessary modifications the policy is justified.
28. As the precise mix of uses is not specified the viability of re-development cannot be tested and the financial implications of excluding a food store are unknown. Given that the EWOS has previously been identified as such the role of the HAAP is to set parameters for re-development prior to 2025. Costs and values will vary over time and the success of any scheme ultimately depends on whether public sector bodies take a positive attitude and whether the private sector is willing to invest. From the information available I am confident that there is a reasonable prospect of development on at least part of the EWOS being delivered during the plan period especially as there is sufficient flexibility to allow for various permutations of use. Therefore, following the modifications outlined above, Policy 6 is sound.

Issue 4

Is Policy 7 (ensuring a healthy centre) justified, likely to be effective and consistent with national policy?

29. The NPPF indicates that local plans should identify areas where it may be necessary to limit freedom to change the use of buildings if such restrictions are supported by a clear explanation. Moreover, policies should provide a clear indication of how a decision maker should react to a development proposal. Paragraph 23 also refers to the setting of policies that make clear which uses will be permitted in primary and secondary frontages. Policy 7 fails to accord with these principles in a number of respects.
30. In particular, there is a lack of clarity about what is meant by the phrases "predominance", "cluster" and "positively contribute". Furthermore, the text refers to the aim of retaining 75% and 50% of retail (A1) uses within the primary and secondary shopping frontages respectively but contains no proposals to achieve this especially as the existing proportions are lower. The modifications to the policy and the supporting text have gone through a number of iterations but I am satisfied that the shortcomings have now been

remedied by, amongst other things, further explanation and that criterion d. is also necessary to protect the amenity and character of the centre.

31. The proposed modifications (**MM21, MM22, MM23 and MM24**) are therefore necessary to make the HAAP coherent and effective in order to secure an appropriate balance of uses that supports the health of Hockley centre.

Assessment of Legal Compliance

32. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The HAAP is identified within the approved LDS of April 2013. Its content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and 2012 Regulations	The SCI was adopted in January 2007 and consultation has been compliant with its requirements, including that on the Council's proposed changes.
Sustainability Appraisal (SA)	SA has been carried out including SA of the Council's proposed changes and is adequate.
Habitats Regulations Assessment (HRA)	The HRA has been carried out and has been approved by Natural England.
National Policy	The HAAP complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The HAAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

33. The Plan has a number of deficiencies in relation to soundness which have been explained under the main issues set out above. This means that, as submitted, I recommend non-adoption of the Hockley Area Action Plan in accordance with Section 20(7A) of the Act.
34. The Council has nevertheless requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Hockley Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Smith

INSPECTOR

Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text when paragraphs are amended or by specifying the modification in full.

The page numbers and paragraph numbering below refer to the submission HAAP and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Proposed change
MM1	4	Paragraph one	Rochford District Council is committed to preparing Area Action Plans (AAP) for its three main centres of Rayleigh, Rochford and Hockley. The AAPs will form part of the statutory development plan for Rochford District. This document focuses on guiding the development of Hockley centre, as well as adjoining light industrial areas and the rail station, during the current plan period to 2026 <u>2025</u> .
MM2	28	Paragraph two (after 'The vision for Hockley is:')	By 2026 <u>2025</u> , Hockley will have a centre that is defined by the high quality of its public realm and the opportunities on offer for local people to access homes, shops, jobs, leisure and other services without having to travel far afield. These changes will be delivered in a manner that makes the most of land that has been previously developed, and all new development will respect and enhance the existing suburban, low-density character of the settlement.
MM3	31	Policy 1	The Eldon Way Opportunity Site will deliver a mixed-use development, which will include homes, shops, leisure facilities, offices, car parking and new public spaces. <u>Figure 13 provides a general overview of the framework for development in Hockley. It sets out the individual elements of the AAP and provides a spatial perspective on what kind of development the Council would like to see coming forward. In particular Figure 13 shows the extent to which the Council wishes to integrate the Eldon Way Opportunity Site into the wider centre of Hockley.</u>
MM4	32	Policy 1	b. New and enhanced routes linking the centre with the rail station and the surrounding area. <u>These routes are shown in Figure 13. They show how the Council wishes to see the Eldon Way Opportunity Site become more accessible and integrated into the rest of Hockley centre.</u>

Ref	Page	Policy/ Paragraph	Proposed change
MM5	32	Policy 1	e. The focus of retail uses in the centre, with an opportunity for a new retail development within the Eldon Way Opportunity Site, in accordance with Policy 6. <u>The appropriate locations for these uses are shown in Figure 13.</u>
MM6	33	Figure 13	<i>Amend to plan attached to this Appendix.</i>
MM7	41	Transport Assessment and Travel Plans (first paragraph)	Core Strategy Policy T56 generally requires the submission of Travel Plans in support of development proposals. <u>In addition planning applications will be required by Essex County Council Highways Department to be accompanied by a Transport Assessment, where necessary. This requirement is increased, in accordance with Draft Policy DM28, to also include the submission of a Transport Assessment, which would be necessary to assess the impact of proposed large developments –</u>
MM8	44	Policy 4	Residential (C3) development will be permitted within the Eldon Way Opportunity Site (<u>see Figure 14</u>) where it would:
MM9	44	Policy 4	a. Not lead to the development of more than 50% of the total area of the Eldon Way Opportunity Site for new dwellings (<u>see Figure 13</u>).
MM10	44	Second paragraph	A capacity study for the Eldon Way Opportunity Site has been carried out to examine how the full mix of uses envisaged for this site within the AAP could be accommodated. It demonstrates that approximately 100 new dwellings could be delivered on site. <u>Figure 13 shows the area of the Eldon Way Opportunity Site that the Council would wish to see developed for housing. Development of the area shown in Figure 13 for uses other than housing would not be supported by the Council.</u>
MM11	44	Third Paragraph	It is likely that a mix of housing unit sizes could come forward, which might include a proportion of smaller, one-bedroom units, given the nature of housing need within the District Borough. Draft Policy DM2 <u>The HAAP does not prescribe densities for new residential development, but encourages proposals for schemes that make efficient use of land and respond to their context. The Eldon Way Opportunity Site, identified in Core Strategy Policy H1, is suitable for medium density development due to its accessible location between the centre and rail station, as well as the prevailing character of the surrounding area.</u>

Ref	Page	Policy/ Paragraph	Proposed change
MM12	46	First Paragraph	<p>Draft Policy DM32 allows for the conversion of upper floors within centres, such as Hockley, to be converted for residential purposes.</p> <p>The conversion of upper floors within centres such as Hockley for residential purposes is appropriate. This is on the proviso that such development would not result in a net loss of leisure or commercial uses within the centre and seeks to protect the residential amenity of future occupiers, in particular by requiring that any new residential accommodation is self-contained and has separate access from the street.</p>
MM13	46	Seventh Paragraph	<p>As shown on the proposals plan, the Hockley employment site has been rationalised to allow for the designation of the Eldon Way Opportunity Site for mixed-use development. The extent of the employment site has been reduced and now greater focus is placed on the Foundry Business Park. Given that the Foundry Business Park has recently benefited from upgrades and new accommodation, it should be retained as an employment site. Development proposals for land within this site would be subject to Core Strategy Policy <u>ED3 and ED4</u> and Draft Policy DM29, which seek to protect employment sites for employment generating uses, and <u>increase office use within Hockley centre, in particular those within classes B1 and B2.</u></p> <p><u>Drawing from these policies the Council seeks to ensure that employment land is predominantly of Use Classes B1 (Business) and B2 (General Industrial).</u></p>

Ref	Page	Policy/ Paragraph	Proposed change
MM14	48	Policy 6	<p>New retail (A1) development within the Eldon Way Opportunity Site (<u>see Figure 13</u>) will be permitted where it would:</p> <ol style="list-style-type: none"> a. Provide a range of unit sizes, including smaller units. b. In relation to a new food store on the site, be of a size that would not exceed 3,000m² (gross) of new floorspace. b. <u>Not exceed a maximum overall additional retail capacity for the centre of 3,000 sq m (gross).</u> c. Fully integrate with Spa Road, and allow for direct pedestrian links through the site to the redeveloped Eldon Way Opportunity Site, rail station and other areas of Hockley. d. Contribute positively towards the redevelopment of the Eldon Way Opportunity Site for a mix of uses, including residential, retail, leisure and office. <p><u>The Council will give priority to smaller developments and the expansion of existing retail units in Hockley centre. However if a proposal for a larger single store comes forward such an application would be considered favourably, provided it meets the criteria set out above, is able to demonstrate that 'clawback' of expenditure from other centres would be achieved and assesses the implications for them. Such a scheme should also demonstrate that a development of this size would not harm the overall vitality of Hockley.</u></p>
MM15	48	Fourth Paragraph	<p>Within this context, then, the Council would allow a new food store with up to 3,000m² (gross) of new floorspace within Hockley centre, as part of the mixed-use redevelopment of the Eldon Way Opportunity Site. <u>Within this context, then, the Council will set a 3000sq m (gross) floor space maximum within the centre.</u> This is reasonable on account of the <u>limited</u> overall level of convenience capacity; and the desire to strengthen Hockley centre and the need to claw back local trade currently lost to other locations.</p>

Ref	Page	Policy/ Paragraph	Proposed change
MM16	48	Following paragraph four	<p><i>Insert paragraph between paragraphs four and five as follows:</i></p> <p><u>The Retail & Leisure Study also recognises that Hockley has a good mix of small, but high quality independent traders. It recommends that this offer is enhanced and the centre promoted as a boutique shopping destination. The Eldon Way Opportunity Site offers the potential for a range of different sized retail units including smaller units suitable for independent traders. As such, it is considered that new development could build on Hockley's existing strengths and character and the provision of additional retail through development of smaller units will be favoured.</u></p>
MM17	48	Fifth Paragraph	<p>Furthermore, the capacity study that has been undertaken in relation to the Eldon Way Opportunity Site establishes that a food store with up to 3,000m² (gross) of new floorspace would be the largest that could be accommodated. A larger food store would threaten the delivery of the mix of other uses that would be needed to help deliver the Council's vision for Hockley Centre.</p>
MM18	48	Following the fifth paragraph	<p><i>Insert text as follows:</i></p> <p><u>A large retail unit has the potential to act as an anchor store, encouraging additional shoppers into Hockley centre, and may help Hockley clawback some of the expenditure currently being lost to other centres. However, conversely, there is also concern that a large retail unit would have a negative impact on the vitality of Hockley centre by, for example, marginalising existing units. As such, the development of a large retail unit is not the preferred option but proposals for such a development may be acceptable provided it can be demonstrated that it will not harm the overall vitality of Hockley centre, would help ensure clawback of retail expenditure currently lost to other centres, and considers the impact on other centres.</u></p>
MM19	48	Final paragraph	<p>The development of a new food store <u>additional retail</u> on the Eldon Way Opportunity Site could also help to facilitate a new public space. This should provide new linkages between Spa Road and the mixed-used development proposed for the Site.</p>

Ref	Page	Policy/ Paragraph	Proposed change
MM20	49	Paragraph beginning " The Retail & Leisure Study"	<p>The Retail & Leisure Study also recognises that Hockley has a good mix of small, but high quality independent traders. It recommends that this offer is enhanced and the centre promoted as a boutique shopping destination. The Eldon Way Opportunity Site offers the potential for a range of different sized retail units alongside any food store, including smaller units suitable for independent traders. As such, it is considered that new development could build on Hockley's existing strengths and character</p>
MM21	49	Second paragraph after Policy 7	<p>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 which are considered to make a positive contribution to the centre, such as cafes, restaurants, pubs, leisure uses, community facilities and professional services (such as banks, building societies and estate agents). are supported by non-retail uses such as cafes, pubs and banks.</p>
MM22	49	Following second paragraph after Policy 7	<p><u>To ensure this balance the Council will not permit a cluster of any more than two immediately adjacent non-retail uses of the same Use Class. More than two Sui Generis uses adjacent to one another may not necessarily be considered a cluster, provided they are distinct and different uses.</u></p> <p><u>Uses which would not contribute positively to the overall offer of the centre will not generally be supported.</u></p> <p><u>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 in 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 centre will be an important consideration in determining relevant planning applications, and applicants will be expected to demonstrate how negative impacts arising from such proposals will be mitigated, if applications are to be permitted.</u></p>
MM23	49	Policy 7	<p>The Council will encourage appropriate development within Hockley centre that supports its vitality and viability.</p> <p>Within the centre's primary and secondary shopping frontages, as defined on the Hockley AAP</p>

Ref	Page	Policy/ Paragraph	Proposed change
			<p>Proposals Map, a proposed change of use for non-retail (non-A1) purposes will be permitted where it would:</p> <ol style="list-style-type: none"> a. Not have a detrimental impact on, or undermine, the predominance of A1 uses within the centre, <u>both within the centre as a whole and within the primary shopping frontage.</u> b. Not create a cluster of non-A1 uses <u>of the same use class</u> within a locality that undermines the retail character of the centre. c. Ppositively contribute to the overall offer and encourage people into the centre. d. <u>have regard to the amenity and character of Hockley</u>
MM24	49	The final paragraph of page 49	<p>The Council recognises the dynamic nature of centres and the need for flexibility. <u>Nevertheless, it wishes to ensure that the majority of uses both within the centre as a whole and within the primary shopping frontage are in A1 use. Currently 58% of the primary and 44% of the secondary frontages are in retail uses. However, the target for Hockley is to increase this to 75% and 50% respectively. However, as a guide and whilst wishing to avoid being overly prescriptive, the Council will generally seek to retain 75% of Hockley's primary shopping frontage and 50% of its secondary shopping frontage in retail (A1) use.</u></p>
MM25	50	Policy 8	<p>The Council will support the location of leisure (D2) uses within the Eldon Way Opportunity Site (<u>see Figure 13</u>), provided that such uses contribute positively towards its redevelopment for a mix of uses, including residential, retail, leisure and office.</p>

HAAP Submission Document Examination: Amendment to Figure 13 (MM6)

