



East Cambridgeshire
District Council

East Cambridgeshire Local Plan

Matter 9 – Building a strong, competitive economy

East Cambridgeshire District Council

Hearing Statement

August 2018

Matter 9: Building a strong, competitive economy

Issue 1: Whether the plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to its approach towards building a strong and competitive economy?

Relevant policies- ELY.M5, LP8, LP14, LP15

Employment Land Provision

29. Is the provision and distribution of employment sites consistent with the Council's development strategy? Individual site allocations are considered within the relevant settlement policy.

Yes. Table 8 in the Employment Land Report (PE08) identifies employment allocations in the Local Plan. The majority of these are in the main settlements, a reasonable proportion in the larger villages and one site in a medium villages.

The distribution of employment sites is, therefore, in line with the development strategy.

30. How has the Lancaster Way Enterprise Zone been taken into account in overall employment land provision?

See Policy ELY3:Allocation Sites (site ELY.E2 (a-c)) in the Proposed Submission Local Plan and table 8 (site ELY.E2 (a-c)) in the Employment Land Report (PE08).

The EZ forms part of the allocations and forms part of the package of sites to meet needs.

31. Is the approach set out in Policy LP8 effective, particularly in terms of flexibility and is it justified and consistent with national policy? Does the policy satisfy Paragraph 154 of the Framework? In particular, is the terminology clear?

Evidence document PS.EVR8 provides the background evidence to policy LP8 and how it complies with national policy. It is justified and appropriately flexible.

The document includes information on how Policy LP8 developed as the Local Plan went through various consultation stages. Any changes made to the policy is clearly explained and justification provided for these changes.

Policy LP8 along with other policies cross-referenced in the policy set out clear indication as to what should or should not be permitted, thus meeting para 154 of the NPPF.

Other land in Employment (B1, B2 or B8) Uses

32. Is the policy overly restrictive and how will it be implemented?

This section of the policy seeks to protect loss of employment from unallocated sites. A delicate balance is required in protecting employment use and where this is not economically possible

then alternative uses may be permitted. This section of the policy seeks to reach that balance, putting the onus on the applicant to demonstrate that employment use is no longer viable. If such evidence is provided, and robustly so, then alternative uses would be considered positively.

However, we must be mindful of the need to protect employment sites so that a range of sites in different locations are available for potential employers (and their employees).

The policy will be implemented by Development Management officers when planning application for alternative uses on employment site are submitted.

We do not think the Policy LP8 is overly restricted. If greater flexibility was brought in (i.e. the loss of unallocated employment land was deemed acceptable in principle), then the likely greatest impact will be felt in our villages, where small scale employment sites (which by their nature are too small to be allocated/protected via designation on the Policies Map) could be lost to residential, resulting in such settlements becoming less sustainable and less cohesive communities. Such losses could have considerable economic, environmental and social consequences. The policy appropriately safeguards against this scenario.

New employment development in the countryside

33. With reference to new employment development in the countryside what is meant by the phrase, 'built framework of a settlement'? What is the basis and justification for the definition of small scale development at less than 500 square metres? How does the policy relate to conversions and is the policy consistent with national policy?

In hindsight, the phrase 'built framework of a settlement' is perhaps confusing in the policy. For clarity and consistency this could be replaced by '**development envelope**' in line with terminology used in Policy LP3. A modification will be suggested accordingly.

The definition of small scale development at less than 500 square metres is based on the adopted Policy EMP3 in 2015 Local Plan. This policy, obviously found sound, has worked appropriately, and we are not aware of any fundamental objection to it. It is appropriate and reasonable to retain the threshold.

Policy LP8 does not include reference to conversion, as it is unlikely some other existing building will be of such a design or scale to be converted to employment use.

Town centre vitality and viability

34. How do the two policies support the future viability and viability of Ely town centre, and other centres, in a positive manner consistent with the policies of the Framework?

Detail background information and justification for the Policies LP14 and LP15 are provided in documents PS.EVR14 and PS.EVR15 respectively.

The policies are clear and an appropriate, realistic, strategy for maintaining and enhancing the viability and vitality of centres.

35. Is it clear what is meant by a ‘main town centre use’? Is the strategy relating to ‘main town centres uses’ in the Main Settlements, the Large Villages, Medium and Small Villages justified by an up-to-date evidence base and does it provide sufficient clarity? What is the justification to differentiate the approach between Ely and Octagon Park and the rest of the district?

‘Main town centre use’ is defined in the glossary of the NPPF, and for reference is given below:

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). (NPPF 2012)

A near identical definition is retained in the revised NPPF (2018).

It is, therefore, entirely appropriate to refer to such a phrase in a Local Plan, so as to be consistent with national policy. Similarly, there is no need to define what is meant by it in a Local Plan, otherwise to do so would risk duplication (at best) or conflict (at worst).

A district wide retail study update was produced (PE31) for the subsequently adopted 2015 Local Plan. We have no evidence to suggest the broad conclusions of that study do not remain valid, and therefore in the interests of preparing the Local Plan as quickly as possible, and within the resources available, no further update of the study was deemed necessary. In short, the retail situation has not material changed in that period which would cast doubt on the conclusions of that study.

PS.EVR14 summarises the retail study, amongst other matters, and assists in providing the justification for the policy.

Octagon Park is an allocation in the 2015 Local Plan. The principle of an out of centre retail site in this location has, therefore, been established. Once complete, it will form the only ‘out of centre’ shopping location, of any significance, in the district. The scale and significance of it therefore justifies its specific referencing in the policy (as well as its own Policy, Ely5).

36. In particular, how has the proposed development at Octagon Park and its potential impact on patterns of retailing elsewhere within the district been considered? Is it envisaged that its role is to provide capacity for large format bulky goods which could not be located within the main town centre? If so, is this reflected within policy?

Policy ELY.M5 provides the detailed policy requirements for the site, including the need for a retail impact assessment. However, and reflecting the fact that this is an existing allocation of a few years, proposals for the site are progressing quite rapidly. This includes a recent planning permission (ref 17/00428/FUM – decision notice March 2018), which is for around half of the allocated site, and comprises a proposal to deliver 5,969 sqm of net retail and 4,645 sqm B1(a) (office) uses. The remaining allocated land will, it is envisaged, potentially deliver a similar mix and scale. The applicants were able to demonstrate that the proposal would not have an

adverse impact on existing centres through the Retail Impact Assessment (RIA) submitted with the planning application.

For further details, the officer's report would be a useful reference if needed:

https://pa.eastcambs.gov.uk/online-applications/files/99735BEF89CA403A2DD648117218850E/pdf/17_00428_FUM-Officer_Report-839444.pdf

Para 7.34 of that report confirms that the RIA concludes that whilst the proposal will have an impact on Ely, Soham and Littleport centres, such impact is not a 'significant adverse impact'.

It is also worth noting that when planning permission was granted, conditions were attached to restrict the impact of the proposal on centres. Condition 50, for example, restricts floorspace to that proposed and assessed under the RIA.

Broadly speaking, but not strictly so, it is envisaged that bulky goods will form a significant element of the development. This is reflected by a 'DIY' store forming a large part of the consented scheme. However, it is not envisaged that the site be wholly an 'out of town bulky goods' retail centre, and as such, the policy does not stipulate this either.

37. Does the wording of Policy LP14 provide a clear, spatially distinctive approach to where main town centre uses would be appropriate and where the sequential test would be triggered for developments over 280 square metres? What is the justification for the figure of 280 square metres? How can a 'clear localised need' be demonstrated?

The policy is clear (second paragraph) that within defined town centres (Ely, Soham and Littleport), proposals for retail and other 'town centre uses' will be supported providing they meet the criteria (a to e) outlined in the policy. Proposals for retail and other 'town centre uses' that are outside these defined town centres, other than for allocated sites, will have to satisfy criteria (f to j). The proposals in these locations will effectively be treated as out-of-centre locations and will be subject to 280m² threshold for submitting Retail Impact Assessment.

Justifications for the figure of 280 square metres threshold and why we rejected alternative threshold put forward during the consultation are provided in paragraphs 3.1 to 3.13 of the document PS.EVR14.

Proposals for small-scale retail development in villages and neighbourhoods can demonstrate 'clear localised neighbourhood need' by providing proportionate evidence of need. This could be a simple survey of demand for such facility and/or evidence of a lack of such a facility in the village. It would be impossible to define precisely what would be needed, because the 50 settlements of East Cambridgeshire vary considerably in scale and existing facilities. Nevertheless, when criterion k as a whole is read, it is clear what is meant: "small-scale" / "localised" / "such as ..." / "not of a scale...".

38. On what basis have the boundaries of the defined town centres, and the extent and location of the Primary and Secondary Frontages, been drawn?

The boundaries are based on the 2015 adopted Local Plan. In the Retail Study (PE31), town centre boundaries were reviewed, and apart from few minor changes suggested, the boundaries remained unaltered since 2005. It was similar approach for primary and secondary shopping frontages. No material changes has occurred since the Retail Study for us to justify a review of the boundaries.

39. To what extent is the wording of the criteria set out in Policy LP15 consistent with the Framework which requires that policies make clear which uses will be permitted in areas defined as primary and secondary frontages? Is the policy suitably flexible to enable the long term vitality and viability of the district's centres? What is the justification for the figure of 200 square metres within Policy LP15?

The wording is clear, and consistent with the NPPF.

Policy LP15 is subdivided for clarity and provide guidance for development in Ely Primary Shopping Frontage, Ely Secondary Shopping Frontage and Soham and Littleport town centre. The policy enables alternative uses that may be permitted under certain circumstances.

The threshold of 200 sq.m. is carried forward from the adopted Policy COM2 of 2015 Local Plan. Ely primary shopping centre, and other defined centres in the district, consists mainly of smaller units that reflect their historic character. Bigger units (over 200 sq.m.) are few and far between and a loss of one of these units could have a significant adverse impact on vitality and viability of Ely centre (and potentially its character and appearance). Therefore it is necessary to prevent the loss of these bigger retail units.

40. Does the Local Plan provide adequate flexibility for small scale supporting uses within employment areas?

Policy LP8 (Delivering Prosperity and Jobs) provides guidance on what is permitted within the employment areas. Provision is made in this policy for ancillary uses on Strategic Employment Allocations:

Any non-B class uses in these areas will only be supported where the applicant can demonstrably show that it is ancillary to the effective functioning of the Strategic Employment Sites.

Policy Ely7 does likewise for Lancaster Way Business Park.

This policy thus provides sufficient flexibility to allow ancillary uses to take place on the significant employment sites, where some flexibility could well support the functioning of the site as a whole (eg a small café providing lunch facilities for employees).

Elsewhere (i.e. smaller employment areas), it is not appropriate to allow for ancillary uses. Such sites are smaller, and any non B class development could undermine the established use of the area for employment purposes and/or impact on the vitality of a local centre.