Planning for Vibrant Town Centres

SUPPORTING PAPER

Strategic Policy

LONDON BOROUGH OF HACKNEY | OCTOBER 2017

Hackney

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Changes to the retail hierarchy

1.1 Hackney is served by a hierarchy of retail centres. As outlined in Policy 28, a number of changes to the retail hierarchy have been made; these changes have been informed by the Town Centres and Retail Study 2017 evidence base. In addition to changes to the hierarchy, all existing town centre boundaries have been reviewed and minor changes have been made to the boundaries of Dalston and Hackney Central (refer to LP33 Maps 4 and 5).

1.2 Shoreditch has not been designated as a town centre as the nature of the retail offer in this area is more specialist / boutique rather than a day-to-day comparison / convenience goods offer, which means that it does not fit within the borough's existing town centre hierarchy. Shoreditch will, however, be allocated CAZ Frontage through the Shoreditch AAP in order to help protect the town centre uses that exist in Shoreditch.

1.3 Four new Local Shopping Centres have also been identified at Dunsmure Road, Oldhill Street, Green Lanes and Hackney Downs. In addition, it is worth noting that Shacklewell Lane Local Shopping Centre has been de-designated as a Local Shopping Centre because 40% of the uses within the town centre are now residential, with only 6 shops (20% of all units in the Centre) remaining. Remaining shops in Shacklewell Lane will still be protected through Policy 32 Shops Outside of Designated Centres and the Article 4 Directions removing permitted development rights for change of use from retail to residential and flexible town centre uses also still apply in the area.

Policy implementation

Policy 28 Town Centres

2.1 The Council will require applications for main town centre uses to be located in its town centres. Applications for main town centre uses outside of the existing designated centres and in excess of 200sqm gross floorspace must submit both a sequential test and an impact assessment. As part of the sequential test, edge-of-centre locations should first be considered, and only if suitable sites are not available should out-of-centre sites exceptionally be considered. The 200sqm threshold for application of the sequential and impact test is considered appropriate given that Hackney is an inner London Borough and the town centres are characterised by relatively small sized shop units.

2.2 The impact assessment should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in the designated town centre/s in the catchment area of the proposal, and the impact of the proposal on the designated town centre/s' vitality and viability, including local consumer choice and trade in the designated town centre/s and wider area, up to at least five years from the time the application is made.

2.3 When considering edge-of-centre and out-of-centre proposals, the Council will take into account the scale, location and nature of proposed development and preference would be given to accessible sites that are well connected to the town centre and which have satisfied the sequential test and impact test and have demonstrated that they are not likely to have significant adverse impact on the vitality and viability of all the designated town centres as a whole. Where an application fails to satisfy the sequential test or fails to provide satisfactory information or is likely to have significant adverse impact on the designated centres, planning permission will be refused.

Policy 29 Hackney Central and Dalston

2.4 Within the major shopping centres of Hackney Central and Dalston, Primary Shopping Frontages have been designated along key shopping high streets and there are also specific Primary Shopping Areas designated in Dalston at Kingsland Shopping Centre and Ridley Road Market. The remainder of each town centre is the Secondary Shopping Area. The approach to change of use differs in each of these areas.

2.5 Within Primary Shopping Frontages the Council seeks to retain 60% A1 uses to ensure that retail remains the predominant use in these key areas. Dalston currently has 56% A1 uses within the Primary Shopping Frontage and Hackney Central has 55% and therefore any loss of retail in the Primary Shopping Frontages will be resisted by the Council unless all the criteria in the policy is met, including one year's marketing evidence.

2.6 Within the Primary Shopping Areas in Dalston, the aim is to retain 85% of units in A1 retail use. Current levels are 77% in Kingsland Shopping Centre and 88% at Ridley Road. It should also be noted that any future redevelopment of Kingsland Shopping Centre must retain or increase the existing quantum of retail floorspace.

2.7 All A1 thresholds set out here would supersede those set out in the Hackney Central and Dalston AAP.

2.8 There is no threshold for A1 uses to be maintained within the secondary shopping areas because a greater diversity of town centre uses are encouraged in these areas including employment, leisure, culture and community uses which provide services directly related to a shopping. Such uses contribute to the vitality and viability of town centres. There are, however, a series of criteria outlined in the policy to be met before any change of use away from retail in the secondary shopping area is permitted.

Policy 30 Stoke Newington, Stamford Hill and Finsbury Park

2.9 There are no designated primary and secondary shopping frontages or areas proposed within the District Centres, but the policy aims to retain 55% A1 uses across the district centre as a whole. The existing A1 proportions are 47% in Stoke Newington, 58% in Stamford Hill and 56% in Finsbury Park. If a proposed change of use will result in the proportion of retail units falling below 55% then, in addition to meeting criteria B and D of the policy, marketing will need to be undertaken to demonstrate that there is no demand for retail units in the area.

Policy 31 Local Shopping Centres

2.10 The threshold for A1 uses in Local Shopping Centres is 50%. Existing A1 levels within the Local Shopping Centres are:

Local Shopping Centre	% of A1 units across the centre as a whole (2017 data)
Lauriston Road	45%
Well Street	55%
Wick Road	48%
Broadway Market	51%
Kingsland Road (Waste Market)	36%
Stoke Newington Church Street	39%
Stoke Newington Road	46%
Manor House	55%
Upper Clapton Road	53%
Lower Clapton Road	33%
Chatsworth Road	55%
Hoxton Street	39%
Dunsmure Road	90%
Oldhill Street	TBC
Green Lanes	35%
Hackney Downs	43%

Policy 34 Evening and Night Time Economy

2.11 In order to maintain a balance in the amount of evening and night time economy uses across the borough managed expansion of night time economy uses is permitted in town centres but should be limited in Shoreditch and Dalston where concentrations of night time economy uses already exist. Night time economy uses that would harm the attractiveness of Hackney's centres or the amenity of local residents will not be permitted.

2.12 A balance will be maintained in the following ways:

- **Management plans:** Night time economy uses must be well managed to ensure they do not harm the amenity of local residents or other surrounding uses, either individually or cumulatively. Applicants will be required to submit management plans detailing how the operation of their proposals will be managed in ways that do not exacerbate potential adverse impacts. Management plans should demonstrate how proposals satisfy both planning and licensing issues.

- **Planning conditions / obligations:** The Council will consider applying conditions and obligations to ensure evening and night time uses operate appropriately in relation to hours of operation, refuse, noise/vibration, fumes and cooking smells, and potential anti-social behaviour measures through a local management plan and contributing towards CCTV and Community Safety Wardens.
- **Special Policy Areas:** Special Policy Areas (SPAs) are in place in both Shoreditch (since 2005) and Dalston (since 2014) to manage the cumulative impact of licenced premises on these

areas. Within an SPA there is a presumption against granting new alcohol licenses, and applications for the intensification of use such as to increase either the capacity of a premise or the hours of use is normally refused unless the applicant can demonstrate that this will not add to the cumulative impact already being felt in the area, and that they add positively to the mix of uses and contribute to the improvement of the area. The onus is on the applicant to prepare a convincing case regarding cumulative impact. Further detail regarding the application of the SPA policy is outlined in Hackney's Statement of Licensing Policy 2016.

- **Diversification:** The Council also promotes the establishment of a more diverse night time offer across the borough that will appeal to a wider range of the community including non-alcohol-based activities such as restaurants, cultural activities and late night coffee bars. New evening and night time economy uses should be situated in appropriate and accessible locations such as designated town centres with good public transport links providing it does not result in over-saturation and it is well managed and operated effectively in terms of minimising noise and other environmental nuisance to nearby residents.

- **Agent of Change:** The Council supports the Agent of Change principle whereby the person or businesses responsible for the change is responsible for managing or mitigating the impact of the change. For example if a residential development is built near a live music venue, the residential development would be required to pay for soundproofing or other such mitigating measures. If a live music venue opens in a residential area, the music venue would be responsible for the costs. Responsibility for mitigating any impacts of the development is therefore placed on the 'agent of the change'.

Policy 35 Over-concentration of uses

2.13 Takeaways are a recognised town centre use but it is known that over-concentrations of takeaways can have negative impacts on the vitality, viability and amenity of town centres, for example litter, odours, anti-social behaviour, noise and traffic, and also on resident's health. The Town Centre and Retail Study 2017 indicates that hot food takeaways currently make up between 2% and 5% of uses within the Council's major and district centres, and in Local Shopping Centres proportions vary from 1% in Broadway Market to 24% in Wick Road LSC (although this is a very small centre with a total of 17 units, 4 of which are takeaways). Concentrations of hot food takeaways have developed in the Hoxton East & Shoreditch Ward, as well as Dalston and Homerton to a lesser extent. Consultation responses from the first LP33 Consultation in late 2016 suggest that residents would like to see a reduction in the number of takeaways in town centres.

2.14 Betting shops and payday loan shops are classed as sui generis uses (since 2015) after being moved out of the A2 use class by the Government following the Technical Consultation on Planning. Classifying betting shops and payday loan shops as sui generis means that planning permission must be sought for any change of use to a betting shop or payday loan shop, which allows boroughs to determine locally when and where these uses are appropriate. There is a widely recognised view that clustering and proliferation of betting shops and pay day loan shops can impact negatively on the vitality and character of town centres. The presence of betting shops and payday loan shops in Hackney's town centres has increased in recent years and for this reason, the Council will resist proposals for betting shops or payday loan shops in line with the criteria in the policy.