

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)

To
Cabinet
On

18th January 2018

Report prepared by: Mark Sheppard

**Adoption of Southend Central Area Action Plan (SCAAP)
Place Scrutiny Committee
Executive Councillor: Councillor Flewitt
*A Part 1 Public Agenda Item***

1. Purpose of Report

- 1.1 To recommend the adoption of the Southend Central Area Action Plan (SCAAP) by full Council in February 2018.
- 1.2 If adopted, the Southend Central Area Action Plan will form part of the Southend Development Plan. It will therefore provide a set of up-to-date local planning policies for positively managing development and will be used to assess development proposals within Southend Central Area, including the Town Centre and Central Seafront.

2. Recommendation

- 2.1 **That all the recommendations of the Inspector's Report at Appendix 1 and the revised version of the Southend Central Area Action Plan set out in Appendix 2 be agreed.**
- 2.2 **That Cabinet recommends that full Council adopts the Southend Central Area Action Plan as set out in Appendix 2, in accordance with Planning Regulations.**
- 2.3 **Note that the Southend Central Area Action Plan Proposed Submission version, approved by Council for publication and submission in September 2016, has been amended as per:**
 - a) **the main modifications recommended by the Inspector in his report and agreed for consultation under delegated authority in July 2017 (attached at Appendix 1);**
 - b) **The minor modifications agreed for consultation under delegated authority in July 2017 (attached at Appendix 3); and**
 - c) **The further minor modifications (attached at Appendix 4).**

3. Background

The Southend Central Area Action Plan

- 3.1 The Southend Central Area Action Plan (SCAAP) will provide an up-to-date statutory basis for guiding, assessing and determining planning applications within the Town Centre and Central Area, including the Central Seafront. The Plan will also provide strategic guidance for a number of important schemes, providing increased certainty for decision making in relation to new development.
- 3.2 The overarching vision and aim of the SCAAP is described as follows:
- “Our vision for Southend Central Area, which includes the Town Centre and Central Seafront Area, is a destination ‘City by the Sea’. As a prosperous and thriving regional centre and resort, it will be an area that is vibrant, safe and hospitable, rich in heritage, commerce, learning and culture and an attractive, diverse place where people want to live, work and visit for both day trips, overnight and longer stays.”*
- 3.3 The SCAAP contains policies and proposals that in combination address: the development strategy for the Plan area (matters such as retail, transport and parking, conservation and heritage); development principles for the ‘Policy Areas’ (including identification of appropriate land uses, access / public realm improvements); and a set of more detailed, site specific policies in the ‘Opportunity Areas’.
- 3.4 The SCAAP is divided into Policy Areas, each having its own set of ‘development principles’ to guide development and investment. Within the Policy Areas the SCAAP seeks to allocate sites for development. Any planning application proposed in the SCAAP area will be determined on its merit, taking into account adopted planning policies and any other material considerations.

Table 1: SCAAP Policy Areas and Opportunity Sites

| Policy Areas | Opportunity Sites |
|---------------------|------------------------------|
| PA1: High Street | - |
| PA2: London Road | - |
| PA3: Elmer Square | Elmer Square Phase 2 (PA3.1) |
| PA4: Queensway | Queensway (PA4.1) |
| PA5: Warrior Square | - |
| PA6: Clifftown | - |
| PA7: Tylers | Tylers (PA7.1) |

| | |
|-------------------------------------|---|
| CS1: Central Seafront | Southend Pier (CS1.1) Seaways (CS1.2) Marine Plaza (CS1.3) New Southend Museum (CS1.4) |
| PA8: Victoria Gateway Neighbourhood | Victoria Avenue (PA8.1) Baxter Avenue (PA8.2) |
| PA9: Sutton Gateway Neighbourhood | Sutton Road (PA9.1) Guildford Road (PA9.2) |

- 3.5 The SCAAP is accompanied by a Policies Map (**Appendix 5**) which illustrates geographically the application of the policies in the SCAAP. The Policies Map is not defined in statute as the development plan document.

Examination in Public

- 3.6 In September 2016 Southend Borough Council approved the Revised Proposed Submission version of the SCAAP for public consultation and subsequent submission to the Secretary of State for Examination.
- 3.7 In March 2017, the Plan was submitted to the Secretary of State who appointed a Planning Inspector to undertake the formal examination process. The Inspector conducted hearing sessions in May 2017.
- 3.8 During the examination the Inspector identified that a number of modifications were needed to ensure the Plan was sound, legally compliant and suitable for adoption by the Council.
- 3.9 In July 2017, the main modifications identified by the Inspector, along with a number of minor modifications, were agreed under delegated authority by the Deputy Chief Executive (Place) and Executive Councillor for Housing, Planning and Sustainability and authorised for a period of public consultation on the proposed modifications, which took place between 11 August and 22 September 2017.
- 3.10 The Inspector requested that all representations be submitted to him for consideration. **Appendix 6** provides a summary of these representations, which were supplied to the Inspector, along with the full representations, in October 2017.

Inspector's Recommendations

- 3.11 The Inspector has considered the SCAAP, all comments submitted prior, during and after the examination process, including the consultation on the modifications, and issued his final report (**Appendix 1**). The final Report concludes that the Plan is legally compliant and is sound if it is adopted with main modifications and provides an appropriate basis for the planning of the Central Area of the Borough over the plan period to 2021. These modifications are included as an Appendix to the Inspectors Report.

- 3.12 The main modifications that are necessary for soundness all relate to matters that were discussed at the Examination Hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and this schedule has been subject to sustainability appraisal and public consultation for six weeks. The Inspector has taken account of the consultation responses in coming to his conclusions in his report and in this regard has made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity, as set out in **Appendix 1**. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that have been undertaken.
- 3.13 In addition to the main modifications proposed by the Inspector a number of minor modifications are proposed to address minor matters of consistency, typographical errors and updates to supporting text. These were also subject to public consultation in August to September 2017. A summary of the consultation responses are set out in **Appendix 6**.
- 3.16 Further minor modifications are also proposed to further address matters of consistency and typographical errors (**Appendix 4**). All of the modifications have been incorporated into a final version of the SCAAP (**Appendix 2**), which is recommended for adoption.

4. Other Options

- 4.1 Cabinet could choose not to support the conclusions of the Inspector's Report and recommend to full Council not to adopt the Plan. The Council would then need to decide on an alternative approach to preparing a planning policy document for the Central Area, revisiting existing evidence and undertaking potentially significant additional public consultation. Such a process would likely result in a delay measured in years and would not lead to the adoption of a local derived planning policy document for Southend Central Area that is at a very advanced stage of production.
- 4.2 If the SCAAP is not adopted, decisions on planning proposals in the Central Area will be made in accordance with other local development plan documents, national policy and guidance, which could result in decisions not taking account of the particular needs and requirements of Southend Central Area.
- 4.3 The absence of a robust plan and the resulting 'planning by appeal' scenario could result in the inability to control development in Town Centre and Central Area and an increase in service costs for Southend if the Borough Council has to respond to development appeals or public inquiries.

5. Reason for Recommendation

- 5.1 This report recommends that Cabinet supports the conclusions of the Inspector's Report and recommend to Full Council that the Plan be adopted. It is clearly advantageous for SBC to have a new planning policy document in

place as soon as possible. This would avoid the risk of new planning applications in the central area being considered without an up to date Plan; one of the consequences being a lack of certainty regarding where new development will take place in the future and whether such development is appropriate in the Plan area.

6. Corporate Implications

6.1 Contributions to the Council's Vision and Corporate Priorities

6.1.1 The successful delivery of the SCAAP will contribute to the fulfilment of a number of spatial elements of the Council's vision and priorities, for example, in relation to town centre and central seafront regeneration, improving economic prosperity, promoting green technologies and protecting and enhancing the natural and built environment.

6.2 Financial Implications

6.2.1 The main costs have already been met for the previous rounds of consultation and the examination. There will be a minor cost associated with adoption of the SCAAP, which will be met from existing agreed budgets.

6.3 Legal Implications

6.3.1 The adoption of the SCAAP necessitates compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012, a process which has been and will be duly followed. After adoption, Regulation 26 requires a copy of the adopted version of the SCAAP, an adoption statement, the sustainability appraisal reports and details of where and when hard copies of the documents can be inspected on the Council's website. It also requires copies of the adoption statement to be sent to any person who has been asked to be notified of the adoption of the local plan and to the Secretary of State. The Council's website will also enable these documents to be downloaded too.

6.3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The SCAAP will be part of the development plan for the purposes of the Planning Acts.

6.4 People Implications

6.4.1 Staff resources from the Council's Strategic Planning team have been required in order to produce the SCAAP, particularly during document preparation, consultation stages and examination. Further staff resources will be required to take the document to adoption stage and have been allocated.

6.5 Property Implications

6.5.1 Southend Borough Council owns a number of the sites promoted for development within the SCAAP. The proposed Opportunity Sites are outlined in Table 1 above and can be viewed on the Policies Map (**Appendix 5**).

6.6 Consultation

6.6.1 The requisite statutory consultation process has been followed through the preparation of the SCAAP.

6.7 Equalities and Diversity Implications

6.7.1 Public consultation has provided opportunity for different sections of the community to input into the plan making process. An Equality Analysis was completed as part of the plan making process (**Appendix 7**).

6.8 Risk Assessment

6.8.1 If the SCAAP is not adopted, decisions on planning proposals in the Central Area will be made in accordance with other local development plan documents, national policy and guidance, which could give rise to the risk that decisions may not take into account the particular needs and requirements of Southend Central Area.

6.8.2 The absence of the SCAAP policies may result in inappropriate or piecemeal development in Southend Central Area being allowed on appeal, which would not be aligned with the Borough Council's Vision and Priorities for the regeneration and growth of the town.

6.9 Value for Money

6.9.1 There have been significant beneficial impacts in terms of value for money from carrying out the work proposed using in-house resources wherever possible. This has provided benefits in terms of building in-house experience and expertise for officers, as well as utilising local knowledge and experience within the Strategic Planning team, which would not be gained otherwise. The SCAAP has also facilitated the ability to bid for funding, such as funding from the Growth Deal and City Deal.

6.10 Community Safety Implications

6.10.1 The SCAAP seeks to improve the natural and built environment thereby contributing towards improving community safety.

6.11 Environmental Impact

6.11.1 *Sustainability Appraisal*

- 6.11.2 All iterations of the SCAAP have been subject to Sustainability Appraisal (SA), which is an assessment of the potential significant social, environmental and economic impacts of development and forms an integral part of the plan making process. It ensures that all policies and proposals are prepared with a view to contributing to the achievement of sustainable development. These appraisals have been used to assist with the identification of the most sustainable policies to take forward.
- 6.11.3 The SA of the SCAAP that was submitted for examination found that there are many positive aspects of the Plan in relation to delivering sustainable development and that the objectives, policies and proposals of the SCAAP have the potential to have beneficial sustainability effects in the Central Area, as well as wider within Southend and beyond.
- 6.11.4 The Inspector's Report concludes that the SA is well balanced in its emphasis on the main strands of sustainability and has been carried out adequately. A copy of the submitted SA non-technical summary is attached at **Appendix 8**.
- 6.11.5 An addendum to the SA (**Appendix 9**) that considered the impact of the proposed modifications concluded that the modifications are predicted to generate a small number of new or different likely significant beneficial effects and that no significant adverse effects are predicted to arise from the proposed modifications.
- 6.11.6 *Habitats' Regulations Screening Report*
- 6.11.7 Southend and the surrounding districts include a number of important designated sites for nature conservation. Habitats' screening is an assessment of the potential significant effects of a policy on European Sites designated for their nature conservation importance. These include Special Areas of Conservation, Special Protection Areas and international Ramsar sites. A policy should only be approved after determining that it will not adversely affect the integrity of such sites.
- 6.11.8 The Habitats Regulations Screening Report concluded that the SCAAP, in conjunction with the Core Strategy, will not have a significant effect on nature conservation sites.
- 6.11.9 An addendum to the Habitats Regulations Screening Report that considered the proposed modifications concluded that the amendments would not propose any changes to planning policies within the SCAAP such that they would have potential to have 'a likely significant effect' on one or more nature conservation sites.

7. Background Papers

- 7.1 The Town and Country Planning (Local Development) (England) Regulations 2012
- 7.2 Planning and Compulsory Purchase Act 2004

- 7.3 Southend on Sea Local Development Scheme timetable 2017
- 7.4 Southend on Sea Statement of Community Involvement 2013
- 7.5 Southend-on-Sea Cabinet Report: Southend Central Area Action Plan (SCAAP) – Proposed Submission Document 2016
- 7.6 Southend-on-Sea Delegated Authority Report: Southend Central Area Action Plan: Modifications Agreement and Authorisation to Consult

8. Appendices

Appendix 1: Inspectors Report on the Southend Central Area Action Plan

Appendix 2: Southend Central Area Action Plan

Appendix 3: [SCAAP Schedule of Modifications](#) as approved under delegated authority in July 2017 and subject to public consultation in Aug- Sept 2017

Appendix 4: Further Minor Modifications

Appendix 5: SCAAP Policies Map

Appendix 6: Modifications Consultation – Summary of Representations

Appendix 7: Equality Analysis

Appendix 8: [Sustainability Appraisal Non-Technical Summary](#)

Appendix 9: [Sustainability Appraisal Addendum](#)