

Southend-on-Sea Borough Council
Report of Corporate Director for Place
to
Place Scrutiny Committee
on
7th October 2013

Report prepared by:
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**Elm Road Development Brief – Consideration of Draft Responses to Consultation
Representations and Amended Brief for Adoption**
Place Scrutiny Committee - Executive Councillor: Councillor J Garston

Internal Discussion Item

1. Purpose of Report

- 1.1 To present, for final consideration and comment prior to Cabinet, the Council's response to representations received during the recent public consultation, **Appendix 1**, together with proposed amendments to the Elm Road Development Brief, provided within **Appendix 2**.
- 1.2 The production of this Brief has been informed by the outcomes of a number of public consultation sessions including community consultation events held in June and September 2012, and a 4 week public consultation on the draft Brief undertaken between 15th April 2013 and 13th May 2013.
- 1.3 The next stage in the process will be to agree the Council's responses to representations made during the most recent public consultation period on the draft Brief, and to agree the proposed amendments to the Brief so that it can progress through to Cabinet on 5th November 2013.

2. Recommendations

- 2.1 **That Place Scrutiny Committee Members make any final comments on the proposed minor modifications to the Brief ahead of the document progressing to Cabinet on 5th November 2013.**

3. Background

- 3.1 The context of the Brief is to manage change on the Elm Road site in Leigh-on-Sea, as shown in the red line plan in **Appendix 3** - which encompasses a number of buildings including: Leigh Community Centre (on the Council's list of Assets of Community Value), Leigh Police Station (locally listed), the youth centre (now closed and proposed for demolition), the former Leigh Town Council offices (currently being marketed for a short term commercial let), a private

house (subject of negotiations with Asset Management), car parking and a depot building - and to provide it with a viable and sustainable use for the future.

- 3.2 A certain amount of change is likely to take place over the coming years on the site, with changing patterns of use in the community centre following Leigh Town Council's management of the building, the recent closure and planned demolition of the youth centre, and an on-going review of the use of the police station building by Essex Police. The Brief therefore provides a framework to help the Council manage change in the future to ensure this important site serves the local community in Leigh well.
- 3.3 The majority of the site area is owned by the Council, with the exception of the private dwelling, 69 Elm Road, which forms one half of a semi-detached pair along with the former Leigh Town Council offices.
- 3.4 It is recognised that the site, given its location within Leigh District Centre, has the potential to offer much more to Leigh than it presently does, not only in terms of the improvements to the quality of the environment that may be possible, but also in terms of improvements to local amenities and services.
- 3.5 While the process has been led by the Council as the main land owner and local planning authority, Allies and Morrison Urban Practitioners were commissioned to produce the draft Brief. This was informed by community consultation sessions, which were open to the general public but also included key local stakeholders such as Essex Police, the Leigh Society, local youth groups, and adjoining residents. There was a general level of support for 'option 4', developed through the consultation sessions, as set out within the Brief (**Appendix 2**) and the community events were largely well received.
- 3.6 Leigh Town Council were also involved throughout the process, which included attendance at the public consultation sessions as well as specific briefing sessions with Officers, Senior Management, the Chief Executive and the Leader of the Council prior to the draft Brief being published. The feedback from these sessions was considered by the Borough Council to be generally positive and the draft Brief was subsequently progressed to public consultation stage.
- 3.7 The draft Brief was consulted on for a 4-week period (15.04.13 – 13.05.13) during which time 14 representations were received. These representations have been analysed and the Council's responses to them produced (**Appendix 1**) and a number of minor amendments have been proposed to the Brief. The Council's responses will now be published on the jdi system in accordance with the process for other public consultations followed by the Council.
- 3.8 It is anticipated that, subject to its contents being agreed, the Brief will progress through to full Council for consideration for adoption in December 2013. This timetable would allow targets set within the Service Plan for the document's delivery to be met. After adoption, the Brief will be a corporate document setting out the Council's preferred approach for development proposals on the site, being promoted by the Council's asset management team to find an appropriate developer for the site, and will be taken as a material consideration in the determination of planning applications for all future development proposals on the site.

4 Other Options

- 4.1 An alternative option would be for the Council not to progress a development brief for the Elm Road site further. However, the brief recognises that the Elm Road site has potential to offer much more to Leigh than it does at present, not only in terms of the improvements to the quality of the environment but to improvements to local amenities and services. This Brief, once adopted by the Council, will provide a framework to help manage future change on the site, promote investor confidence, and ensure that this important site serves the local community well. Without it, there will be no site-specific framework within which development proposals can be managed.
- 4.2 Without the Elm Road Development Brief the Council would need to rely solely on policies in its Local Development Framework Documents - which do not cater specifically for the complexities of the site and the buildings and uses it contains - to manage development proposals for the site. The Brief has been through substantial public consultation.

5 Consultation

- 5.1 The content of the Brief has been based on the outcomes of workshops undertaken and comments received during the three day community planning event held at Leigh Community Centre from Wednesday 6th to Friday 8th June 2012, and the follow-up consultation event held at Leigh Library on Saturday 29th September 2012.
- 5.2 Both events were well attended. The community planning event in June took a more formal approach and over 150 attendees were recorded as attending over the three days, with a number of people visiting several times over the 3 day period. It was publicised through a full page advert in the Leigh Times, letters to immediate neighbours, posters around the centre, and by the Town Council and other local organisations.
- 5.3 The event had a structured timetable and was divided into three specific events:
- Day 1 focussed on the issues and opportunities for the site and included two site 'walkabouts' and question based worksheets. These activities and tasks were designed to gauge public opinion on the site, how the site and buildings within it were used, and to identify local needs that the site could meet.
 - Day 2 then allowed the team from Allies and Morrison Urban Practitioners and the Borough Council to produce, with the community, four draft options for the site based on the information gathered during Day 1. These options were then presented to attendees during an evening exhibition for further comment.
 - Day 3 workshops tested the four options identified on Day 2 and focused on establishing an appropriate way forward for the development brief.
- 5.4 The session held on Saturday 29th September was an opportunity for those who could not attend the weekday or evening sessions to speak to members of the Borough Council's Strategic Planning team and discuss the options generated

throughout the previous consultation event. All those who provided their contact details at the June event were sent a letter of invitation, as were immediate neighbours of the site; in addition posters were distributed to local businesses, schools and the library, and a press release was published by the Borough Council.

- 5.5 Opposition portfolio leads were also briefed on the report and draft development brief, and following receipt of the draft version of the Brief ahead of the public consultation, a briefing session was held between senior management and Leigh Town Council. There was, in the Borough Council's view, a general level of support from the Town Council.
- 5.6 The draft brief was also considered by Members of the Economic and Environmental Scrutiny Committee on 29th November 2012. The matter was discussed in detail by the Committee and there was broad support for the project and agreement with the development principles and the draft brief. The Committee resolved that the proposals in the report be endorsed for submission to Cabinet for consideration at its meeting on 8th January 2013. The draft Brief was subsequently considered by Cabinet on 8th January 2013 and by Economic and Environmental Scrutiny Committee on 31st January 2013, before progressing to full Council on 28th February 2013, whereby the draft Brief was agreed for consultation.
- 5.7 Subsequently, the draft Brief was put out to a 4-week public consultation from 15th April 2013 to 13th May 2013 in accordance with the Council's Statement of Community Involvement and to correspond with Leigh Town Council's Annual Town Meeting at their request. Respondents were asked whether they thought all the relevant issues and options for the site had been identified through consultation events.
- 5.8 A total of 14 consultation responses were received and these have been analysed in order to determine an appropriate way forward for the Brief (refer to **Appendix 1**). In summary, there was a relatively good level of support for the Brief including reference to: support for the approach that would encourage an increased level of planting on the site and Elm Road frontage; the retention of public car parking; allowing for flexibility for the future.
- 5.9 A number of issues were identified however including: the Brief does not recognise potential for development aimed at maximising the Elm Road frontage, including development abutting the blank gable of the police station; the Brief does not appropriately acknowledge the increased function of the community centre following Leigh Town Council's management from August 2012; the Brief must ensure the correct emphasis is placed on the site and its relationship with neighbouring development and uses; failure of the Brief to add to the vibrancy of the site in terms of both form and uses.
- 5.10 The majority of objections to the Brief have been received from Leigh Town Council (as set out within **Appendix 1**) despite substantial involvement with the Brief's development ahead of its publication. A pragmatic approach has therefore been taken to developing the Council's response to all representations, including those from Leigh Town Council, with direct reference being drawn to the content of the Brief itself to address matters raised.

5.11 In light of this, amendments to the Brief have been proposed to provide clarification on a number of points (amendments have been made in purple font to the text only version of the Brief, as provided at **Appendix 2**). Members are invited to make any further comments on these proposed amendments ahead of Cabinet. Given the nature and content of representations received, it is not proposed to make any significant modifications to the content or scope of the Brief in light of representations received.

6 Land Use Update and Progress to Date

6.1 The following provides an update on progress with the Brief and land uses on the site following the publication of the draft Brief:

- The former Leigh Town Council offices continue to be marketed by the Borough Council on a short-term lease for commercial use and remain vacant;
- The owners of 69 Elm Road, the privately owned residence on the site, originally expressed an interest in selling their property. They have raised concerns however that without a prompt decision being made by the Borough Council on the future of the site, their property has, at present in their opinion, been rendered unsellable. Asset Management have been liaising with the owners to determine an appropriate way forward and following a formal valuation of the property an offer was made, but this was subsequently rejected by the owners and discussion with Asset Management continues;
- The youth centre has now been closed, with the few remaining users being relocated elsewhere, and Asset Management are progressing with the demolition of this building;
- Leigh Town Council nominated both Leigh Community Centre and Leigh Youth Centre for inclusion of the Council's list of Assets of Community Value. The application for the listing of the youth centre was subsequently rejected given the progress of corporate plans to demolish it; however the Community Centre has now been added to this list.

7 Corporate Implications

7.1 Contribution to Council's Vision & Corporate Priorities

7.1.1 The successful delivery of the Elm Road Development Brief will contribute to the fulfilment of a number of the spatial elements of the Council's vision and priorities. For example, in relation to the impact the site will have for the district centre of Leigh, ensuring a well maintained and attractive streetscene, and enabling well-planned quality housing and developments that meet the needs of residents and businesses, and contribute towards local housing targets.

7.2 Financial Implications

- 7.2.1 The Brief has been produced to address the outcomes of the public consultation workshops and to provide a flexible approach that it is intended will provide investor confidence in the site. The principles for development set out in the brief will need to be addressed when establishing a strategy for the site, including a robust framework within which its sustainable redevelopment can be undertaken.
- 7.2.2 Consultants from GL Hearn were involved throughout the public consultation workshops in June 2012 and informed the production of the Brief, ensuring the preferred option presented for the site was deliverable and self-sustaining in financial terms, and that this would be delivered by a third party. Their report indicates that the preferred option presented by the Brief is a viable approach, although further allowance would need to be made for any investment which may be required in the community centre to bring it up to modern standards for accessibility and energy efficiency, and to modify the building for future users.
- 7.2.3 If it is proposed to retain the community centre in its current form, the consultants recommend that a feasibility study is undertaken to establish the scope of the work required. Given the potential cost implications, a flexible approach to the community centre has been included within the brief which would see its façade retained as a minimum but allows for the potential redevelopment of the rear of the site if reconfiguration is unviable or patterns of use change in the future.
- 7.2.4 The viability assessment behind the Brief indicates that 12 family sized units are likely to be a viable option for the site, although given the district centre location this use should not overly dominate the site and while the location is not considered ideal for retail development from a viability perspective, this could be retained as an option, although not the preferred approach. If housing is brought forward on the site, the viability report assumes an equal split between 3 and 4 bed houses, and an assumed residential sales value of £350 per sq ft. This reflects the upper end of the sales value achieved locally but also reflects the quality of development proposed. These costs also assume a 100% private housing scheme. If an element of affordable housing is required, in line with local policy, this would have an adverse impact on the land value generated.
- 7.2.5 Whatever option is eventually delivered on site will at no cost to the Council.
- 7.2.6 As the Brief progresses through the next stages, the Council will need to continue to be mindful of the difficult position the private owner of 69 Elm Road will be in and will need to be prepared to renegotiate on the purchase the property. A formal valuation of the property has been undertaken and this, together with an incentive package that includes assistance with relocation and legal expenses, has informed a recent offer to the owners that they subsequently rejected. Asset Management are seeking to continue their dialogue with the owners.

Parking

- 7.2.7 Parking is a significant land use within the site, being the location of one of the few pay and display car parks in Leigh. This car park is in relatively close proximity to the commercial centre of Leigh. The Elm Road car park currently

provides 60 spaces for public use and a further 7 spaces which are marked as being for police use only. The site is one of the last in Leigh with potential to provide an increase in parking offer. It is anticipated that the preferred option, as presented by the Brief, would not result in the loss of parking provision on the site, however it would not facilitate any significant increase, and this is an important point to consider.

- 7.2.8 To inform this Brief an analysis of data collected by the Council on parking ticket sales was undertaken. This analysis indicates that the car park is well used, with occupancy being relatively evenly spread across the week, with a slight peak on Saturdays. Usage varies throughout the day however, during the week there is a slight peak between 9am and 10am and a second peak between 12pm and 1pm. On Saturdays usage builds up later in the morning, typically from 11am. From this analysis, it is clear that there remains a need for public car parking on the site. More recent data indicates that there has not been a significant change between 2012 and 2013.
- 7.2.9 The Brief proposes that the provision of car parking will be equal to or in excess of the existing provision, ensuring the revenue stream from the car park remains consistent. However, it also outlines how the space will become more flexible, allowing it to support the community centre by offering a space for associated and complimentary uses. The revenue stream from the car park is therefore expected to remain relatively consistent.
- 7.2.10 This approach to the layout of the site means that the parking area will be more accessible and easier to use, and will be presented in a safer and more landscaped environment to improve the public realm. As parking will be located in a better defined public space, rather than tucked away behind buildings, it is anticipated that the space will also have the capability of being used for other activities such as markets/events. This is however not intended as a predominant feature of the space and it would work on the same basis as many other market squares across the UK - the impact on parking is considered to be limited therefore.
- 7.2.11 Options for decked car parking were discussed during the community planning event but a number of factors were against it:
- The impact of bulk and massing on the character of the area, as well as impact on the amenity of surrounding residential dwellings;
 - The cost of building a decked car park is likely to prove difficult to recoup without significant increases to charges, and given the widespread availability of free car parking in the area may exacerbate issues elsewhere;
 - It is unlikely that the strategic pressures on parking would be addressed to a significant degree through a project of this nature, and would lead to parking dominating the site with relatively minor gain.
- 7.2.12 From a viability perspective, it is the cost involved with building a decked car park that has led to this option not being pursued further within the Brief, together with the feedback from the community consultation sessions.

7.3 Legal Implications

- 7.3.1. Any legal implications will be addressed through leases, and associated documents, and relevant planning obligations.

7.4 People Implications

- 7.4.1. Staff resources from the Strategic Planning and Transport Group and Asset Management Team have been utilised in the production of the Elm Road Development Brief. The involvement of the Borough Council's Communications Team is anticipated during the subsequent stages to manage publicity of the Brief.

7.5 Property Implications

- 7.5.1 The site is largely in the ownership of the Council, with the exception of a single dwelling house that is privately owned; 69 Elm Road. This house would need to be acquired to allow the preferred option for the site to be recognised, and the Council's Asset Management team will need to continue to be involved throughout the process, continuing their dialogue with the owners of number 69 Elm Road, given that the majority of the land and buildings are within the Council's ownership.

- 7.5.2 As outlined within the Brief (**Appendix 2**) and as illustrated by the preferred option plan (**Appendix 4**), the preferred option established through the community planning event opens up the core of the site to create a reconfigured public car park / public square, creating an urban framework that introduces new uses to the rear of the site, with active frontages onto the new 'square'.

- 7.5.3 To achieve this, the site may be brought forward as a comprehensive redevelopment, although a phased approach may also be possible. The following points should be taken into account when bringing the site forward in a phased approach:

Initial development – Acquisition and Site Clearance:

- Closure of the Youth Centre and clearing of the site to allow for redevelopment – an extension to the parking area is anticipated in the short term;
- Clearing of the existing Council depot to the rear of the site to allow for redevelopment;
- Acquisition of the private dwelling to allow for this property and the adjoining former Town Council offices, owned by Southend Borough Council, to be cleared;
- It will be important to ensure the new public realm structure is in place to complement new development.

New Development – Creating active frontages within the site:

- Once the Council depot has been cleared, new development could be brought forward in the southern part of the site. With residential development, parking would need to be provided in line with the Council's adopted parking standards, and works to the public realm would need to be completed prior to occupation;

- The car park will need to be surfaced using quality, permeable materials creating the sense of a public square with provision of landscaping and tree planting to ensure the rear of the site is suitable for residential uses;
- If required, the northern section of the site could be developed at a later stage, if necessary, to allow time to consider how the existing buildings will be reused or redeveloped, or to determine how these buildings can be redeveloped to provide modern, flexible space for a range of uses (including community use);
- Any redevelopment will be required to provide an active frontage onto the proposed square.

Existing Development – Re-use and Redevelopment:

- In accordance with the requirements of this brief, the comprehensive redevelopment of the site should retain the locally listed police station building (although adaptation of this space for future use is likely to be feasible) and the façade of the community centre as a minimum;
- Existing buildings may provide opportunities for re-housing existing uses whilst work is being carried out.

7.6 Consultation

7.6.1 As noted within Section 4 of this report, the draft Brief was informed by a 3-day public consultation event, held in June 2012, and a follow up session, held in September 2012.

7.6.2 The draft Brief was also considered by Economic and Environmental Scrutiny Committee on 29th November 2012. The Committee resolved that the proposals in the report be endorsed for submission to cabinet for consideration at its meeting on 8th January 2013. The document was endorsed by Cabinet and progressed to Economic and Environmental Scrutiny Committee on 30th January 2013, before being considered by full Council on 28th February 2013.

7.6.3 The draft Brief was then put forward for a 4-week consultation between 15th April 2013 and 13th May 2013; the outcomes of this consultation has informed this report and proposed revisions to the Brief (**Appendix 1** and **Appendix 2**).

7.7 Equalities and Diversity Implications

7.7.1 It is not considered that there are any equalities issues with regard to the development brief.

7.8 Risk Assessment

7.8.1 If the brief was not published and taken forward to adoption, there would not be a comprehensive framework in place within which development on the Elm Road site could be brought forward, which may result in inappropriate or piecemeal development being allowed.

7.9 Value for Money

7.9.1 The requirements outlined within this Brief are intended to enable this site, which is in the majority under Council ownership, be brought forward for comprehensive redevelopment.

7.10 Community Safety Implications

7.10.1 It is anticipated that the scheme will improve community safety in this area by allowing for the creation of active frontages both the Elm Road and within the site, and providing a sustainable mix of active uses both for the day and evening economies.

7.11 Environmental Impact

7.11.1 The reconfiguration of the site, as demonstrated within the draft Brief, allows for positive enhancements to be made to the public realm – both the Elm Road frontage of the site, and through the resurfacing and landscaping of the parking area.

7.11.2 The preferred option, as outlined within the Brief, is intended to preserve and enhance the contribution the locally listed police station building makes to the local area, including its retention and options for its future reuse. It also seeks to preserve, as a minimum, the façade of the community centre building, enabling the space to the rear of the building to be reconfigured or redeveloped where feasible to allow for the more efficient use of space on the site.

8. Proposed Timetable

8.1 It is proposed to progress the document through to Cabinet on 5th November 2013, followed by full Council in December 2013.

9. Appendices

- Appendix 1: Council responses to consultation representations
- Appendix 2: Proposed amendments to the Elm Road Development Brief
- Appendix 3: Red Line Plan
- Appendix 4: Preferred Option Plan