

SUPPLEMENTARY INFORMATION

AGENDA ITEM 4(a) REPORT

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11/00538/EXTM

Land north of Eastern Avenue, Southend on Sea (at Fossetts Farm and Southend United FC training ground)

1. The Proposal

Para 1.17. The applicant is seeking to alter his initial proposals regarding the timing and phasing details of payments in relation to the Town Centre Contribution as follows:

“Any payments should be profiled in accordance with the timetable of works to construct the Retail and I would suggest the following:

- *Upon Commencement - £500,000*
- *6 months after Commencement - £450,000*
- *Upon Practical Completion - £500,000”*

I am content to discuss a simple mechanism for payment of the £800,000 and if Officers consider it appropriate along similar lines to that relating to the retail as set out above would be acceptable”.

7. Representation Summary

Sport England

While the current application makes several amendments to what was originally permitted, the impact on the playing field (the current SUFC training ground) is identical to the original planning permission. Like the original planning application, I am therefore of the view that the proposals in the current planning application would accord with our playing fields policy as provision has been through another planning permission for relocating the training ground. I can therefore confirm that no objection is made to the current planning application in terms of playing field impact as a statutory consultee.

Southend Town Centre Partnerships

[The Southend Town Centre Partnerships response to the suggestion to remove the section 106 contribution of £6mil on the Fossett farm development.](#)

The original Fossett application flies in the face of ‘town centre first’ policy so any suggestion of the removal of section 106 contributions to the Town Centre would not be seen as favourable by the Southend Town Centre Partnership. After all the section 106 contribution was a

significant material consideration in the determination of the original planning application. The agreed section 106 contribution will ensure certain essential projects are carried out to help make Southend Town Centre more attractive and become a first choice destination.

In the current economic situation Southend businesses are holding up as best they can and have just committed to invest an extra 1.5% levy on their business rates to make sure Southend stays ahead of the local competition and try and attract new businesses. With the current trend of shorter leases giving retailers greater flexibility on location, the town needs a level of stability to thrive going forward, the removal of any funds to make much needed improvements would hinder such stability.

I would however like to emphasise that Southend Town Centre Partnership has serious concerns regarding the undue haste with which planning application ref: 11/00538/EXTM is being considered, which appears to run contrary to the principles of natural justice. The committee report details that the Council's retail consultants have been given insufficient time to assess whether the impact of the proposals upon Southend town centre would be significantly adverse, so it is considered that the effects of the proposals have not been properly assessed by the Council.

The creation of non-scheduled 'special planning committee' by the Council will enable Members to determine the application (subject to deferral to officers) before the statutory consultation period has expired and is at odds with the Council's standard procedure, whilst the issue of the 92 page committee report only two days before the committee meeting itself gives very little time for objectors to respond.

Representations from the Town Centre Partnership were submitted on 13 December 2012 but are not referred to in the committee report and yet the revised Town Centre Contribution sum of £2.25m but is considered in detail in the report, and is understood to have been proposed by the Football Club as late as on 14 December 2012. This material change in the planning case put forward by the applicant has not been the subject of any statutory public re-consultation. It is disappointing therefore that Members will not review the representations from the Town Centre Partnership as part of the main report, but will instead only be able to quickly review these 'on the day'.

I understand that the planning consultants for the owners of the Royals shopping centre are advising them on the potential to seek a legal challenge in the event that the proposals are approved, so the Town Centre Partnership is not alone in its concerns regarding the manner in which the Council is driving the applications to be determined before the end of the year – as sought by the Football Club.

Therefore the STCP would be against any suggestion of the removal of this part of the section 106.

Highways – response to Glanville objection

The VISSIM modelling that has been undertaken has considered the peak flows for the full development and has also included modelling of the future year of 2023, therefore, the VISSIM model shows the worst case scenario and includes robust results. The Council agreed that the peak flow from the development would be on a matchday when the supporters would be exiting the stadium, it was considered that supporters arriving to the stadium would arrive at varying times as evidenced by the current Roots Hall stadium.

Regarding facilities for pedestrians crossing Sutton Road, the Council are conditioning a signalised pedestrian crossing on the north arm of the Sutton Road/Eastern Avenue roundabout, which will be linked to the gating strategy. The current zebra crossing which is located further north along Sutton Road will require marshalling.

For the initial permission for the stadium relocation and ancillary development that was granted in 2008, the Inspector accepted that the development may cause some congestion, both road and pedestrian on the highway network on a matchday. This along with the robust modelling concludes that the highways works that are required for the development will help to mitigate the impact of the development

Education – Since the last assessment demographic changes have taken place in the local area of the development.

Primary

This area of the borough is at the top end of the north south corridor that has seen the highest increase in the birth rate and demand for primary places due to movement into the borough. The primary schools within acceptable distance from this development are all full and being asked to expand. Any further addition to the already planned for high numbers will increase the need for places and add costs to an already tight budget.

Secondary

The local secondary school is split over two sites and does have spaces. However, it is currently in special measures which means that parents are looking further afield and putting pressure on other local secondary schools that are, in the main, full. As the new accommodation in this application will increase demand, secondary contributions are sought.

Post-16

There are Post-16 places available at local schools and also the college depending on the course subjects being sought.

A contribution of £126,297.34 is therefore now sought.

On consideration of the 2007 application it was agreed that a contribution would not be applicable as there were places available in all year groups in both primary and secondary schools.

As the 2011 application gave a five year gap and was considerably changed to the 2007 one a new assessment was completed. As opposed to 2007, in 2011 pupil numbers had increased significantly as a result of a surge in the birth rate from 2005/06 and only a few schools at the outer ends of the borough were and still are able to offer

places. Any new developments are adding to this pressure for primary places. All secondary schools apart from Cecil Jones College and Futures College are also full. Whilst Cecil Jones is the catchment school for this development they are in the process of re aligning the school curriculum following a period in special measures. Any additional development in their area will impact on their planning process and accommodation needs.

Had the original application progressed any pupil product would now be in the schools and their numbers would have been accounted for in the previous places planning process. However the delay means that the pupil product will require places in the peak years, especially in primary.

8.0 Public Consultation

Objection – on behalf of Orchard Street UK (owners of the Royals Shopping Centre). Response following publication of the committee report. The objectors have submitted a lengthy report in relation to the proposals, which is summarised below:

Serious concern is expressed regarding the undue haste with which the revised proposals are now being considered, which calls into question whether they have been fully and accurately assessed and appears to run contrary to the principles of natural justice.

These concerns are such that Gerald Eve LLP will be advising Orchard Street on whether this matter should be judicially reviewed, should Members determine that officers grant permission for the application under delegated powers, once the statutory consultation period has expired. This is on the basis that the Council has not allowed observations on this matter in accordance with its normal administrative procedures.

Orchard Street is strongly against the proposed development of an out of town retail park at Fossett's Farm due to the adverse impact the proposals would have on the vitality and viability of the town centre – a principle which has been previously accepted by the Planning Inspectorate the Secretary of State, the Borough Council and the applicant.

It has now been four and a half years since planning permission for the proposals at Fossett's Farm were granted planning permission. The economic downturn, the on the ground changes since this time and the introduction of the NPPF since this time mean that the proposals are now considered to conflict with National planning policy.

Whereas the St John's Quarter was previously not considered to be a sequentially-preferable site able to accommodate retail development when considered by the Planning Inspectorate and the Secretary of State the Council's retail consultants identify that it should now be considered as a sequentially-preferable site able to accommodate the proposed retail development and so the proposals now fail the 'sequential test' for new retail development, contained in the NPPF. Whereas it was originally assumed that the retail proposals for Fossett's Farm could be operational as early as 2011 and thus well in advance of development at the St John's Quarter, the likely overlap in

delivery of the retail park and the St John's Quarter now, is likely to mean that proposals are now likely to adversely impact on planned public and private investment in a town centre

Whilst the impact of the proposals on the town centre was considered in 2007-2008 not to prejudice the role of Southend town centre, in light of the increased trade draw from the town centre that are now identified proposals it is a serious concern that the Council is unable to determine whether the effects would now be serious enough to prejudice the town centre's role.

As it is considered that the proposals fail to satisfy the sequential test, will be likely to adversely impact on planned public and private investment in the town centre and will have a significant adverse impact the town centre's vitality and viability, they should be refused planning permission, in accordance with paragraph 27 of the NPPF.

Notwithstanding this, should Members resolve to grant planning permission for the proposals subject to deferral to officers, it is contended that a Town Centre Contribution of at least £6m should be made.

In 2007, the planning inspectorate identified that an index linked contribution of £6m to secure physical improvements to the town centre would serve to help mitigate the effects of investment and expenditure being directed away from the town centre and would help to bring forward medium to long term projects to further improve the town centre. Town centre projects which amount to a cost of £21m have been identified by the Council and should the proposals come forward, then the Town Centre Contribution will be needed more than ever to help deliver these and secure much need improvement to the town centre environment.

The Town Centre Contribution is a payment required to help mitigate the effects of the retail development and must be considered an integral element of the development of an out of town retail park at Fossett's Farm and it is wholly unreasonable for payment to be reduced at the whim of the applicant with no evidence submitted to justify this.

We have raised serious concerns regarding the process by which the proposals are to be determined in this letter, but trust that these representations will be given due consideration in the determination of the planning application.