

Public Document Pack

Southend-on-Sea Borough Council

Department of the Chief Executive

John Williams - Director of Democratic & Legal Services

Our ref:

Telephone: **01702 215000**

Your ref:

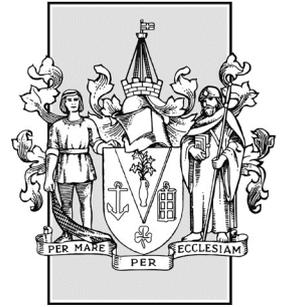
Fax: **01702 215994**

Date:

E-mail: **committeesection@southend.gov.uk**

Contact Name:

DX 2812 Southend



Dear Councillor

PLACE SCRUTINY COMMITTEE - MONDAY, 29TH JANUARY, 2018

Please find enclosed, a copy of the questions from members of the public, together with their respective responses from the meeting of the Place Scrutiny Committee taking place on Monday, 29th January, 2018.

Yours faithfully

Tim Row
Principal Democratic Services Officer

This page is intentionally left blank

PUBLIC QUESTIONS
PLACE SCRUTINY – 29 January 2018

3

Question 1 from Mr Phillip Miller to the Executive Councillor for Housing, Planning and Sustainability

Question:

In the Planning Inspector's report of the 'Examination of the Southend Central Area Action Plan' Dated 12th December 2017 (Para 58) – It notes the proposed park and ride scheme at Leigh Railway station. I would like to know what has been done to consult the Leigh traders on this proposal in terms of the possible impacts on their businesses.

Answer

The Southend Central Area Action Plan (SCAAP) was subject to extensive consultation during its preparation. The SCAAP has been the subject of two extensive periods of consultation including stakeholders. There have been public display in a number of locations and it has been featured in the local press. It has also been the subject of reports to the Council's Scrutiny and Cabinet. The SCAAP was also the subject to an examination in the public to which anyone could attend and make representations.

Question 2 from Mr Marc Miller to the Executive Councillor for Housing, Planning and Sustainability

Question:

In the Planning Inspector's 'Examination of the Southend Central Area Action Plan' report (Para 45) It states quite clearly, there are

40 days of so called ‘good weather days’ in Southend. I would like to know the source of this potentially inaccurate statement, which may have influenced the Inspector’s conclusion or at the very least may have been a factor in his thought process! I would like to know where this information came from?

Answer

The reference to ‘40 days per year’ is in reference to discussion from the examination hearing sessions. This is based on findings from the Car Parking Study for the Central Area of Southend, which reports that between May 2015 and May 2016 for Central Area South parking areas as a whole, the number of days on which occupancy exceeding 85% was 38, and that these tended to be in the summer holiday periods with the greatest number being in August 2015.

Although direct reference is not made to these being good weather days, further reference to ‘40 days’ is noted to have been made from other representations made on the SCAAP. The Inspector notes that ‘this figure was not challenged at the Hearings.’

Question 3 from Mr Marc Miller to the Executive Councillor for Housing, Planning and Sustainability

Question

The planning inspector’s ‘Examination of the Southend Central Area Action Plan’ report dated 12th December 2017 contains various figures (data) which appears to have little veracity Para 65- Re employment and tourism figures appear to be historic and is certainly not our experience running a business in Southend for over 40 years.

We at Stockvale are taking less, employing fewer people and have taken two rides out of circulation since 2015. Para 96 –states that the Cinema element of the development will be complementary to the existing businesses in the use of the car park, they would not overlap. How can this be true when Adventure Island is busy most evenings of school holidays and Saturdays, nights during fireworks etc. I would like to know the source of both these unsubstantiated statements?

Answer

The Inspector has considered all evidence and representations during examination of the SCAAP.

Paragraph 65 of the Inspector's report, makes reference to data provided by the Council in response to a request received during the Hearing sessions of the Examination in Public; this is set out in Examination Document 036 – Additional Document 6: Tourism Employment. This document sets out data sourced from the Cambridge Economic Impact Model, which shows tourism related employment in Southend between 2011 and 2015, and the increase from 12.3% of all Southend's employment in 2011, to 14.2% of all Southend's employment in 2015.

Paragraph 96 of the Inspectors Report refers to comments made by representors during the Hearing sessions (as referenced in paragraph 11 of examination document EXSCAAP027 Rep 588-5 Hearing Statement – Matter 8 – RPS for Stockvale) that a proposed cinema use on the Seaway site would be primarily aimed at local residents, rather than day trippers. The Inspector, in paragraph 95, comments that if this

is the case, and given that most cinema use occurs in the evening, 'it is not unreasonable to assume that to an extent the two main demands on the car parking would be complementary rather than overlapping.' The Inspector goes on to conclude, in paragraph 97 of his Report, that '...the facilities proposed would be either supportive of or at least complementary to tourism...and finally, policy DS5 as modified would ensure that there would be no net loss in public car parking within 10 minutes' walk to the seafront'.

Question 4 from Mr David Webb to the Executive Councillor for Transport, Waste and Regulatory Services

Question:

In February 2015, the "Rainbow coalition council" with the leader Ron Woodley and Martin Terry introduced a pilot scheme to give landlords and landowners to clear up over grown and rubbish filled gardens that make the wards and Southend untidy within 28 days or the council will clean the gardens up and give them the bill. Question: How many Environment Protection Act (section 28A) ordering gardens to be cleared up within 28 days was issued 2014 – 2015, 2015 – 2016, 2016 – 2017, 2017 – 2018?

Answer

I can confirm that the following formal enforcement actions against properties that had unacceptable levels of rubbish and overgrowth in their front garden is as follows;

2014-15	116
2015-16	191
2016-17	170

2017-18 106 (up to Dec 2017)

I can also confirm that the success of the Environmental Care Team continues where they have achieved 100% success on all prosecutions that have been progressed through the Courts in the past year.

Question 5 from Mr David Webb to the Executive Councillor for Culture, Tourism and the Economy

Question:

Southend Council celebrated 125 years. Question: How much did it cost:

- a) The iconic Poppies Wave Sculpture in April;**
- b) Priory Park Flower Festival in August;**
- c) Refurbishment of the gates of Priory Park Gates;**
- d) Grand Finale Silk river Project;**
- e) Other small projects.**

and how were these financed?

Answer:

The overall cost of the Borough's 125 anniversary commemorations as at the end of December was £270,000.

These are broken down as per your question as follows:

- a) The iconic Poppies Wave Sculpture in April; - £160,000 – this of course ran from April until June**
- b) Priory Park Flower Festival in August - £6,000**
- c) Refurbishment of the gates of Priory Park Gates - £33,000**
- d) Grand Finale Silk River Project - £6,500**
- e) Other small projects - £50,000**

Other costs included printing/publicity etc., £14,000

There are still some small community 125 projects being delivered until the end of the financial year and therefore final expenditure is subject to slight change and there will be a full report on the activity.

These costs have been financed from the Council's Business Transformation Reserve.

Part of this project required community grants to be match funded and almost £200,000 external funding has been achieved.

Question 6 from Mr Paul Thompson to the Executive Councillor for Housing, Planning and Sustainability

Question:

The planning Inspector concluded that overall the SCAAP was unsound and has stipulated 22 modifications required to make it sound. He accepted entirely a critical point for businesses on the seafront and high street that developments have to, in his words 'consume their own smoke' (Para 71), of the report. This appears to mean, any developer proposing to redevelop the Seaway car park (which currently has 661 spaces) must ensure the proposed development meets its own needs, as well as ensuring there is no net loss of existing parking! It is our view this will not stop any developer trying to argue all sorts of nonsense in order to weaken/reduce these very clear requirements. As a local authority what do you intend to do to make sure this does not happen?

Answer:

The Inspectors Report concludes that the SCAAP is legally compliant and is sound if it is adopted with main modifications. These modifications are included as an Appendix to the Inspectors Report. The main modifications all relate to matters that were discussed at the Examination Hearings and broadly reflect those proposed by the Council following the hearing sessions and subsequently published for comment.

The making of modifications to planning policy documents, following examination in public hearings, is common practice and forms part of the examination process.

During the examination the Council offered to include a modification to further clarify how a development application on a Key Visitor Car Park would be assessed in regard to impact on parking. This is reflected in the main modification 9 of the Inspectors Report, which refers to the need for a transport assessment to analyse the impact of any development on key visitor car parking taking account of adopted parking standards, linked or combined trips and further mode shift reducing the need for additional car parking spaces, and the need for any replacement parking.

Once adopted the SCAAP will form part of the Southend Development Plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Agreement with Turnstone provides for a minimum of 480 spaces in the new development.

At the time of the parking survey in May 2016, 478 spaces were recorded at Seaway Car Park, (two spaces less than provided for in the Agreement) and this 478 figure is the baseline figure used in the SCAAP.

The recent relocation of the coach parking by the Council (as it was required to do under the Agreement) gave the opportunity to provide some temporary car parking (183 spaces), rather than leaving the area vacant pending development.

This position has been upheld by the Inspector therefore the base figure for parking spaces for Seaway Car Park is 478, not 661.

Question 7 from Mr Paul Thompson to the Executive Councillor for Housing, Planning and Sustainability

Question:

The planning Inspector identified in the SCAAP that there was certainly a total lack of encouragement for road-based transport in the document (therefore encouragement for visitors to come to Southend) and from the evidence provided, he identifies as a key issue the inadequacy of car parking south of the railway; loss of spaces at Seaway and Tyler's and other issues. Can you tell me if this total lack of encouragement for road-based transport is the current policy of Southend on Sea Borough Council?

Answer:

Nowhere in the Inspectors report does it say or identify that there is a total lack of encouragement for road-based transport. This is not an accurate reflection of what is a balanced report. The Southend Central Area Action Plan (SCAAP) policies for transport, access and parking provides for all users, and are consistent with national policy and positively prepared so as to enable the retention and growth of all sectors of the economy.

In paragraph 57 of the Report of the Examination of the Southend Central Area Action Plan the Inspector agrees that the SCAAP has secured an acceptable balance between providing for the car and promoting sustainable travel.

The Inspector endorses the car parking figures put forward by the Council, as set out in new table 5. The SCAAP sets out a variety of measures to deal with this issue, which the Inspector believes are justified and implementable.

In paragraph 62 the Inspector notes “maintaining a significant number of public parking spaces that would be unused for most of the year would not in my view represent the optimum use of these sites or be sustainable. The Plan pursues the strategy of managing the existing parking network in order to optimise its use, which is a sustainable and realistic course to take.”

The Inspector, in paragraph 64, considers that the SCAAP’s strategy for maintaining a ‘no net loss’ of car parking provision in Central Area South enables a high degree of flexibility within this area as to where new

development could take place, whilst at the same time it ensures that the supply of public car parking is not diminished over the plan period in this area.

In paragraph 72 the Inspector states, 'it is accepted that the Seaways and Tylers sites are well used by visitors to the Borough and that Seaways in particular by virtue of its size and proximity to the seafront is especially valued by the local tourist operators and the tourists themselves. The Seaways site, however, is within an area which is clearly in need of regeneration and where there is currently no direct access to the seafront for pedestrians. Both sites will retain an element of public car parking, whilst the proposals for a cinema, restaurant and hotel at Seaways and a mix including ground floor retail uses connecting to the High Street at Tylers, would help transform these unprepossessing sites into potentially distinctive places, bringing about much needed regeneration to these areas and to the Central Area as a whole.'

Question 8 from Mr Steve Kearney to the Executive Councillor for Housing, Planning and Sustainability

Question:

The planning Inspector accepted totally and unequivocally that there should be 'no net loss' of parking spaces in the South central area. He requires SBC to make a modification (para 67-MM9) in the SCAAP to ensure this critical point is enshrined in policy and sets a precedent for any subsequent planning applications. This will presumably result in SBC having to reword DS5 to reflect this particular modification, one of 22! Can you tell us what SBC intend

to do to ensure this instruction is actioned and followed to protect these very important key visitor car parks for the future?

Answer:

The Inspectors Report concludes that the SCAAP is legally compliant and is sound if it is adopted with main modifications. These modifications are included as an Appendix to the Inspectors Report and are proposed in the adoption version of the SCAAP. The main modifications all relate to matters that were discussed at the Examination Hearings and broadly reflect those proposed by the Council following the hearing sessions.

The making of modifications to planning policy documents, following examination in public hearings, is common practice and forms part of the examination process.

The Inspector endorsed the car parking figures put forward by the Council, as set out in new table 5, which are based on the Car Parking Study for the Central Area of Southend. (Para. 69 – Inspectors Report)

The submission version of the SCAAP already included the policy criteria for ‘no net loss’ of parking spaces in the South Central Area. During the examination the Council suggested a modification to further clarify how this policy would be applied in practice. The inspector took up this suggestion in making his recommendation to the Council. This is reflected in the main modification 9 of the Inspectors Report.

Question 9 from Mr Nayan Gandhi to the Executive Councillor for Housing, Planning and Sustainability

Question:

The report does not appear to provide any discussion regarding whether there would consequences if members proposed minor corrections to the SCAAP such as listing the correct number of spaces available at Seaways car park. What are the consequences and would this result in the entire plan being sent back to the drawing board

Answer:

The Inspector has considered all evidence and representations during examination of the SCAAP, including those relating to parking numbers.

In his report the Inspector considers the issue of parking in detail and in paragraph 69 endorses the car parking figures put forward by the Council, as set out in new table 5. The Inspector has used the Council's May 2016 start date, as opposed to the suggested alternative date of June 2017 by the Tourism Group, as it links in with the Council's Parking Study and to other key variables which are fundamental to the Plan.

The Inspector considers that the inclusion of the car parking figures to be a main modification and this is reflected in the adoption version of the SCAAP.

Question 10 from Mr Alan Grubb to the Executive Councillor for Transport, Waste and Regulatory Services

Question:

We have a property which until recently was occupied by Les and Gary, the property is located corner of the London Road A 13 and Fleetwood Avenue. At the rear of the property is a large yard which fronts onto Fleetwood Avenue, to the rear of the property is a wide service alley-way. The former Les and Gary shop was selling second hand items. The owners closed the shop and moved to a property almost opposite the BP garage London Road.

The problem started occurring when people were able to gain access to the yard through the fencing to the rear of the property, not being secure and as a result old furniture including Fridges and a large gas bottle was being dumped in the yard on a regular basis. Contacting the council on numerous occasions I was always told as the problem is on private land, the council are unable to assist in the problem. I was advised to contact the Police and Fire Brigade, or the agents for the property. The Police and Fire Brigade were unable to help and referred me back to the council.

I am not sure if it was me contacting the agents, or the council using their powers, but the rubbish with the exception of the fridges and the large gas bottle, was cleared and the site made secure.

In my opinion the problem as described above, would never have been allowed to happen in other parts of the town. It does seem the officers at the council have little knowledge of the powers they may have at their disposal, or are reluctant to use the powers they may have for the benefit of the whole community. I understand the

council can use a Section 215 in order to deal with a problem similar to the one mentioned above.

Answer

Thank you for your question in connection with rubbish accumulation at the rear of 659-665 London Road, Westcliff.

I can advise that as soon as the Council was made aware of the problem in October 2017 the Environmental Care Team investigated the concern. This team is highly trained in all aspects of environmental law and enforcement and are very aware of the powers available to them. The site was cleared by the Landowners following our enforcement procedures having being applied. I have been reassured that the area Environmental Care Officer will return to check the site to see if there is any further accumulation of rubbish. I certainly have no concerns with the effectiveness of our Environmental Care Team and the processes that they apply and I am aware that in the last year they have taken over 20 environmental cases to Court recently and have a 100% success rate on prosecutions.

Question 11 from Mr Alan Grubb to the Executive Councillor for Transport, Waste and Regulatory Services

Question:

Why as part of the planning requirement when a Planning Application is presented to the planning department there is not the requirement for full recycling facilities from day 1 the property is occupied?

For purpose built Flats:

- **Each Wheelie Bin identified for the below**

- **Pink Bags and Cardboard**
- **Black Bags**
- **Waste Food**

Cole House, Kenway, is one of a number of new build flats, the flats are located over three/four floors, with a large enclosed area set aside at the rear of the property for the containment of rubbish.

The area with space to spare, contains four large wheelie bins, but no provision for the containment of waste food, indeed the flats, most have been occupied for the last eight months still have not been issued with the waste food bins. All that would be required is a small wheelie bin to be placed next to the large wheelie bins, each flat issued with blue waste food bins, and the residents empty their food waste bins into the small wheelie bin, the day before collection.

Carby House and Heath House both located opposite the Civic Centre are being converted into flats, will they have full recycling facilities as mentioned above from day one.

When will the council take on board the requirement for the developer to provide full recycling facilities as part of the planning application?

Answer

Where the Local Planning Authority is granting planning permission for new development planning conditions are used to require suitable refuse and recycling facilities when it is appropriate to do so. However, it is not possible to review and alter historic planning consents to change the planning conditions to reflect current refuse and recycling expectations. Should there be a concern that a development is not complying with the terms of a planning condition on refuse and recycling provision this

matter can be reported to the Planning Enforcement Team for investigation and action as appropriate.

Veolia is currently reviewing all flatted dwellings across the borough in order to roll out the enhanced paper and card recycling service to them. As part of this, new developments that may not have requested food waste recycling services in the past will be provided with this. We are taking this opportunity to review collection services holistically and engage with managing agents, caretakers, residents and other stakeholders to ensure that they have access to all the services possible taking into account their local circumstances.