

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director for Place

to
Cabinet
on
28th June 2016

Report prepared by: Mark Sheppard and Matthew Thomas
(Strategic Planning)

Southend Central Area Action Plan (SCAAP) – Revised Proposed Submission Document

Place Scrutiny Committee
Executive Councillor: Councillor Flewitt

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To seek Cabinet endorsement of the Essex and Southend Central Area Action Plan (SCAAP), prior to consideration at Full Council on 21st July 2016.
- 1.2 To agree response to previous consultation comments on earlier iterations of the SCAAP, as set out in the accompanying Consultation Statement.
- 1.3 To seek agreement to carry out statutory public consultation for a minimum of 6 weeks on a Publication version of the SCAAP.
- 1.4 To seek agreement to then prepare and submit the SCAAP to the Secretary of State for examination in public.

2. Recommendation

- 2.1 **Approve the Revised Proposed Submission version of the SCAAP (Appendix 1) and associated Policies Map (Appendix 2) to be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.**
- 2.2 **Note and endorse response to the consultation comments received on earlier iterations of the SCAAP, as set out in the accompanying Consultation Statement at (Appendix 3).**
- 2.3 **Approve the SCAAP to be submitted to the Secretary of State, prior to Examination in Public, under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.**

2.4 That the Corporate Director for Place in consultation with the Executive Councillor for Housing, Planning and Public Protection Services is authorised to:

- a) approve and make amendments to the SCAAP that may result from *inter alia* analysis of the representations made following public consultation, recommendations of the Sustainability Appraisal and any additional evidence considered and then consult on these changes, if required, before they are submitted to the Secretary of State; and**
- b) agree and approve amendments that may be proposed by the Inspector during the Examination in Public process and to any further consultation that may be required as a result of this; and**
- c) take all necessary steps to ensure compliance with the relevant statutory processes and procedures necessary for preparation and participation of the Council at the Examination in Public**

3. Background

Preparation of the SCAAP to date

3.1 In accordance with Southend Borough Council's Local Development Scheme timetable and the 'Strategic Objectives' and policies within the adopted Southend Core Strategy, the Borough Council has prepared an Area Action Plan for the Central Area of the town and associated policies map. It is a spatial plan that will provide:

- An up-to-date statutory basis for assessing planning applications within the Town Centre and Central Area; and
- A local planning framework for guiding development within the Town Centre and Central Area, within which the Council, other agencies and key stakeholders can coordinate their investment programmes.

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 for it to be a City by the Sea. As a prosperous and thriving regional centre and resort with a rich heritage, it will be an area that is vibrant, safe and hospitable, rich in commerce, learning and culture and an attractive, diverse place where people want to live, work and visit for both day trips and overnight stays.

Our aim is to transform the image of Southend through sustainable economic growth, development and social provision, and for it to be independently recognised as a popular location for businesses, residents, students and visitors."

- 3.3 The SCAAP contains policies and proposals that in combination address: the development strategy for the Plan (matters such as retail, transport, 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 only seeks to allocate sites where evidence suggests that they are deliverable by 2021, the end of the Core Strategy plan period. These sites are set out in Table 1 below. Sites that are likely to be delivered after 2021 will be taken forward as part of the preparation of the Southend Local Plan.
- 3.5 Sites not specifically allocated within the SCAAP will not prevent them from being implemented prior to 2021. The timescales provided reflect current published evidence and the understanding regarding the likely implementation of the sites. Any planning application proposed in the SCAAP area on any site would be determined on its merits, taking into account adopted and emerging planning policies and any other material considerations.

Table 1: SCAAP Policy Area's and Opportunity Site's

Policy Area	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)

- 3.6 The SCAAP Revised Proposed Submission Document is being prepared as the final stage of public consultation, prior to submission to the Secretary of State, which is scheduled for October 2016.
- 3.14 Representations received at this stage of consultation on the SCAAP will be submitted to the Secretary of State, who will then arrange for an Examination in Public. The Examination will be undertaken by the Planning Inspectorate on behalf of the Secretary of State. Those parties who have made representations may be invited by the inspector to appear.
- 3.15 The Examination will comprise a number of roundtable hearing sessions to discuss, in more detail, matters which the Planning Inspectorate considers necessary to make a decision on whether the SCAAP may be found 'sound'. The planning inspector will issue a Report on the soundness and legal compliance of the SCAAP, and make recommendations, which under current legislation are not binding on Councils. The outcome of the examination may require the Councils to consult on modifications to the SCAAP to address outstanding matters which the inspector considers can be resolved.
- 3.16 Following this, and subject to the plan being sound, the SCAAP may be put before Full Council for adoption. The document, when adopted, will form part of the Development Plan for the authority. From previous experience, it is likely that the time from submission to adoption could take between 3 and 9 months, therefore, the date for adoption of the SCAAP (including Council approvals) is anticipated to be early 2017.

Public Car Parking provision within the Town Centre

- 3.17 A number of the SCAAP Opportunity Sites are existing Council owned public car park site as such there is a need to determine future car parking solutions if and when these sites are developed. The Council has commissioned a Car Parking Survey and Study and the results and recommendation from this will be considered in the final version of the SCAAP. The Study also will form a central part of the evidence base for the SCAAP and inform the Council's approach to managing public parking provision in the town centre in the future.

4. Other Options

- 4.1 Not to prepare the SCAAP and consult on the Plan. This is not recommended as an up-to-date plan prepared using local evidence and guided by community consultation, is the most appropriate guide for local planning decisions and regeneration of the town centre and central seafront area.
- 4.2 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 inquires.

5. Reason for Recommendation

- 5.1 To ensure the expeditious production of the SCAAP under the terms of the recommendation, resulting in an anticipated adoption date of early 2017.

6. Corporate Implications

6.1 Contribution to Council's Vision & 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 Financial input is necessary to fulfil the requirements of all statutory stages in the preparation and delivery of the SCAAP. Costs associated with this consultation will be met from existing agreed budgets.

6.3 Legal Implications

- 6.3.1 There are legal implications for the SCAAP as it will form part of the Council's development plan which will have implications for the assessment of planning applications in the Plan area.
- 6.3.2 As with any decision made by the Council there is also the potential for judicial review following the adoption of the document in the future at Full Council. The Council must therefore ensure that the correct procedures are followed to reduce the potential risk of such a challenge.

6.4 People Implications

- 6.4.1 Staff resources from the Strategic Planning Team will be required in order to produce the SCAAP. Support from the Department for Place Business Support Unit will also be required particularly with regards to the public consultation.

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 2**).

6.6 Consultation

- 6.6.1 Public consultation exercises on the SCAAP have been extensive. Previous representations received through the public engagement stages have been taken into account as the Plan has progressed. These consultations are

referenced below. A separate technical paper, the Consultation Statement (**Appendix 3**), sets out the consultation stages, the key issues arising, and Council response to representations received:

- Issues and Options Consultation 2010
- Pre-Submission Consultation 2011
- Preferred Approach 2015/ and early 2016

6.6.2 It is envisaged that the SCAAP will be published for consultation in July / August 2016. Consultation will be carried out in accordance with the Councils' Statement of Community Involvement. Unlike earlier stages of public participation, representations at this juncture can only be made on legal compliance and the soundness of the plan, as set out in planning regulations and reiterated in National Planning Policy which sets out that to be sound, a plan should be "justified, effective and consistent with national policy".

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 Impact Assessment (EqIA) has been completed in respect of the effects of the proposed policies and sites on equality and diversity issues (**Appendix 5**).

6.8 Risk Assessment

6.8.1 If the SCAAP was not to be published and taken forward to adoption, 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. Further, the Council may not be able to demonstrate deliverability of the Core Strategy's spatial approach to housing delivery, nor a five year land supply and may have to consider the release of land elsewhere in the Borough.

6.8.2 The SCAAP has facilitated opportunity to draw upon additional funding, such as funding from the Growth Deal and City Deal, to deliver the planned growth within Southend Central Area. If the SCAAP were not to be published and taken forward for adoption, opportunity to leverage such funding in the future may be affected.

6.9 Value for Money

6.9.1 There will be significant beneficial impacts in terms of value for money from carrying out the work proposed using in-house resources wherever possible. This will bring 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 opportunity to draw upon additional 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

All iterations of the SCAAP have been subject to Sustainability Appraisal, 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.

6.11.2 Habitats' Regulations Screening Report

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. Each policy has been assessed for any significant impacts on European sites within or outside the Southend and it was considered that there was no significant effect.

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 2015
- 7.4 Southend on Sea Statement of Community Involvement 2012
- 7.5 Southend on Sea Core Strategy DPD 2007
- 7.6 Central Area Master Plan 2008
- 7.8 Southend-on-Sea Borough Local Plan 1994
- 7.9 Southend-on-Sea Cabinet Report: Southend Central Area Action Plan (SCAAP) Preferred Approach Public Consultation 2015

8. Appendices

Appendix 1: Southend Central Area Action Plan (SCAAP) Preferred Approach

Appendix 2: SCAAP Policies Map

Appendix 3: Consultation Statement

Appendix 4: Sustainability Appraisal

Appendix 5: Equalities Impact Assessment