



GERALDEVE

Strategic Planning,
Department of Enterprise, Tourism & the Environment
PO Box 5557
Civic Centre,
Southend-on-Sea,
SS2 6ZF

72 Welbeck Street London W1G 0AY

www.geraldeve.com

For the attention of Debee Skinner

21 April 2011

Our ref: PGWD/MAM/J6010

Dear Sir/Madam

Proposed Submission Development Management DPD

We write on behalf of our client, Orchard Street Investment Management LLP ('Orchard Street'), in response to Southend-on-Sea Borough Council's current consultation in respect of the Proposed Submission Development Management DPD.

Orchard Street own and manage the 279,000 sq ft Royals Shopping Centre, which remains the only enclosed, climate-controlled shopping centre in Southend town centre. Since its completion in 1988 The Royals has formed an important component of the comparison retail offer of Southend; and has helped to integrate the town centre and seafront and ensure the town remains a vibrant and attractive location for comparison shopping.

Orchard Street purchased the Royals in March 2009 and is committed to the long-term future of Southend town centre. It is recognised that planning policy has a vital role to play in supporting the town centre as Southend's primary retail destination, in the face of strong competition from other centres, including the out-of-town retail park which is to be built at Fossett's Farm.

Gerald Eve LLP has reviewed the proposed policies contained in the Proposed Submission Development Management DPD with Orchard Street and has identified a number of concerns with the policies as drafted, which the representations below seek to address.

Orchard Street did not make representations to the Development Management DPD Issues And Options document when it was subject to public consultation in June- August 2010, as draft policies were not sufficiently advanced for detailed comments to be made. Moving forward, Orchard Street wish to reserve their position as to whether they appear at the inquiry for the Development Management DPD, until changes have been made to the draft document by the Council, prior to its formal submission to the Secretary of State in June 2011.

Representations

Policy DM13 – Southend-on-Sea Town Centre

Objection is raised to draft Policy DM13 that it is not adequately 'justified', as it is considered not to provide the most appropriate strategy for Southend Town Centre; and is not sufficiently 'effective' as it fails to provide adequate flexibility. As it is contended that the draft policy fails both of these

tests of soundness (as identified by PPS 12: Local Spatial Planning), the policy is seen to be unsound in its current form.

The Royals and The Victoria shopping centres are enclosed shopping centres located at both ends of the High Street at the heart of Southend town centre and play an important role in anchoring the town centre's retail. Both centres have been the subject of substantial investment in recent years and have been successful in attracting national multiple brands into new units and so improving the range and quality of the town centre's retail offer.

In light of the key role that The Royals and The Victoria shopping centres have in promoting the vitality and viability of the town centre, it is essential that this is explicitly recognised by Local Development Plan policy contained in the Development Management DPD, which should define a facilitative and flexible approach to support development of both centres throughout the plan period.

The need to provide strong support for The Royals and The Victoria shopping centres within the town centre is made all the more essential in the face of direct competition from the large out-of-town retail park to be developed at Fossett's Farm, which is to provide at least 16,400 sqm of purpose built floorspace for predominantly 'town centre' retailers. This scheme at Fossett's Farm will inevitably result in some town centre retailers relocating, to benefit from the large modern units and large car park that will be provided there.

To enable Southend town centre to remain the first preference and focus for all forms of retail development, it is essential that retail uses are complemented by supporting uses which generate linked trips and allow shoppers to spend more time in the town centre. National planning policy in the form of PPS6: Planning for Town Centres, recognises (at paragraph 1.8) that a range of uses are appropriate in town centres, in addition to retail, including:

- leisure, entertainment facilities, and the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs,
- casinos, health and fitness centres, indoor bowling centres, and bingo halls);
- offices, both commercial and those of public bodies; and
- arts, culture and tourism

In support of this, PPS6 (at paragraph 2.8) acknowledges that town centres can be protected from decline by securing a wider range of services and encourages local planning authorities to assess the scope for promoting the diversification of uses and improving the environment of existing centres.

Orchard Street consider there to be significant opportunity to deliver new restaurants and cafés in particular, in Southend town centre. Unlike bars and clubs, which promote the night-time economy when the shops have closed, restaurants and cafés offer shoppers the opportunity to break up their visit to the town centre and provide the ability to 'shop' and 'dine out' at a single destination and so 'link-trips'. Restaurants also present the opportunity to promote activity in the town centre once the shops have shut, but in advance of the peak hours for drinking establishments. The establishment of additional restaurants in the town centre would have the added benefit of encouraging families into the area in the evenings and thus better linking the seafront with the town centre.

In order to maintain the primacy of the town centre, it is also essential that it remains accessible by a range of transport modes. Whilst general support is expressed for the approach of draft Policy DM16 to seek to reduce use of the motor car, it is important to recognise that travel by car remains the only viable mode of transport for a number of people travelling to Southend town centre (in particular for parents with young children, the elderly and disabled and those without good access to regular bus services). Providing sufficient car parking is therefore a vital component in delivering

a successful town centre, a fact made all the more important given the need to develop the evening economy of the town centre (when bus services are less frequent) and the huge number of car parking spaces that will serve the out of town retail park at Fossett's Farm. Accordingly, it is requested that Policy DM13 explicitly acknowledges the important role car parking has in the function of the town centre and prevents any net loss in public car parking spaces.

Accordingly it is requested that draft Policy DM13 be amended as follows:

1. The defined Town Centre will remain the first preference for all forms of retail development.
2. New retail development should enhance the performance of Southend Town Centre as a comparison shopping destination. The Borough Council will seek to maintain and enhance ~~the existing level of comparison shopping floorspace and encourage the provision of additional comparison floorspace~~ within the Town Centre. In particular, support will be given to proposals:
 - (i) that provide additional retail floorspace for comparison goods and reinforce the primacy of the High Street retail circuit, including at The Royals and The Victoria shopping centres;
 - (ii) for new retail development proposals that contribute to the delivery of new retail circuits focussed on the following areas:
 - South east of the High Street where larger retail units would be encouraged; and
 - South west of the High Street where smaller retail units would sit comfortably within the existing character of the area

Proposals that seek to establish the new retail circuits will need to take account of the associated improvements required to road alignments, public transport access and car parking.

These new areas, once developed for retail proposes would become part of the Primary Shopping Area.

3. Within the Town Centre the Borough Council will seek to maintain the existing level of convenience goods retailing. Additional major foodstore provision will be supported where it can be demonstrated that it will contribute towards the role, function and vitality of the town centre.
4. The introduction of complementary non-retail uses that support the role and function of the town centre is supported in principle. Restaurants and Cafés complement the retail offer of the town centre and help generate improved vitality for the town centre throughout the day. Proposals for new (Class A3) restaurants and cafés in the town centre are encouraged subject to the submission of a report by the applicant that adequately demonstrates that the proposals would be cause no adverse impact to the retail offer or the vitality or viability of the town centre.
5. The public car parks in the town centre have an important role in providing car parking for shoppers and, alongside public transport provision, adequate car

parking is key ensuring the town centre remains accessible to all. Proposals which would result in the net loss of public car parking spaces in the town centre will be resisted.

Policy DM14 – Shopping Frontage Management

Objection is raised to draft Policy DM14 that it is not adequately 'justified', as it is considered not to provide the most appropriate strategy to reinforce the attractiveness, vitality and viability of the primary and secondary frontages within Southend-on-Sea within the daytime and night-time economies; and is not sufficiently 'effective' as it fails to provide adequate flexibility. As it is contended that the draft policy fails both of these tests of soundness (as identified by PPS 12: Local Spatial Planning), the policy is seen to be unsound in its current form.

The purpose of Policy DM14 is to provide detailed policy that promotes the attractiveness, vitality and viability of Southend town centre. However, the imposition of an arbitrarily-defined restriction on the proportion of units within the primary shopping area's ground floor frontage allowed to be in non-Class A1 (retail) use, is unnecessarily and could actually cause harm to the attractiveness, vitality and viability of the town centre, contrary to the purpose of the policy.

As identified in the objection to Draft Policy DM13 (above), it is considered important to have adequate flexibility in planning policy to ensure complementary non-retail uses (in particular restaurants and cafés) are able to develop in the town centre. Such complementary non-retail uses support the role and function of Southend town centre and are able to increase visitor capture in the town centre, with the consequent improvement in the vitality throughout the day encouraging retailers to occupy vacant units.

It is somewhat perverse therefore, that the imposition of a blanket limit on the proportion of non-Class A1 in the town centre's primary shopping area as currently proposed, could result in vacant shop units remaining vacant rather than being developed for complementary non-retail uses that would otherwise support the role and function of the town centre and potentially stimulate retail growth (and reduce vacancies) in the primary shopping area.

Unduly restricting the ability of the town centre to accommodate a greater number of non-Class A1 uses could prove even more problematic when the out-of-town retail park at Fossett's Farm reduces town centre retail expenditure and some existing town centre retailers relocate to the new development - increasing town centre vacancies reducing and the vitality and viability of the town centre as a result.

In recognition of the need for adequate flexibility to allow for the introduction of complementary non-Class A1 uses in the primary shopping areas, it is considered that the draft policy's requirement for *active shopfronts* to be retained or provided in primary and secondary shopping frontages, should instead refer to *active frontages* to be provided.

In addition to objection being raised to the proposed restriction on the proportion of non-Class A1 units allowed in the primary shopping area, objection is also raised to the protection of traditional features and shopfronts from being developed in all circumstances, as proposed by the policy. Whilst it is accepted as being desirable to protect traditional features and shop fronts, such a restriction could potentially hold back development of the town centre and impinge on its ability to compete with nearby centres and the out-of-town retail park to be developed at Fossett's Farm. The value of preserving traditional features and shopfronts must be weighed against the benefits associated with any proposals that necessitate their loss.

Whilst support is expressed for draft policy DM14's encouragement of the display of local art within the windows of the empty shop units, Orchard Street have found that the Council's insistence on

planning permission being required for the display of local art in vacant units has introduced costs and substantial delays, which has dissuaded landlords in the town centre from displaying these works. It is requested therefore, that Policy DM14 is more facilitative, by allowing landowners to agree the content of local art to be displayed upfront; and be more relaxed in terms of requiring landowners to apply for planning permission only where proposals cannot be agreed informally.

Accordingly it is requested that draft Policy DM14 be amended as follows:

1. Primary and secondary frontages within Southend-on-Sea will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both these frontages will be protected and enhanced.

2. Proposals involving the loss of units in Class A1 uses to non-Class A1 uses in the identified primary shopping frontages will be required to demonstrate that they would not cause significant adverse impact to the attractiveness, vitality and viability of the town centre. All proposals will be required to retain or provide an active frontage.

~~The loss of Class A1 retail uses at the ground floor in the identified primary shopping frontages will be resisted. A loss of Class A1 retail use uses at the ground floor will only be considered if:~~

~~(i) The proposed use will not result in Non-Class A1 retail uses exceeding 30% of the primary shopping area's ground floor frontage. Where Non-Class A1 uses already exceed 30% of a primary shopping area's ground floor primary frontage, no further Class A1 losses will be allowed; and~~

~~(ii) An active shop front is retained or provided.~~

3. All developments in the secondary shopping frontage must ~~maintain or~~ provide an active shop frontage.

4. All new shop frontages will be of a high standard of design that is compatible with the architectural style and character of the building. The design of new shop fronts will incorporate the following design principles:

(i) The fascia signs are integrated into the overall design and are in proportion to the shop front and the building. Fascia signs will respect and where appropriate improve the character of the general street scene;

(ii) Roller shutter boxes and guides will be incorporated behind the fascia and the shutters will be open grills or punched;

(iii) Blank frontages will be avoided on principal elevations;

(iv) Active street frontages will be maintained and enhanced in non-residential frontages throughout Southend-on-Sea;

(v) Opportunities for exposing upper floor windows will be maximised; and



(vi) The loss of traditional features and shop fronts which contribute to the appearance and visual amenity of a building or surrounding area will ~~be not be~~ allowed, generally resisted. Proposals that would result in the loss of traditional features and/or shop fronts will be required to demonstrate that the benefits of the proposals outweigh the loss of these features.

5. Where there are a number of empty units within a centre and little prospect of these units being occupied in the short term, the Council will work with the landowner/landlord to encourage the display of local art within the windows of the empty units. The Council will seek an open upfront dialogue with landlords to agree suitable displays of public art and will adopt a facilitative and flexible approach to ensure the display of art is not unnecessarily delayed by requirements for formal planning applications to be submitted for schemes considered to be acceptable.

We trust that the above objections will be given due consideration in the preparation of the Development Management DPD for submission to the Secretary of State.

If you have any queries, or wish to discuss any aspect of the objections raised in this letter, please do not hesitate to contact Martin Moss or Peter Dines of this office.

Yours faithfully

[Redacted signature block]
Gerald Eve LLP

[Redacted contact information]