

[REDACTED]

From: [REDACTED]
Sent: 16 December 2016 14:04
To: LDF
Cc: [REDACTED]
Subject: Southend Central Area Action Plan (SCAAP) Revised Proposed Submission (November 2016) [CJ-WORKSITE.FID64247]
Attachments: SCAAP_2016_form.PDF; FINAL Turnstone Reps to SCAAP Dec 2016.PDF

Dear Sirs,

Please find attached a completed copy of the Council's Representation Form and a Statement of Representation in respect of the above consultation.

If you require anything further then please don't hesitate to get in touch with me by any of the means below.

Kind regards

Matt Hare MRTPI
Associate, Planning & Development

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Please consider the environment - do you really need to print this email?

This e-mail does not constitute any part of an offer or contract, is confidential and intended solely for the use of the individual(s) to whom it is addressed. If you are not the intended recipient be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. Although the firm operates anti-virus programmes, it does not accept responsibility for any damage whatsoever that is caused by viruses being passed. Carter Jonas LLP is a Limited Liability corporate body which has "Members" and not "Partners". Any representative of Carter Jonas LLP described as "Partner" is a Member or an employee of Carter Jonas LLP and is not a "Partner" in a Partnership. The term Partner has been adopted, with effect from 01 May 2005, because it is an accepted way of referring to senior professionals.

Carter Jonas LLP
Place of Registration: England and Wales
Registration Number: OC304417
Address of Registered Office: One Chapel Place, London, W1G 0BG.

Representation Form

Southend Central Area Action Plan (SCAAP) Revised Proposed Submission 2016

This form has two parts -

Part A - Personal Details

Part B - Your representation(s)

Completing this Response Form

Please complete this form and submit it to the Council.

Your comments will be used to check the plan is the most appropriate for the area at an independent examination. Paragraph 182 of the National Planning Policy Framework sets out more detail.

All comments must be supported by your full name and address. As this is a statutory stage of consultation, no late comments can be accepted.

We are legally required to publish comments received as part of the consultation for public inspection and keep these records on our files for the purpose of the Local Plan. By submitting, you consent to your information being disclosed to third parties for this purpose.

Please return completed form(s) to Department for Place to the address below:

email: ldf@southend.gov.uk

Post: FAO Business Intelligence Officer
Department for Place
Southend-on-Sea Borough Council
PO Box 5557
Civic Centre
Victoria Avenue
Southend-on-Sea
Essex SS2 6ZF

4. Do you consider the DPD is UNSOUND because it is not:

4(1) Positively Prepared

(The plan should seek to meet local need where possible)

4(2) Justified

(The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence)

4(3) Effective

(The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities)

4(4) Consistent with National Policy

(The plan should enable the delivery of sustainable development in accordance with the

5. Please give your reasons below why you are supporting/ objecting to this part of the plan. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments

continue on a separate sheet if necessary

6. What changes would you suggest should be made to this part of the plan? Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 4 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/ justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No - I do not wish to participate at the oral examination

Yes - I do wish to participate at the oral examination

***Please note** the written comments you have made will hold the same weight as those discussed at the examination and will also be fully considered by the Inspector.*

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

8. Do you wish to be notified when the document is:

Submitted for independent examination

The Inspectors Report is published

Adopted

Please sign and date:

Signature

Date

Data Protection Act 1998

Under the Data Protection Act 1998, we have a legal duty to protect any personal information we collect from you. We only use personal information you supply to us for the reason that you provided. All employees and contractors who have access to your personal data or are associated with the handling of that data are obliged to respect your confidentiality.

Please note: All representations will be published on our website excluding address, telephone number and email address.

SOUTHEND CENTRAL AREA ACTION PLAN (SCAAP) REVISED PROPOSED SUBMISSION 2016



Client: Turnstone Southend Ltd

Date: 16 December 2016

SOUTHEND CENTRAL AREA ACTION PLAN (SCAAP) REVISED PROPOSED SUBMISSION 2016

TURNSTONE SOUTHEND LTD

Introduction

1. This Representations Report has been prepared by Carter Jonas LLP on behalf of Turnstone Southend Ltd (TSL) to the Revised Proposed Submission Southend Central Area Action Plan (SCAAP) consultation document.
2. These representations relate to Opportunity Site 'CS1.2: Seaways' as contained within Policy CS1: Central Seafront Policy Area Development Principles. Principally however, comment is made with respect to draft policy DS5 entitled 'Transport, Access and Public Realm'.
3. We broadly support the proposed policy approach for CS1.2 and policy DS5, but we do suggest some minor changes to the policy wording for policy DS5 to ensure the delivery of the development now proposed for the Seaway Car Park site.
4. TSL is an experienced developer in the retail and leisure sector. TSL has an interest in the Seaways site, and is the developer for a destination cinema-led leisure scheme on the site. A planning application is being prepared for the proposed development, and detailed discussions have been held with the Council during the last couple of years and a public exhibition was held in December 2015.
5. The proposed development comprises the following uses:
 - Cinema;
 - Indoor leisure;
 - Restaurants and cafes;
 - Hotel;
 - New public square and open space;
 - Surface level and multi-storey car park;
 - Coach and drop-off and pick-up area;
 - Motorcycle and cycling parking;
6. A new arm would be provided to the A1160 Roundabout to create highway access to the site. The site is accessible by walking, cycling and public transport, and it is close to existing retail and leisure facilities. The

proposed development complies with local and national planning policies which seek to direct leisure uses to town centres, and it would attract people to visit Southend-on-Sea town centre. In addition, the proposed development would make more efficient use of previously developed land within the town centre.

7. In summary, our representations are as follows:
 - We welcome the removal of a proposed requirement for the preparation of a Development Brief to bring forward development at the Seaways site.
 - We suggest a slight revision to the wording of criterion 2a of proposed policy DS5
 - We suggest either a removal of or a revision to the wording of criterion 2b of proposed policy DS5
8. We address each of these matters below, and then set out our requested changes to policy DS5 in full.

Criterion 2a of policy DS5

9. Criterion 2a of proposed policy DS5 reads as follows:

'In order to support the vitality and viability of the SCAAP area the Council will maintain parking capacity within Southend Central Area at a level that supports vitality and viability and does not undermine the Central Area's ability to accommodate visitor trips, whilst enabling the delivery of relevant opportunity sites'
10. In the case of *Tesco Stores v Dundee City Council* [2012] UKSC 13 the Supreme Court held that in principle, policy statements should be interpreted objectively in accordance with the language used when read in its proper context. Accordingly it is important to consider policy wording carefully.
11. In this instance the words *'...and does not undermine the Central Area's ability to accommodate visitor trips...'* when interpreted objectively and having regard to the wording of the criterion as a whole suggests that parking capacity within the Southend Central Area must be able to fully accommodate all those seeking to park in the central area at any given time.
12. Paragraph 29 of the NPPF 2012 states that *'Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.'*
13. Paragraph 30 of the NPPF 2012 states that *'Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport'*
14. Accordingly, the promotion of a policy wording that seeks to ensure that there is parking provision to accommodate all demand for private vehicular trips is contrary to principles of sustainability and national planning policy requirements for the local transport systems to be *'balanced in favour of sustainable transport modes'*. It is well evidenced that the general propensity to use sustainable forms of transport increases when private car parking is not abundantly available.
15. It is suggested that the word 'accommodate' is replaced by the word 'attract' and that visitor trips are more broadly defined to include all modes of transport. If worded in this manner then criterion 2a of policy DS5 would not undermine national planning policy objectives for sustainable modes of transport.

Criterion 2b of policy DS5

16. Criterion 2b of proposed policy DS5 reads as follows:

'In order to support the vitality and viability of the SCAAP area the Council will ensure that there is no net loss in car parking to the south of the Southend Central Area'

17. The south of the Southend Central Area is defined as land generally south of the railway line. As such the Seaways site falls within the south of the Southend Central Area.
18. The draft policy draws on the observations and recommendations of the Car Parking Study for the Central Area of Southend dated November 2016 and carried out by Steer Davies Gleave.
19. The results of the Parking Study generally show that typically car parking capacity is not an issue within central Southend, including the Seaways car park. The Southend Central Area parking capacity rarely exceeds 85% occupancy. Capacity issues only occur at the seafront car parks during peak periods (bank holidays and summer holiday periods). During these peak periods seafront parking is at capacity during the day, but capacity was available in the northern car parks.
20. The study raises a number of interesting issues in relation to car parking in the Southend Central Area. A key point is that all the car parks do not provide a clear distinction between long-stay and short-stay with the pricing regime broadly consistent across all the car parks. As a result there is no financial incentive for long or short stay parking demand to be directed to particular locations. As a result, most people will park in a location closest to their destination, resulting in short and long stay parking demands putting combined pressure on the car parks located closest to the seafront and town centre.
21. Typically long-stay parkers are happy to accept longer walking distances to their destination if lower long-stay charges are available.
22. Having regard to the findings and recommendations of the Parking Study therefore it not strictly the case that car parking provision in south of the Southend Central Area needs to be maintained at current levels in order to support the vitality and viability of the SCAAP. Rather it is the case that, with a dedicated parking strategy to distinguish between long and short term car parking in the area the vitality and viability of the SCAAP could be maintained even if there were to be a slight reduction in the car parking in the south of the Southend Central Area. Accordingly we do not consider that criterion 2b is necessary and should be removed from the policy.
23. If the Council is not minded to remove criterion 2b then it is suggested that it should be explicitly tied to a base level of existing car parking provision within the southern SCAAP area for reasons of clarity that are self-evident. The Parking Study provides an up to date assessment of parking provision within the SCAAP area and provides a breakdown for the southern SCAAP area that equates to 2,543 spaces (including both on street and off street provision). Criterion 2d of the policy DS5 should therefore make reference to the results of the Parking Study as a benchmark.
24. For these reasons we request that criterion 2b of policy DS5 either be removed or, failing this, be expressed in less definitive terms with the addition of wording to the effect of *'unless it can be demonstrated that the Central Area's ability to attract visitor trips overall will not be materially harmed'* and that reference is made to the parking study in the policy text.

Requested Change

25. We request the following changes to Section 2 of Policy DS5 (set out in bold and strikethrough):

2. In order to support the vitality and viability of the SCAAP area the Council will:

a. Maintain parking capacity within Southend Central Area at a level that supports vitality and viability and does not undermine the Central Area's ability to ~~accommodate~~ **attract** visitor trips **across all modes of transport**, whilst enabling the delivery of relevant opportunity sites;*

*b. Ensure that there is no net loss in car parking** to the south of the Southend Central Area, **unless it can be demonstrated that the Central Area's ability to attract visitor trips overall will not be materially harmed**'*

c. Seek to rebalance the discrepancies of parking supply within Southend Central Area by acting on the outcome of the Parking Study and work with private car park owners and operators to ensure maximum usage of car park capacity;

d. Assess the costs and benefits of an extension to the existing VMS scheme, or updated technology to enable real-time direction of drivers to the most appropriate car park for their destination based on proximity and available capacity, avoiding unnecessary circulating traffic, and by giving consideration to the management of the road network and access points to car parks;

e. Improve the information available about the range of parking and sustainable travel options for visitors to Southend, including improvements to the Council website and through working with local businesses;

f. Seek to relieve the pressure on the more well-used car parks at peak times and encourage use of less occupied car parks through a combination of dynamic signage, competitive pricing and pre-journey information;

g. Ensure pedestrian routes to and from public car parks, railway stations and other public transport interchanges are direct, well-lit and signposted, benefiting from a high quality public realm that links well with main areas of interest;

h. Ensure new and existing car parks add to the overall aesthetic quality of an area through such measures as landscaping, green walls, public art, pedestrian walkways and pedestrian permeability, as well incorporating innovative layouts to reduce visual impact and effect on key views within and to Southend Central Area.

** Parking capacity includes provision for cars, motorcycles, taxis, bicycle and Blue Badge holder provision*

*** For the purposes of this policy parking capacity in the south of the Southend Central Area will be benchmarked against the existing provision in this area identified in the Car Parking Study for the Central Area of Southend dated November 2016 and carried out by Steer Davies Gleave*

16th December 2016