



RPS's Comments on the Additional Documents Prepared by Southend Borough Council in Relation to the Public Examination into the Southend Central Area Action Plan

RPS Response to Additional Document 1:

CS2.1 Seaway and CS1.3 Marine Parade. The Council's response states: "Further reference added to CS1.3 to promote active ground floor frontages to Marine Parade". Given that parking is mentioned in the SA recommendation, and noting the suggested amendment to policy to incorporate the Marine Parade site into the SCAAP as a 'Key Visitor Car Park', it would in our view be sensible to incorporate the requirement for no net loss of car parking capacity into any future policy for this site, in addition to the promotion of active frontages.

RPS Response to Additional Document 2:

RPS wishes to point out that the 'Adventure Inside' development referred to in this document was located within the existing operational theme park area of Adventure Island, where a number of outdoor rides and other attractions operated. The development replaced these outdoor rides and attractions with a covered area in which replacement rides and attractions now operate. It was not a redevelopment of a car park, so is not particularly relevant to the discussions.

RPS Response to Additional Document 2a:

By way of clarification, contrary to what was said by the Council at the Examination, there was no loss of car parking spaces proposed in the Sea Life Adventure development. All existing car parking spaces will be retained if this development proceeds (see Paragraph 3.6 of the Transport Statement).

RPS Response to Additional Document 3:

Our comments on the 'Gains and Losses' table is set out in the Statement of Common Ground, which has already been submitted to the Inspector (see Additional Document 9).

RPS Response to Additional Document 10:

Lawful development certificate (LDC) 17/00690/CLE is shown as "pending" in this document. However, the LDC was issued on 19th June 2017 and the certificate is attached to this document as Appendix 1. The red line boundary of the certificate area is correctly shown in Document 10. This area has 70 marked bays. It is RPS's view that a much larger area of land has been used as a car park for more than 10 years, with capacity for approximately 200 cars in total (including the area covered by 17/00690/CLE). This would, however, require the submission of an additional LDC, which is unlikely to be resolved within the timescale for finalising the SCAAP. RPS therefore considers that for the purposes of the SCAAP, the site is identified as a lawful car park of 70 spaces and protected as a 'Key Visitor Car Park' due to its location right on the central seafront, where the A1160 (Southchurch Ave) meets Marine Parade, and is opposite the Kursaal, which is a major visitor attraction on the seafront.



RPS Response to Additional Document 13:

This statement is Turnstone Southend Ltd's (TSL) response to the Inspector's request for a statement explaining "the likely number, provision and management of car parking spaces at Seaways car park – at opportunity site CS1.2.'

In relation to the likely number, provision and management of car parking spaces at Seaways car park (at opportunity site CS1.2), TSL acknowledge in paragraph 5 of their statement that it *'will be necessary for TSL to carry out a detailed Transport Assessment to support the forthcoming planning application'*. TSL recognises that the Transport Assessment must have due regard to a number of items which broadly reflects the matters discussed during the Hearings. However, their last two bullet points introduce two additional elements as follows:

- *'availability of parking within the area south of the railway line as defined during the examination and any net change to the level of visitor parking provision in this area; and*
- *viability'*.

In terms of the first part of TSLs penultimate bullet point, the Hearings heard how there is no spare availability in parking to the south of the railway line. This should therefore have no bearing on the assessments within the Transport Assessment. Any consideration to the availability of parking to the south of the railway line in this context could only be to seek to justify there is available space to accommodate any overspill from the proposed Seaway development. For the reasons set out in the Hearings, all developments should be required to 'consume their own smoke' and they should not rely upon any overspill being accommodated in other car parks because, as set out in the hearings, there is no spare capacity.

The last part of TSLs penultimate bullet point also relates to developments 'consuming their own smoke'. TSL suggest that the net change in the level of visitor parking provision should be considered within the Transport Assessment. In this context, this can only mean that if there has been a recent net increase in car parking to the south of the railway line, then the Seaways development could provide an equivalent amount of fewer spaces as part of its development. As was heard in the hearings, the car parks to the south of the railway line are already oversubscribed; therefore, any net increase in parking would accommodate this oversubscription, it would not accommodate an additional parking demand created by a new development, and should not be relied on as such. Such a consideration would not allow for the development to 'consume its own smoke'.

In terms of the last bullet point, a consideration to viability can only be to seek to demonstrate it is not feasible to provide a sufficient number of parking spaces on the site. This would result in the development not 'consuming its own smoke' and resulting in an overspill of parking into other car parks (including Seaways itself) that cannot accommodate such additional demand.

The Transport Assessment should not be considering these last two bullet points since any such consideration of these would only result in fewer parking spaces being provided at Seaways. In which case, the development would not 'consume its own smoke' and would result in an overspill of parking into other car parks that cannot accommodate such additional demand.

We also note that in Paragraph 6, TSL suggests that it can provide between 525 and 740 car parking spaces on the site as part of the development proposals that are being progressed. As the Inspector is aware, the site already has a current capacity of 661 spaces, so there is a strong risk that TSL will actually be providing fewer spaces than already exist at the site, when we would have expected an



increase in spaces. Indeed, in an email from the Group Asset Manager at Southend on Sea Borough Council (see Appendix 2) sets out that the scheme for Seaway won't take much more than 480 spaces, as it would not be economical to provide any more as there is a greater cost than benefit (to the scheme) to increase the level of parking included. The Council has already had to negotiate the amount up quite a bit to 480 spaces to ensure that there is some growth in the offer.

All of the above demonstrates why Policy DS5 in the SCAAP needs to be robust, as if the policy does not have teeth then there is a risk that a large proportion of the important supply of car parking spaces, on which the seafront tourism economy relies, will be eroded because it will be accommodating additional demand from developments that has not been adequately provided for. In a seaside town, that relies on tourists visiting from outside the town (and we have explained at length at the hearings why this type of visitor relies on the private car, and why that is not unsustainable), this would have potentially devastating consequences. It is not in line with the objectives of the SCAAP to achieve growth in visitors.

RPS Response to Additional Document 14:

Further clarification on the questionnaire surveys undertaken is welcomed, however, there remain concerns and the clarifications introduce further concerns.

It is firstly noted that of the three questionnaire surveys undertaken in March 2016, none were undertaken south of the Royals Shopping Centre. Therefore, only 1 of the 4 days included questionnaire surveys on the seafront area. This limits the opportunity for variance and reduces confidence in the responses.

The Car Parking Study set out in its Table 5.6 that 116 questionnaire surveys had been undertaken on Marine Seafront and that 126 surveys had been undertaken outside Adventure Island / Pier across the 4 days. This totals 242 questionnaire surveys that had been undertaken on the seafront area. The clarification data now provided sets out that in fact only 102 questionnaire surveys were undertaken on the seafront area (on only 1 day). Of the 843 total questionnaire surveys, this represents only 12% being undertaken on the seafront area. This is even more concerning because even fewer questionnaire surveys than originally set out were actually undertaken on the seafront area.

Linked to this is Table 5.6 of the Car Parking Study. From the clarification data, the total number of questionnaire surveys remains the same (843), however, the number on the seafront area reduces from 242 to 102. This means that the number of questionnaire surveys in other locations must increase i.e. they are incorrect. It is very worrying that questionnaire surveys that were initially analysed as being on the seafront have now been analysed as in fact being somewhere else.

The questionnaire surveys undertaken in the Car Parking Study have informed its recommendations for car parking measures during peak days. The peak days are a result of visitors to the seafront area. Given that the clarifications confirm even fewer questionnaire surveys were undertaken in this location, we are now even more concerned over the robustness of the Car Parking Study, its recommendations and its soundness.

As above, questionnaire surveys undertaken on the seafront were only undertaken on 1 day (30th May 2016). The clarification data sets out that on that day, 238 of the 260 questionnaire surveys were undertaken south of the railway line. By deduction, this means that 22 of the 260 questionnaire surveys were undertaken north of the railway line. However, the data also states that of 114 respondents who travelled by car that day, 27 of these were surveyed north of the railway line. There



are clearly errors in the calculations which do not provide the confidence we would have hoped to receive from a clarification note. Furthermore, there are also 11 respondents who cannot be identified as being surveyed to the north or south of the railway line. This means the figure of 27 is likely to be higher and even further away from the 22 that is quoted elsewhere.

Combined with the calculations being incorrect and even fewer questionnaire surveys being undertaken on the seafront than originally envisaged, we have even less confidence in the Car Parking Study, its robustness, its recommendations and its soundness.

We reiterate our position that the CPS cannot be relied upon as a robust evidence base on which to build planning policies. However, with the amendments proposed by RPS on behalf of Stockvale (amended policy/supporting text wording, using parking data based on existing capacity, not using information from the CPS), we consider that the SCAAP can be made sound.

Nick Laister – Operational Director
For and on behalf of The Stockvale Group

14th July 2017



Appendix 1 – Copy of Lawful Development Certificate Ref:
17/00690/CLE, Issued on 19th June 2017

Southend-on-Sea Borough Council

Department for Place



TOWN AND COUNTRY PLANNING ACT 1990 SECTION 191 AND 192
(as amended by Section 10 of the Planning and Compensation Act 1991)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015

To
Mr Steven Kearney
SKArchitects
853-855 London Road
Westcliff On Sea
SS0 9SZ

Application no:- 17/00690/CLE

LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING USE OR DEVELOPMENT

Applicant: Mrs Michaela Lockett

Southend-on-Sea Borough Council, hereby certify that on 24th April 2017 the use/operations/matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, would have been lawful within the meaning of Section 191 of the Town and Country Act 1990 (as amended), for the following reason(s)

The evidence available is considered to be sufficient to demonstrate, on the balance of probabilities, that the use of the site, known as Dizzyland, Marine Parade, Southend-on-Sea, Essex, as outlined on plan P01 Revision A, as a public car park has existed continuously for a period of not less than ten years, as required under section 191 of the Town and Country Planning Act (1990) as amended. The certificate is therefore found to be LAWFUL.

Signed
Kevin Waters
Acting Group Manager Development and Building Control
On behalf of Southend-on-Sea Borough Council

Dated - 19th June 2017

First Schedule

**USE LAND AS PUBLIC CAR PARK (LAWFUL DEVELOPMENT
CERTIFICATE - EXISTING) (AMENDED PROPOSAL)**

Second Schedule

DIZZYLAND MARINE PARADE SOUTHEND-ON-SEA ESSEX

NOTES

- 1 This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended)
- 2 It certifies that the use/operations/matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date
- 3 This certificate applies only to the extent of the use/operations/matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action

PLANNING DECISION GUIDANCE NOTES

Certificates of Lawful Use or Development

An applicant who desires to APPEAL under Section 195 of the Town and Country Planning Act 1990 against a decision of the Council refusing a Certificate of Lawful Use or Development in part shall give notice of appeal in writing to the Secretary of State **WITHIN SIX MONTHS OF THE DATE OF THIS NOTICE** or such longer period as the Secretary of State may at any time allow.

APPEALS MUST BE MADE IN WRITING TO THE SECRETARY OF STATE VIA THE PLANNING INSPECTORATE.

Forms are available from:

The Planning Inspectorate
PO BOX 326
BRISTOL BS99 7XF

www.planning-inspectorate.gov.uk

You must use a Certificate of Lawful Use or Development Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require.

Along with the appeal forms, appellants must send to the Secretary of State (and a set to the Council) copies of:

- (i) the application made to the Council
- (ii) all relevant plans, drawings, particulars and documents submitted with the application including any certificate of ownership
- (iii) the notice of decision
- (iv) all other relevant documents and correspondence with the Borough Council

WARNING

THIS PERMISSION, CONSENT OR CERTIFICATE IS VALID ONLY FOR THE PURPOSE SPECIFIED BEFORE ACTING ON IT YOU ARE ADVISED TO CHECK THAT ANY SEPARATE CONSENT REQUIRED, PARTICULARLY UNDER THE BUILDING REGULATIONS, HAS BEEN OBTAINED IN ADDITION IF ANY PROPERTY INVOLVED IS A LISTED BUILDING OR WITHIN A CONSERVATION AREA THEN SEPARATE LISTED BUILDING CONSENT, OR CONSERVATION AREA CONSENT, AND PLANNING PERMISSION MAY BE NECESSARY



Appendix 2 – Copy of Email from Alan Richards at Southend
Borough Council dated 27th October 2014

Nayan Gandhi

Subject: FW: [EXT] Fwd: seaway carpark

From: Alan Richards <AlanRichards@southend.gov.uk>
Date: 27 October 2014 at 15:23:40 GMT
To: "paul thompson" <paul456thompson@btinternet.com>
Subject: seaway carpark

Thanks for your comments Paul,

I appreciate your concern however the scheme won't take that level of parking and it would create a very significant planning risk, economically there is also a greater cost than benefit (to the scheme) to the level of parking included and it has already been negotiated it up quite a bit to ensure some growth in the offer and we are also far too far down the line for such a huge change.

Regards,

Alan

From: paul thompson [<mailto:paul456thompson@btinternet.com>]
Sent: 27 October 2014 15:09
To: Alan Richards
Subject: Re: seaway carpark

Ok Thanks Alan.

I really think the council needs to push for as many extra spaces as possible, 30 although better than nothing is fairly insignificant in the grand scheme of things. Everyone is hoping that the improvements and developments being made by private business and the council in the seafront area will lead to increased visitor numbers to the town. There is a shortage at the moment when the weather is good. To cater for the potential increase in demand in the medium to long term more parking is desperately needed. This scheme is a real opportunity to ease this problem, could we try for 100 extra spaces?

Paul

From: Alan Richards <AlanRichards@southend.gov.uk>
To: 'paul thompson' <paul456thompson@btinternet.com>
Sent: Monday, 27 October 2014, 14:55
Subject: RE: seaway carpark

Hi Paul,

Number of spaces yet to be finalised ó planning application expected Q1 2015 so will be bottomred out by then. It will be more than is presently there, probably about 30 more, so c.480.

I am not in a position to discuss the contractual issues save to say that for procurement & competition reasons, the Council is not able to contractually fix prices. It is in everyone's interest that the car park is used so price should be comparable to competition and will be market driven.

Discussions have been had with the developer in some detail about minimising impact on peak periods and he is aware of the peaks and troughs on parking demand both in terms of car and coach facilities. Until there is a clear programme to start on site, the impact on seasonal parking will not be known but it will only be during the build period and it may be practical and possible to open the car park up early if it is safe to do so. If there is an opportunity for income it will be in everyone's interest to capture it.

Kind regards,

Alan

Alan Richards MRICS (RICS Registered Valuer)

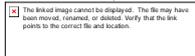
Group Manager Asset Management ó Southend-on-Sea Borough Council

Creating a Better Southend

☎ +44 (0) 1702 215000 (Ext.5540) | M: +44 (0) 7917 084695 | ✉ alanrichards@southend.gov.uk | 🌐 www.southend.gov.uk

Finance and Resources | Corporate Services Department | Southend on Sea Borough Council

Civic Centre | Victoria Avenue | Southend on Sea, Essex. SS2 6ER



From: paul thompson [<mailto:paul456thompson@btinternet.com>]

Sent: 27 October 2014 11:51

To: Alan Richards

Subject: seaway carpark

Morning Alan,

Hope you are well?

Thanks for the update on the proposed cinema development you are working on, it was useful to hear the timescales you think are to be expected.

Could I raise a few questions and points for your consideration?

You mentioned that the development will over provide the number of car parking spaces in comparison to the existing Seaway carpark. I think this is good news and will be welcomed by traders and visitors to the town. How many additional spaces are planned?

Seafront trade is reliant upon the custom from the car park. Are any contractual measures being considered by the council to retain some control over pricing of car park tickets and use of the car park etc? I think it is important that pricing is uniform for drivers parking whether they are using the cinema/restaurants within the complex or if they are parking to use the seafront. Also I would be concerned if any spaces/floors in the car park were restricted to cinema users only.

During the construction obviously the loss of the car park will effect people trying to use the seafront. There is a shortage of spaces during peak times and periods of good weather at the moment, the closure of the car park will make this situation a lot worse. Is it possible to ensure the car park is opened first, and that a restriction is placed on the developer to ensure the car park is out of action for only a limited time period? Is a phased closure of the car park possible as the development progresses?

The majority of traders are pleased the council is facilitating this development and think it will be good for the town. The reliance on the car park is vital for our trade and these concerns are based on this.

Thanks in advance

Paul Thompson

BID committee

SIIBA chair

Pebbles One



Safe ó clean ó healthy ó prosperous ó excellent ó Creating a better Southend

The information in this e-mail and any attachments is confidential and may be subject to legal professional privilege. It is intended solely for the attention and use of the named addressee(s). If you are not the intended recipient, please notify the sender immediately. Unless you are the intended recipient or his/her representative you are not authorised to, and must not, read, copy, distribute, use or retain this message or any part of it. Communications sent to or from this organisations may be subject to recording and/or monitoring in accordance with relevant legislation.

At present the integrity of e-mail across the Internet cannot be guaranteed and messages and documents sent via this medium are potentially at risk. You should perform your own virus checks before opening any attachments.

Consider the environment. Please don't print this e-mail unless you really need to.