

Representation Form

Development Management Proposed Submission

This form has two parts -

Part A - Personal Details

Part B - Your representation(s)

Please fill in a separate sheet for each representation you wish to make.

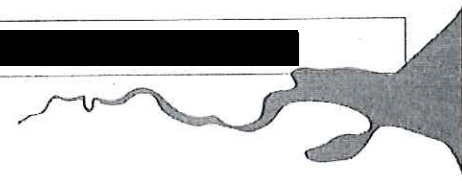
Part A

Personal Details - if an agent is appointed, please only complete Title, Name & Organisation boxes below but complete the full contact details of the agent.

Agent Details (if applicable)

Title		MR
First Name		BEN
Surname		KELLY
Job Title*		SENIOR PLANNER
Organisation*	LINPAC LTD	PLANNING PERSPECTIVES LLP
Address line 1		24 BRUTON PLACE
Address line 2		LONDON
Address line 3		
Address line 4		
Postcode		W1J 6NE
Telephone No		
Email Address*		

* where relevant



Part B - Please use a separate sheet for each representation

In order to ensure that the scope and content of your representations on the Development Management DPD Proposed Submission version is focused on issues of soundness and legal compliance, you are requested to make your representation on this official form that has been specifically designed to assist you in making your representation or alternatively an interactive version of the Development Management DPD Proposed Submission is available on the Council's consultation website www.southend.gov.uk/ldf.

The Planning Inspectorate has issued guidance 'Local Development Frameworks – A Brief Guide to Examining Development Plan Documents (September 2010)' http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf.

Name or Organisation

1. To which part of the DPD does this representation relate?

Paragraph Policy Proposals Map

2. Do you consider the DPD is

2.1 Legally compliant Yes No
2.2 Sound** Yes No

**The considerations in relation to the DPD being 'Sound' are explained in Planning Policy Statement 12 in paragraphs 4.36 – 4.47, 4.51 and 5.52 and the boxed text. If you have entered No to 2.(2), please continue to Q3. In all other circumstances, please go to Q4.

3. Do you consider the DPD is unsound because it is not:

3.1 Justified
3.2 Effective
3.3 Consistent with national policy

4. 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.

SEPARATE SHEET

continue on a separate sheet if necessary

5. 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 3 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.

SEPARATE SHEET

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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 based on the original representation at publication stage.

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.

6. 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 wish to participate at the oral examination

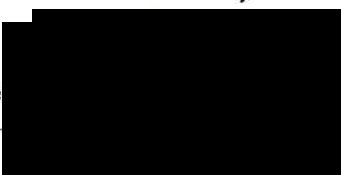
7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

IN ORDER TO FULLY EXPLORE THE REDEVELOPMENT POTENTIAL OF THE SITE AND TO DEMONSTRATE THAT A MORE FLEXIBLE POLICY APPROACH COULD HAVE SIGNIFICANT BENEFITS.

continue on a separate sheet if 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

Signature



BEN KELLY
PLANNING PERSPECTIVES LLP

Date

21/04/2011

Development Management Proposed Submission – Representations on Behalf of Linpac Ltd (Paragraph 5.14)

Question 4

Paragraph 5.14 references the Prittle Brook Estate as an Employment Growth Area. Whilst this is accepted, further clarity is needed to acknowledge that the ability of the Prittle Brook Estate to provide employment opportunities in the future will depend upon the ability for any redevelopment to be viable. The viability arguments for taking a flexible approach to the redevelopment of Prittle Brook were presented at the last Development Management DPD consultation in August 2010.

In the present market the redevelopment of the site for modern employment purposes would not be viable. In addition, Linpac Ltd has a lease on the site to 2070 and pays a substantial ground rent which further reduces the prospects of securing a viable redevelopment. As the site is identified in the ELR and the Core Strategy as being strategically important and as having potential to meet an identified need for employment land in the area, it is important that the DMD seeks to facilitate redevelopment by acknowledging issues relating to viability and by introducing flexibility to allow proposals which are accompanied by enabling development. It is considered that the text at paragraph 5.14 is currently ineffective, as it will impose barriers to the viable redevelopment of the Prittle Brook Estate.

The Employment Land Review (ELR) 2010 notes in respect of the site appraisal of Prittle Brook Estate (ELR Appendix 3) "*that to reflect viability issues there may need to be a flexible approach to a mixed use development that contains good quality commercial premises...*". The review notes that the land would not be allocated today for the same mix of employment uses that existed previously and that employment use should not be the only acceptable form of development. Considering the conclusions of the ELR, paragraph 5.14 is neither justified nor effective without recognising the implications of viability.

Question 5

The final sentence of paragraph 5.14 should be reworded to read: "*Progress Road and Prittle Brook Industrial Estate offer significant regeneration opportunities over the long term. Progress Road, has several vacant units many in a poor state of repair. It is clear that redevelopment for modern employment uses over the long term is required and the Borough Council is already working in partnership to redevelop the site on a plot-by-plot basis in line with the adopted Progress Road Estate Framework: Design Brief (2009). Prittle Brook Industrial Estate is available for comprehensive redevelopment with a significant proportion having already been cleared. It is acknowledged that to reflect viability issues there may need to be a flexible approach to a mixed use development that contains good quality commercial premises particularly along the frontage to Priory Crescent*".

Development Management Proposed Submission – Representations on Behalf of Linpac Ltd (Paragraph 5.14)

The proposed additional sentence is taken directly from the market appraisal of the site within Appendix 3 of the ELR. The addition of this sentence will ensure that paragraph 5.14 is consistent with the advice of the ELR and is therefore sound.

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Part A

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KELLY

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PLANNING PERSPECTIVES LLP

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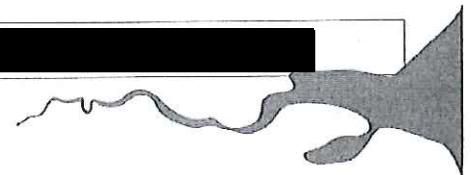
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Name or Organisation

LINPAC LTD

1. To which part of the DPD does this representation relate?

Paragraph

Policy

DM11

Proposals Map

2. Do you consider the DPD is

2.1 Legally compliant

Yes

No

2.2 Sound**

Yes

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3.2 Effective

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PLANNING PERSPECTIVES LLP

Date

21/04/2011

Development Management Proposed Submission – Representations on Behalf of Linpac Ltd (Policy DM11)

Question 4

Paragraphs 1.23 and 1.24 of the proposed Development Management DPD recognise the challenges the economy faces at the present time, and commits to providing a flexible planning framework in response. Set against this background, Part 2 of Policy DM11 notes that those sites listed within Policy Table 7 should be maintained and promoted for modern employment floorspace. This policy is considered to lack flexibility as it fails to recognise that viability will be an important consideration in the regeneration of the Prittle Brook Estate (which is listed within Policy Table 7).

The policy is not justified as it does not reflect the findings of the Southend-on-Sea Employment Land Review (ELR) 2010. The market appraisal of the site within Appendix 3 of the ELR states the following:

The site is well located and with access improvements could have good direct access from Priory Crescent to the A127. If modern purpose built premises can be provided in this location there should be continued market interest in the location. The site is important to the delivery of the Core Strategy because it represents a major opportunity to provide modern employment units within the borough. It is acknowledged that to reflect viability issues there may need to be a flexible approach to a mixed use development that contains good quality commercial premises particularly along the frontage to Priory Crescent.

This recognises the importance of the site whilst also acknowledging the viability issues. The reality is that redevelopment is likely to be dependent upon the consideration of enabling development as part of a mixed-use proposal. In the present market the redevelopment of the site for modern employment purposes would not be viable. In addition, Linpac Ltd has a lease on the site to 2070 and pays a substantial ground rent which further reduces the prospects of securing a viable redevelopment.

Redevelopment will only be a possibility therefore if the viability is taken into consideration and a flexible policy allowing mixed-use development applied. As the proposed policy stands, there is no flexibility to consider other uses for the sites listed within Policy Table 7.

Whilst the Prittle Brook Estate could provide good quality business floorspace as part of a mixed-use redevelopment, it should be recognised that modern business floorspace is developed at a higher density than old stock/industrial floorspace. On this basis, a substantial part of the site would be available for enabling residential development. Given that residential led redevelopment of the site may be the only way to bring it back into an active use, the wording of the policy is ineffective and will prevent redevelopment of the Prittle Brook Estate from taking place.

1

Development Management Proposed Submission – Representations on Behalf of Linpac Ltd (Policy DM11)

Allowing mixed use development would be supported by National Planning Policy as set out in PPS 4 (Planning for Sustainable Economic Growth), which at Policy EC2 requires Local Planning Authorities to encourage sustainable economic growth. PPS4 encourages policies to remain flexible to respond to the needs of emerging employment sectors and to allow a quick response to changes in economic circumstances. Policy EC2 notes that whilst employment land can be safeguarded from other uses, this safeguarding should "*facilitate a broad range of economic development, including mixed use*". Against this advice it is considered that the proposed Policy DM11 is not compliant with national policy as it fails to provide the desired level of flexibility to plan for sustainable economic growth.

Question 5

Part 3 of Policy DM11 should read:

3. A managed approach will be sought at the Employment Growth Areas through planning briefs that will set out the quantum of development and appropriate uses. An open view will be taken towards enabling development where it can help to meet aspirations for the development of modern employment facilities.

Part 4 of Policy DM11 should read:

4. The Industrial Estates identified within Policy Table 7 will be mostly retained and protected for Class B uses and those sui-generis uses of an employment nature. Complementary and supporting uses will be considered acceptable at the Industrial Estates where they serve the day-time needs of estate's working population and will not result in a material change to the character and function of the area. Nevertheless, as part of comprehensive redevelopment proposals, enabling development (including residential if sensitively located) will be considered if it can be proven that a redevelopment to entirely employment uses would otherwise be unviable, and that the proposal meets identified priorities in terms of employment provision.

This will ensure that the policy is sound: both effective and justified.