

Independent Examiner's Report of the
Boscombe and Pokesdown Neighbourhood
Plan

Deborah McCann

Author

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

16th July 2019

SECTION 1 Contents

CONTENTS

Section 1

Contents.....	3
---------------	---

Section 2

Summary.....	4-5
--------------	-----

Section 3

Introduction.....	6-8
-------------------	-----

Section 4

The Report.....	9-27
-----------------	------

1. Appointment of the Independent Examiner.....	9
2. Qualifying Body.....	9
3. Neighbourhood Plan Area.....	9
4. Plan Period.....	9
5. Bournemouth Christchurch and Poole Council (BCP) Council Regulation 15 assessment of the plan.....	9
6. Site Visit.....	9
7. Consultation Process.....	9
8. Regulation 16 Consultation and Comment on Responses.....	9
9. Compliance with the Basic Conditions.....	10
10. Planning Policy.....	10
11. Other Relevant Policy Considerations.....	11-14
12. Boscombe and Pokesdown Neighbourhood Plan Policies.....	14-27

Section 5

Conclusions and Recommendations.....	28
--------------------------------------	----

SECTION 2

Summary

As the Independent Examiner appointed by Bournemouth Christchurch and Poole Council (BCP) to examine the Boscombe and Pokesdown Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the Boscombe and Pokesdown Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Boscombe and Pokesdown Neighbourhood Plan go to Referendum.*
- 3. I have read the Boscombe and Pokesdown Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate and that the Neighbourhood Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Boscombe and Pokesdown Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. Boscombe and Pokesdown is within the area covered by Bournemouth Christchurch and Poole Council (BCP) Council. The relevant development plan, at the time of my examination was comprised of the adopted Bournemouth Local Plan Core Strategy (Adopted October 2012), the saved policies Bournemouth District Wide Local Plan (BDWLP adopted in 2002) and the Affordable Housing Development Plan Document (adopted 2009).*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Boscombe and Pokesdown Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Boscombe and Pokesdown Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Boscombe and Pokesdown Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Boscombe and Pokesdown Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. *The Plan can proceed to a Referendum*

2. *The Plan with recommended modifications can proceed to a Referendum*

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community’s intent in producing their neighbourhood plan.

3. *The Plan does not meet the legal requirements and cannot proceed to a Referendum*

3.1 *I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Boscombe and Pokesdown Neighbourhood Plan go to Referendum.*

3.2 *In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:*

- *the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- *the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- *the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.3 *I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:*

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;

- Contributes to the achievement of sustainable development; and

- Is in general conformity with the strategic policies contained in the Development Plan for the area.

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of Neighbourhood Plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-

The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Bournemouth Christchurch and Poole Council (BCP) Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Bournemouth Christchurch and Poole Council (BCP) appointed me as the Independent Examiner for the Boscombe and Pokesdown Neighbourhood Plan with the agreement of Boscombe and Pokesdown Neighbourhood Plan Forum.

2. Qualifying body

The Boscombe and Pokesdown Neighbourhood Plan Forum was set up under the Localism Act 2011 and formally adopted by Bournemouth Borough Council at their Cabinet meeting on 12th May 2016.

I am satisfied that Boscombe and Pokesdown Neighbourhood Plan Forum is the Qualifying Body. However, paragraph 3.1 on page 6 refers as follows:

“The Forum has various planning powers, which includes the ability to prepare a neighbourhood plan.”

I am unclear as the meaning of this sentence and recommend it is modified to read:

“The Forum has the power to prepare a neighbourhood plan.”

3. Neighbourhood Plan Area

The Neighbourhood Plan boundary shown on Map 1 of the plan conforms with the neighbourhood forum boundary as approved by Bournemouth Borough Council (now Bournemouth Christchurch and Poole Council (BCP)) on 12 May 2016.

4. Plan Period

It is intended that the Boscombe and Pokesdown Neighbourhood Plan will cover the period to 2026 to align with the Bournemouth Borough Council's Development Plan.

5. Bournemouth Borough Council (now BCP) Council Regulation 15 Assessment of the Plan.

Boscombe and Pokesdown Neighbourhood Plan Forum, the Qualifying Body, submitted the plan to Bournemouth Borough Council (now BCP) Council for consideration under Regulation 15. The Council has made an initial assessment of the submitted Boscombe and Pokesdown Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 4th of June 2019.

7. Hearing or Questions for clarification

The expectation is that the examination of the issues by the examiner is to take the form of

the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having examined the plan I was satisfied that I did not need to hold a Hearing.

8. The Consultation Process

The Boscombe and Pokesdown Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed Neighbourhood Plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed Neighbourhood Plan.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequate, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

8.Regulation 16 consultation by Bournemouth Borough Council (Now Bournemouth, Christchurch and Poole Council (BCP)) and record of responses.

Bournemouth Borough Council (Now Bournemouth, Christchurch and Poole Council (BCP)) placed the Boscombe and Pokesdown Neighbourhood Plan out for consultation under Regulation 16 from the 20th September 2018 to the 2nd of November 2018.

A number of detailed representations were received during the consultation period and these were supplied by the Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.

9. Compliance with the Basic Conditions

The Boscombe and Pokesdown Neighbourhood Forum have produced a Basic Conditions Statement. The purpose of this statement is to set out in some detail how the Neighbourhood Plan as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Boscombe and Pokesdown Neighbourhood Plan:

1. *Has regard to national policies and advice*
2. *Contributes to sustainable development*
3. *Is in general conformity with the strategic policies in the appropriate Development Plan*
4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the Borough Council for my examination include:

- (i) *Submission Version Plan 20 July 2018 including Basic Conditions Statement (in an Appendix on page 106). The main document which includes policies developed in consultation with the community at various engagement events and workshops.*
- (ii) *Addendum Report to Basic Conditions Statement 18th September 2018*
- (iii) *Consultation Statement July 2018*
- (iv) *Consultation Statement Appendices*
- (v) *Plan of Neighbourhood Plan Boundary*
- (vi) *Viability Study May 2018*
- (vii) *B&P Neighbourhood Forum SEA Determination Statement*
- (viii) *Bournemouth Borough Council SEA and HRA Screening Report*
- (ix) *The Boscombe and Pokesdown Neighbourhood Plan - Habitats Regulations Assessment May 2019*

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Boscombe and Pokesdown Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) 2012. Subsequently the government published the revised NPPF.

The revised NPPF provides for transitional arrangements as follows:

“214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted (69) on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.

(69) For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

(22 Footnote to paragraph 48) During the transitional period for emerging plans submitted for

examination (set out in paragraph 214), consistency should be tested against the previous Framework published in March 2012.”

Therefore, for the purposes of my examination the relevant national policy document is the NPPF (2012).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Boscombe and Pokesdown Neighbourhood Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Boscombe and Pokesdown Neighbourhood Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

Boscombe and Pokesdown is within the area covered by Bournemouth Christchurch and Poole Council (BCP) Council. The relevant development plan, at the time of my examination was comprised of the adopted Bournemouth Local Plan Core Strategy (Adopted October 2012), the saved policies Bournemouth District Wide Local Plan (BDWLP adopted in 2002) and the Affordable Housing Development Plan Document (adopted 2009).

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

An initial screening assessment to determine the need for a SEA in line with regulation and guidance was undertaken in August 2018 by the Council. It was concluded that the draft Neighbourhood Plan did not require a full SEA to be undertaken as the plan does not include a scale of development or policy approach that differs significantly from the adopted Local Plan Core Strategy (2012). The Core Strategy was the subject of a Sustainability Appraisal where potential environmental impacts have been considered and where required mitigation has been adopted in the local plan.

At that stage the statutory bodies were consulted, namely the Environment Agency, Natural England and Historic England. The Environment Agency and Historic England responded that they considered the plan does not require a SEA. Natural England concluded that there are unlikely to be significant environmental effects subject to conditions. The LPA was therefore satisfied that a SEA/SA of the neighbourhood plan was not required.

Habitats Regulations Assessment (HRA)

A screening assessment to determine the need for an HRA in line with regulation and guidance was undertaken. The conclusion of the report was that a Habitats Regulations Assessment would not need to be carried out as it is not considered that any of the development proposed in the Boscombe & Pokesdown Neighbourhood Plan would be likely to have a significant effect on internationally designated wildlife sites (SAC, SPA or Ramsar).

Following the European judgment the case of People Over Wind and Sweetman v Coillte Teoranta (C-323/17) ("Sweetman") and the representations from Natural England to a number of Habitat Regulation Assessment consultations undertaken post the judgment a further Habitats Regulations Assessment of the Boscombe and Pokesdown Neighbourhood Plan was carried out in May 2019. The conclusions were as follows:

"7. Conclusions

This HRA report of the Boscombe and Pokesdown Neighbourhood Plan records a screening for likely significant effects, and an appropriate assessment of identified risks through the key impact pathway of recreation pressure. The following is concluded:

The screening for likely significant effects only identified the impact pathway of recreation pressure as a result of the contribution of further housing within 5km of the Dorset Heathlands.

The screening assessment identified a number of minor text changes that do not alter the conclusions of the HRA but could be added to make positive additions in relation to the natural environment.

The appropriate assessment confirmed compliance with the Dorset Heathlands Planning Framework in relation to mitigating for recreation pressure, and recommended wording that should be added at an appropriate point within the Boscombe and Pokesdown Neighbourhood Plan.

In adopting this HRA report as their formal record of HRA, Bournemouth Christchurch and Poole Council considers its duties as competent authority under the Habitats Regulations to be fulfilled.

This HRA therefore recommends that the following text is incorporated within the Boscombe and Pokesdown Neighbourhood Plan. Project level HRA and the provision of strategic SANG/HIP capacity will be the responsibility of Bournemouth Christchurch and Poole Council.

Residential development will need to adhere to the Dorset Heathlands Planning Framework, which includes developer contributions towards measures to mitigate for further recreation pressure on the Dorset Heathlands, which are recognised as being of international wildlife importance. Contributions include funding for measures to manage access within the European sites, and measures to provide other suitable Alternative Natural Greenspaces (SANGs) and/or Heathland Infrastructure Projects (HIPs). As residential development proposals come forward for approval by the Council, project level HRA will be undertaken by the Council to confirm that the proposals will be accommodated within this strategic approach, including available capacity within strategic SANG and/or HIP.

In conclusion, with the recommended text in place at an appropriate point within the Boscombe and Pokesdown Neighbourhood Plan, there is certainty that strategic provision for Dorset Heathlands will be secured. No adverse effects on European site integrity can therefore be concluded".

11.2 Sustainable development

Sustainable Development

The Basic Conditions sets out the neighbourhood plan's approach to achieving sustainable development.

My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Boscombe and Pokesdown Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Boscombe and Pokesdown Neighbourhood Plan has done so.

I am therefore satisfied that the Boscombe and Pokesdown Neighbourhood Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Boscombe and Pokesdown Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Boscombe and Pokesdown Neighbourhood Plan, subject to modification covers development and land use matters.

11.5 General Comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex."

In order to provide clarity and to ensure that the policies in the Boscombe and Pokesdown Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Some policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.
- It has been necessary to replace 'permitted' with "supported" as the power to determine planning applications lies with the Local Planning Authority.

As I have found it necessary to modify a number of policies it will also be necessary to modify the supporting text within the plan to align with the modified policies.

12.The Neighbourhood Plan Vision, Strategic Aims and Policies

12.1 VISION FOR BOSCOMBE AND POKESDOWN

Vision

The vision for the Boscombe and Pokesdown NP area in 20 years time is a desirable place to live, work and visit which is well- connected, prosperous, healthy and safe. All new development will be high quality and meet the existing community's needs without compromising the environment for future generations. Development will integrate with the social and historic fabric of the area and there will be good facilities for the whole community.

COMMENT

The Plan sets out a series of 9 aims and four policy themes to deliver the Vision and I am satisfied that the Vision, Aims and Policies have been developed as a result of community consultation.

Boscombe and Pokesdown Neighbourhood Plan Policies

12.1 BAP1: The scale and density of development

*The demolition of all buildings of architectural or local heritage value will be resisted (where planning permission is required). In order to preserve the historic character and amenity of the area, save building materials and not exacerbate pressure on existing services. **

All proposals should reflect the character of the area in terms of:

I. the general height in adjacent and original buildings;

II. the plot widths of adjoining buildings and sites;

III. the spaces between buildings which should not be infilled even in low density areas;

*IV. should contain organic and animated roofscapes and elevations; ***

V. the density of the immediate surrounding area;

VI. the proposed density should not exceed 100 dph; the density should reflect the character of the area and should not exacerbate existing overcrowding and pressure for on-street parking.

All applications effecting Conservation Areas and/or heritage assets, or their settings should be accompanied by an objective Heritage Statement assessing the significance of the heritage asset(s) and the impact of the proposals.

**The demolition of existing buildings will be resisted unless there are exceptional circumstances to justify this which include:*

(1) the building is of poor quality design and out of keeping with the wider character of the area;

(2) there is evidence that the building is not structurally capable of retention and conversion;
(3) there is clear evidence that the development would bring substantial community benefits such as major employment opportunities. The Forum will work with the council on ways to retain and restore existing heritage assets including consideration of an Article 4 Direction that would prevent demolition of assets of heritage significance.

***‘Organic and animated roofscapes’ are defined as roofs with variation in height, profile and form including pitched, gabled and flat roofs. ‘Organic and animated elevations’ are those which contain windows and doors at various floor levels, built on varied planes using a varied palette of materials.*

COMMENT

The opening paragraph of this policy is overly restrictive, and I have received representation that the imposition of a blanket restriction on density will impact upon the viability and deliverability of proposals for residential development. Whilst I understand the strength of community feeling relating to the issue of the density of development and the impact on community on balance, I find that the imposition of this kind would not have regard for national policy and therefore does not meet the Basic Conditions. In addition, there are elements of the policy that relate to a community project and the policy framework for dealing with Heritage Assets and Conservation Areas already exists and does not need to be repeated. For clarity and to meet the Basic Conditions the policy should be modified as follows:

BAP1: The scale and density of development

The retention of all buildings of architectural or local heritage value will be supported, in order to preserve the historic character and amenity of the area, save building materials and not exacerbate pressure on existing services.

Proposals should reflect the character of the area in terms of:

I. the general height in adjacent and original buildings;

II. the plot widths of adjoining buildings and sites;

III. the spaces between buildings which should not be infilled even in low density areas;

IV. including organic and animated roofscapes and elevations; **

V. the density of residential development which should not exacerbate existing overcrowding and pressure for on-street parking.

Residential densities in excess of 100 dph will not be supported unless it can be demonstrated that it is necessary for viability or to meet identified housing need;

All applications affecting Conservation Areas and/or heritage assets, or their settings must comply fully with the requirements of national and local policy.

Proposals involving the demolition of existing buildings will not be supported unless there are exceptional circumstances to justify this which include:

(1) the building is of poor quality design and out of keeping with the wider character of the area;

(2) there is evidence that the building is not structurally capable of retention and conversion;

(3) there is clear evidence that the development would bring substantial community benefits such as major employment opportunities.

*****‘Organic and animated roofscapes’ are defined as roofs with variation in height, profile and form including pitched, gabled and flat roofs. ‘Organic and animated elevations’ are those which contain windows and doors at various floor levels, built on varied planes using a varied palette of materials.***

12.2 BAP2: Good design for the 21st century

All development must incorporate high standards of sustainable and inclusive urban design and architecture. Imaginative modern design is encouraged provided it respects the historic and natural character of the area. Development will:

I. Retain, preserve and enhance ‘Proposed Locally Listed Buildings’ identified on the ‘Proposals Map’ which are of special architectural or historic interest;

*II. Reduce energy emissions that contribute to climate change during the life cycle of the development**

III. Ensure the reduction, reuse or recycling of resources and materials, including aggregates, water and waste This will include the provision of high quality durable materials and development that can adapt to changing circumstances over time.

**Developments of three or more dwellings will be required to provide details of the use of on-site renewable energy or low carbon sources to meet a minimum of 10% of predicted energy use of the residential development, as set out under policy CS 2 of the Bournemouth Core Strategy.*

For clarity the policy should be modified as follows:

BAP2: Good design for the 21st century

All development should incorporate high standards of sustainable and inclusive urban design and architecture principles. Imaginative modern design is encouraged provided it respects the historic and natural character of the area. Development proposals will be supported which:

I. Retain, preserve and enhance 'Proposed Locally Listed Buildings' identified on the 'Proposals Map' which are of special architectural or historic interest;

II. Reduces energy emissions that contribute to climate change during the life cycle of the development*

III. Ensures the reduction, reuse or recycling of resources and materials, including aggregates, water and waste This will include the provision of high quality durable materials and development that can adapt to changing circumstances over time.

****Developments of ten or more dwellings will be required to provide details of the use of on-site renewable energy or low carbon sources to meet a minimum of 10% of predicted energy use of the residential development, as set out under policy CS2 of the Bournemouth Core Strategy.***

12.3 BAP3: Shopfronts

There is a presumption in favour of retaining and renovating shopfronts that are original to the building. Any replacement shopfronts should be designed in accordance with the character of the whole building.

All new shopfronts should include all of the following elements:

I. Original layout: Central and curved entrances, entrances to upper floors and rear service yards and facilities should be retained;

II. Stall risers: To be included at a height which matches existing or adjacent original stall risers;

III. Fascia: To be a depth which matches the original fascia and does not obscure any original features;

IV. Externally illuminated fascia and projecting signs: Only one projecting sign per building, placed at the same height as the fascia;

V. Original design features: All decorative elements (architraves, mouldings and glazed tiles) should be retained and restored or if in a poor state of repair replaced to match original;

VI. No solid roller shutters are allowed:

If it can be demonstrated that there are exceptional circumstances justifying a roller shutter, then this should be lattice with Perspex glass behind. Exceptional circumstances are when there have been repeated vandalism or burglaries recorded;

VII. Materials: shopfronts should be timber and glass unless it can be demonstrated that the alternative material is just as pleasing.

COMMENT

I have received representation that whilst this policy is supported in principal, as currently worded it could be interpreted ambiguously. For clarity the property should be modified as follows:

12.3 BAP3: Shopfronts

There is a presumption in favour of retaining and renovating shopfronts that are original to the building. Any replacement shopfronts should be designed to reflect the character of the whole building.

Replacement shopfronts should include all of the following elements, where appropriate:

I. Original layout: Central and curved entrances, entrances to upper floors and rear service yards and facilities should be retained;

II. Stall risers: At a height which matches existing or adjacent original stall risers;

III. Fascia: To be a depth which matches the original fascia and does not obscure any original features;

IV. Signs: One projecting sign per building, placed at the same height as the fascia;

V. Original design features: All decorative elements (architraves, mouldings and glazed tiles) should be retained and restored or if in a poor state of repair replaced to match original;

VI. Materials: timber and glass unless it can be demonstrated that the alternative material is appropriate.

Due to the impact on the character of the street scene solid roller shutters will not be supported. In exceptional circumstances a lattice style security shutter may be appropriate.

12.4 BAP4: Open spaces

Where practical, development will be encouraged where it:

I. Enhances the character and appearance of open spaces with well-designed amenities, which take account of all ages and users;

II. Provides new lighting that designs out crime whilst being sensitive to the natural and historic environment;

III. Increases biodiversity by, for example, the provision of bat and bird boxes, whilst improving public access and usage and promote community gardens;

COMMENT

I have no comment on this policy.

12.5 BAP5: Safe routes

Where practical, development will:

- I. Provide safe routes* and cycle connections as shown on the Proposals Map;*
- II. Provide safe routes and cycle connections to open spaces, especially to enable easy and inclusive access;*
- III. Provide safe routes and improvements to transport hubs at Pokesdown Station, Boscombe and Pokesdown Halt and Boscombe and Pokesdown Bus Interchange;*
- IV. Provide new and improved paths to the beach from Boscombe and Pokesdown Overcliff Drive taking account of nature conservation interests and the need to minimise street lighting along the Overcliff;*

**'Safe Routes' are defined as pavements and paths which have good lighting and safe road crossings.*

Comment

I have no comment on this policy.

12.6 BAP6: The number and type of new homes

Provision will be made for between 123-183 market dwellings per year during the plan period, with a presumption in favour of retaining existing historic buildings to provide units with two or more bedrooms. Affordable housing will be provided in addition to this in accordance with borough-wide policies. These additional dwellings will be provided through:

A. Sympathetic conversion and extension of existing buildings and upper floors of commercial premises:

i. In developments of 9 or less dwellings, to include:

- At least 1 x 2 bedroom flat with direct access to outside amenity space if available;*
- At least 1 unit which meets lifetime home standards:*
 - Car-free housing may be acceptable above commercial premises on Christchurch Road on heritage buildings and in highly constrained locations provided that appropriate financial contributions are made towards alternatives such as car clubs, walking and cycling improvements and public transport provision.*

ii. In developments of 10 or more dwellings to include:

- 50% to be 3 bedrooms or larger; – 40% to be 2 bedrooms;*
- 10% to be 1 bedroom;*

B. Sensitive redevelopment of buildings and sites of no historic value to include:

- 50% to be 3 bedrooms or larger;
- 40% to be 2 bedrooms;
- 10% to be 1 bedroom;

C. Strongly resisting HMOs throughout the neighbourhood plan area

COMMENT

I have received a number of representations in relation to the restrictive nature of this policy, the potential impact upon viability and deliverability and whether or not it will provide housing that meets the identified need. I understand the concerns expressed by the community that have led to the inclusion of this policy but concur that on balance the policy without any reference to meeting identified housing need and viability testing is overly restrictive. Policy BAP8 deals with HMOs. In order to meet the Basic Conditions, the policy should be modified as follows:

BAP6: The number and type of new homes

Provision will be made for between 123-183 market dwellings per year during the plan period, with a presumption in favour of retaining existing historic buildings to provide units with two or more bedrooms. Affordable housing will be provided in addition to this in accordance with borough-wide policies. These additional dwellings will be provided through:

A. Sympathetic conversion and extension of existing buildings and upper floors of commercial premises:

i. In developments of 9 or less dwellings, to include:

- At least 1 x 2 bedroom flat with direct access to outside amenity space if available;
- At least 1 unit which meets lifetime home standards:
- Car-free housing may be acceptable above commercial premises on Christchurch Road, on heritage buildings and in highly constrained locations provided that appropriate financial contributions are made towards alternatives such as car clubs, walking and cycling improvements and public transport provision.

ii. Proposals for 10 or more units which include:

- 50% 3 bedrooms or larger dwellings;
- 40% 2 bedroom dwellings;

– 10% 1 bedroom dwellings;

B. Sensitive redevelopment of sites where the proposal includes:

– 50% to be 3 bedrooms or larger;

– 40% to be 2 bedroom;

– 10% to be 1 bedroom;

Applications which include a different housing size mix must be supported by up to date housing need evidence and/or an assessment which demonstrates that compliance with the requirements of A ii and/or B are not viable.

Informative

The costs of a viability assessment and the verification of evidence submitted will be met by the applicant.

Any proposals affecting Designated or Non-Designated Heritage Assets will have to comply with national and local heritage policies.

12.7 BAP7: The quality of new homes

All new residential units either through new build or conversion will comply with the following standards:

I. 'Technical housing standards – nationally described space standard (March 2015)' which include minimum gross internal floor areas of:

- 1 bedroom, 1 person units to be at least 39 sq. m;*
- 1 bedroom, 2 person units to be at least 50 sq. m;*
- 2 bedroom, 3 person units to be at least 61 sq. m;*
- 3 bedroom, 4 person units to be at least 74. sq. m.*

II. The density of developments should be in accordance with BAP1;

III. Provision of adequate amenity space, refuse storage, post boxes, door bells, car and bicycle storage, designed to a high standard so as not to harm visual amenity;

IV. Have regard to the design policies of this plan and that of the Bournemouth Core Strategy.

COMMENT

Space Standards cannot be imposed through Neighbourhood Plans. In order to meet the Basic Conditions, the policy should be modified as follows:

BAP7: The quality of new homes

All new residential units either through new build or conversion will be encouraged to comply with the following:

I. 'Technical housing standards – nationally described space standard (March 2015)' which include minimum gross internal floor areas of:

- 1 bedroom, 1 person units to be at least 39 sq. m;**
- 1 bedroom, 2 person units to be at least 50 sq. m;**
- 2 bedroom, 3 person units to be at least 61 sq. m;**
- 3 bedroom, 4 person units to be at least 74. sq. m.**

II. The density of developments should be in accordance with BAP1;

III. Provision of adequate amenity space, refuse storage, post boxes, door bells, car and bicycle storage, designed to a high standard so as not to harm visual amenity;

IV. Have regard to the design policies of this plan and that of the Bournemouth Core Strategy.

12.8 BAP8:

Managing our houses in multiple occupation (HMOs) and Bedsits

The number of houses in multiple occupation (HMOs) will be managed and the overall number reduced by:

I. Allowing the conversion or redevelopment of existing HMOs to larger residential units in accordance with other policies in this plan;

II. Carefully managing and improving the quality of existing HMOs in partnership with Bournemouth's housing department and special licensing initiatives;

III. Not permitting any HMOs throughout the NP area, unless:

- there will be no harm to the character and appearance of the building or adjacent buildings;*
- the design, layout and intensity of use of the building would not have an unacceptable impact on neighbouring residential amenities;*
- internal and external amenity space, refuse storage, letterboxes, door bells and car and bicycle parking would be provided at an appropriate quantity, and would be of a high standard so as not to harm visual amenity;*
- the proposal would not cause unacceptable highway problems or exacerbate on-street parking pressure to an unacceptable degree; and,*
- the proposal would not result in an over- concentration of HMOs in any one area*
- of the ward, to the extent that it would change the character of the area or undermine the maintenance of a balanced and mixed local community in accordance with Bournemouth's Core Strategy.*

COMMENT

Elements of this policy relate to the management and not the use of land. For clarity and in order to meet the Basic Conditions the policy should be modified as follows:

BAP8: Houses in multiple occupation (HMOs) and bedsits

The change of use to a House in Multiple Occupation will only be permitted where:

- there will be no harm to the character and appearance of the building or adjacent buildings;***
- the design, layout and intensity of use of the building would not have an unacceptable impact on neighbouring residential amenities;***
- internal and external amenity space, refuse storage, letterboxes, door bells and car and bicycle parking would be provided at an appropriate quantity, and would be of a high standard so as not to harm visual amenity;***
- the proposal would not cause unacceptable highway problems or exacerbate on-street parking pressure to an unacceptable degree; and,***
- the proposal would not result in an over- concentration of HMOs in any one area of the ward, to the extent that it would change the character of the area or undermine the maintenance of a balanced and mixed local community in accordance with the Development Plan.***

The conversion or redevelopment of existing HMOs to larger residential units in accordance with other policies in this plan will be supported.

12.9 BAP9: Managing our high street and businesses

Christchurch Road will be central to all aspects of community life and its unique Victorian heritage will be celebrated with the unique character of Pokesdown and Boscombe and Pokesdown recognised. This will be achieved by:

- I. Allowing a mix of uses, excluding residential, at ground floor level, in accordance with Bournemouth Local Plan Policies;*
- II. Working with partners on an investment programme for environmental improvements to the building façades, shopfronts and streetscape;*
- III. Working with partners on a viability assessment and the implementation of improvements to secure alternative uses for vacant space in the Royal Arcade;*
- IV. Retain and enhance existing music and entertainment venues, including resisting residential uses near venues, where noise attenuation cannot be satisfactorily installed.*

Boscombe and Pokesdown and Pokesdown Neighbourhood Forum will work with partners on an investment programme for environmental improvements to the buildings' façades and shopfronts, encouraging a mix of uses excluding residential at ground floor level in

accordance with Bournemouth Local Plan Policies.

COMMENT

The majority of this policy comprises of community projects/aspirations and those sections should be moved from the policy section of the plan. The policy should be renamed and modified as follows:

BAP9: Christchurch Road

Christchurch Road is central to all aspects of community life and its unique Victorian heritage should be celebrated and the unique character of Boscombe and Pokesdown recognised. This will be achieved by:

i. supporting a mix of uses, excluding residential at ground floor level, in accordance with Development Plan Policies;

ii. support the retention and enhancement of existing music and entertainment venues, including resisting residential uses near venues, where noise attenuation cannot be satisfactorily installed.

12.10 BAP10: Site allocations

In order to protect the character and appearance of the area, provide homes and distribute development across the plan area, the development of sites in accordance with uses and amounts set out in Table 12 (pages 90- 91) will be supported.

Specific allocations are set out below for the following sites:

- SA2: Hawkwood Road car park
- SA4: Royal Victoria Hospital
- SA5: Gladstone Road West
- SA6: Sovereign Centre (as per BAP8)

COMMENT

This policy identifies does not allocate all the sites in Table 12, only allocating the sites specifically referred to in the policy. In order to ensure that the identified sites can meet the requirements of national policy in terms of flexibility the first paragraph of the policy should be modified as follows:

In order to protect the character and appearance of the area, provide homes and distribute development across the plan area, the development of sites in accordance with indicative uses and amounts set out in Table 12 (pages 90- 91) will be supported.

SA2: Hawkwood Road car park

Hawkwood Road car park has been identified as a local community resource that provides car parking with good, level access to the shops and high street. If it is demonstrated there is spare car parking capacity, the site should be redeveloped to provide:

- *A smaller public car park;*
- *Provision of a Park and Ride facility and/or bus stops;*
- *Provision of a small open space/pocket park and public realm enhancements to the adjacent Hawkwood Road.*

COMMENT

I have no comment on this policy.

SA4: Royal Victoria Hospital, Shelley Road, Phase 2

Should the site become available, Royal Victoria Hospital has been identified as a suitable location for a mixed-use development, comprising:

- *Healthcare facilities in D2 use • Community facilities in D2 use • Creative Hub*
- *Wellbeing and/or sport and recreational use such as a swimming pool*

Providing that consideration is given to other policies within this plan, the following development will be allowed:

- *Retention and/or conversion of the main hospital building for a mix of residential and community purposes*
- *New development of the remaining area of the site to deliver up to 20 dwellings if needed*
- *Enhancing biodiversity by provision of bat and bird boxes and linking the adjacent public open space/former graveyard to the rest of the site*
- *Reinforcing the permeability of the site by improvements to existing footpath links through the site*
- *Preserve and enhance the heritage assets of the site including the main hospital building and the Grade II listed water tower*

COMMENT

The Neighbourhood Plan, when Made will form part of the Development Plan for the area and will be used as such in the determination of planning applications. In the process of determining planning applications the Local Planning Authority will take into account other material considerations alongside the Development Plan and are

the body ultimately responsible for making any planning decision therefore for clarity the word “allowed” In the fourth paragraph should be replaced with “supported”.

SA5: Gladstone Road West

The site comprising the area surrounding Gladstone Road West and Centenary Way has been identified as a suitable area for redevelopment to deliver housing as well as highway and public realm improvements.

Providing that consideration is given to other policies within this plan, the following development will be allowed:

- *Family housing, 1, 2- and 3-bedroom flats*
- *Public realm improvements*
- *Green infrastructure and landscaping*

COMMENT

The Neighbourhood Plan, when Made will form part of the Development Plan for the area and will be used as such in the determination of planning applications. In the process of determining planning applications the Local Planning Authority will take into account other material considerations alongside the Development Plan and are the body ultimately responsible for making any planning decision therefore for clarity the word “allowed” In the second paragraph should be replaced with “supported”.

SA6: Sovereign Centre and car park

The Sovereign Centre and car park have been identified as an area with significant redevelopment potential, given the under use of the upper levels of the multi-storey car park and the outdated appearance of the existing building.

Providing that consideration is given to other policies within this plan, including policies to preserve and enhance the Royal Arcade, the comprehensive redevelopment of the site for a high-density scheme to deliver a mix of uses will be allowed and should comprise:

- *Appropriate town centre uses, including retail A1 floor space in accordance with BAP9*
- *Residential and/or student accommodation on the upper floors.*
- *A robust parking study and impact appraisal to assess parking requirements, the methodology of which should be agreed by the local highway authority.*

COMMENT

For clarity the policy should be modified as follows:

The Sovereign Centre and car park have been identified as an area with significant redevelopment potential, given the under use of the upper levels of the multi-storey car park and the outdated appearance of the existing building.

Providing that consideration is given to other policies within this plan, including policies to preserve and enhance the Royal Arcade, the comprehensive redevelopment

of the site will be supported for a high-density scheme to deliver a mix of uses including:

- **Appropriate town centre uses, including retail A1 floor space in accordance with BAP9**
- **Residential and/or student accommodation on the upper floors.**
- **Parking**

Any submission should include a robust parking study and impact appraisal to assess parking requirements, the methodology of which should be agreed with the local highway authority.

BAP11: Priority improvement projects

In order to preserve and enhance the character and appearance of the area and deliver the homes and community facilities that we need, Boscombe and Pokesdown and Pokesdown Neighbourhood Plan Forum will work on the implementation of the following projects:

- *HOUSING: Establish a local Housing Trust to provide affordable homes for families*
- *SITES: Establish a Neighbourhood Forum and development strategy for Site SA4 – Royal Victoria Hospital, Shelley Road*
- *HERITAGE: Preserve and Enhance all ‘Open Space’ (BAP4) providing safe, clean, space for all, including a richer environment for people and wildlife*
- *HERITAGE: Preservation and enhancement of historic shopfronts*
- *WORK, SHOPS AND SERVICES: Finding a suitable viable use for the Royal Arcade*
- *WORK, SHOPS AND SERVICES:*

Boscombe and Pokesdown Central renewal

- *HERITAGE: Work with partners to update management plans for ‘Open Spaces’ as included in BAP4 and listed in paragraph 7 .35*
- *HERITAGE: Conservation Areas and Locally listed buildings review with Bournemouth Council*

COMMENT

This policy does not meet the requirements for a land use policy and covers community projects and aspirations. It should be removed from this part of the plan.

SECTION 5

Conclusion and Recommendations

1. *I find that the Boscombe and Pokesdown Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *The general text in the plan should be modified to conform with the policy modifications.*
3. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
4. *The Boscombe and Pokesdown Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Plans in place within the Neighbourhood Area.*
5. *The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation. However, the HRA recommends that the following text is incorporated within the Boscombe and Pokesdown Neighbourhood Plan.*
“Project level HRA and the provision of strategic SANG/HIP capacity will be the responsibility of Bournemouth Christchurch and Poole Council. Residential development will need to adhere to the Dorset Heathlands Planning Framework, which includes developer contributions towards measures to mitigate for further recreation pressure on the Dorset Heathlands, which are recognised as being of international wildlife importance. Contributions include funding for measures to manage access within the European sites, and measures to provide other suitable Alternative Natural Greenspaces (SANGs) and/or Heathland Infrastructure Projects (HIPs). As residential development proposals come forward for approval by the Council, project level HRA will be undertaken by the Council to confirm that the proposals will be accommodated within this strategic approach, including available capacity within strategic SANG and/or HIP.”
6. *The policies and plans in the Boscombe and Pokesdown Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan, currently the adopted Bournemouth Local Plan Core Strategy (Adopted October 2012), the saved policies Bournemouth District Wide Local Plan (BDWLP adopted in 2002) and the Affordable Housing Development Plan Document (adopted 2009).*
7. *I therefore conclude that the Boscombe and Pokesdown Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator 16th of July 2019

