

Appendix 3

BPC Council

Boscombe & Pokesdown Neighbourhood Plan

Draft Decision Statement



1. Introduction

- 1.1 The draft Boscombe & Pokesdown Neighbourhood Plan has been examined by an Independent Examiner, who issued her report on 16 July 2019. The Examiner has recommended a number of modifications to the Plan and that, subject to these modifications being agreed, it should proceed to referendum.
- 1.2 Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the Council to decide what action should be taken in response to the recommendations made by the Independent Examiner.
- 1.3 Table 1 attached to this statement sets out each of the Examiner's proposed modifications, the Examiner's reasons and the Council's decision in respect of them. Text with a ~~strike through~~ identifies text to be deleted. Text in *italic and underlined* identifies new text to be added to the Plan. Regular text in the Modification column represents existing text.

2. Background

- 2.1 Bournemouth Borough Council (the authority at that time) approved an application by the community to designate the Boscombe and Pokesdown Neighbourhood Forum and Neighbourhood Area on 12 May 2016. The approved Neighbourhood Area follows the boundaries of the combined wards of Boscombe East and Boscombe West.
- 2.2 Boscombe & Pokesdown Neighbourhood Forum published a Draft Neighbourhood Plan for consultation and invited comments from 20th January – 3rd March 2018 in accordance with Regulation 14.
- 2.3 Boscombe and Pokesdown Neighbourhood Forum submitted their Neighbourhood Plan on 20th July 2018 to Bournemouth Borough Council in accordance with Regulation 15. Under Regulation 16 the Council published the Submission Version of the Boscombe & Pokesdown Neighbourhood Plan and associated documents for consultation. Comments were invited from 20th September to 2nd November 2018.
- 2.4 An Examiner, Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD was appointed by the Council in September 2018 to carry out the independent examination of the submission plan. After the consultation period, the plan, the representations received and all associated documents were submitted to the independent examiner in November 2018. An objection from Natural England

resulted in the Council being required to commission a Habitats Regulations Assessment (HRA), and the examination was suspended whilst this work was being undertaken. The HRA was forwarded to the examiner as a further submission document on 15 May 2019 for consideration. The examination was then conducted by written representations.

- 2.5 On 1 April 2019 Dorset County's nine councils were replaced by two new unitary councils – Bournemouth, Christchurch and Poole (BCP) Council and Dorset Council. Consequently Bournemouth Borough Council has been replaced by BCP Council as the Local Planning Authority for the Boscombe & Pokesdown Neighbourhood area.
- 2.6 The Examiner's Report was received on 16 July 2019 and concluded that the Boscombe & Pokesdown Neighbourhood Development Plan and the policies within it, subject to the recommended modifications, meets the Basic Conditions and can proceed to referendum. The Examiner also concluded that the Referendum Area should be the same as the Plan Area, should it go to referendum.

3. Decisions and Reasons

- 3.1 Having considered each of the recommendations made by the Examiner, and the reasons for them, BCP Council has decided to accept all of the Examiner's recommended modifications as set out in Table 1.
- 3.2 Cabinet agreed on 11 September 2019 that the Boscombe & Pokesdown Neighbourhood Plan should proceed to a referendum within the Boscombe West and Boscombe East wards.
- 3.3 The authority is therefore satisfied that, subject to the modifications being made, the Neighbourhood Plan as amended in accordance with the Examiner's recommendations meets the legal requirements and basic conditions as set out in legislation; thus the plan can proceed to referendum.
- 3.4 To meet the requirements of the Localism Act 2011, a referendum which poses the question:-
- Do you want BCP Council to use the Boscombe and Pokesdown Neighbourhood Plan to help it decide planning applications in the Boscombe & Pokesdown Neighbourhood Area?

will be held in the area formally designated as the Boscombe & Pokesdown Neighbourhood area (the combined wards of Boscombe East and Boscombe West).

- 3.5 The date on which the referendum will take place is 24 October 2019.
- 3.6 Further details on the referendum will be made available separately in due course.

4. Where to find information

- 4.1 Copies of this Decision Statement, the Examiner's Report and the Boscombe & Pokesdown Neighbourhood Plan (as amended in line with the Examiner's recommendations) can be viewed on line at:-
<https://www.bournemouth.gov.uk/planningbuilding/PlanningPolicy/Other-Planning-Documents/boscombe-and-pokesdown-neighbourhood-plan.aspx>.
- 4.2 Paper copies of the documents can be viewed at Boscombe Library, Pokesdown & Southbourne Library, Bournemouth Library and the Bournemouth Town Hall Customer Services Centre in St Stephen's Road during normal office hours.

Table 1 : Boscombe & Pokesdown Neighbourhood Plan - Examiner's recommended modifications and Local Planning Authority's Response

Section in Examiner's Report	Examiner's Proposed Modification	Reason	LPA Decision
Page 8 Paragraph 2	<p>Paragraph 3.1, page 6 of the Neighbourhood Plan.</p> <p>Amend as follows:-</p> <p>The Forum has various planning powers, which includes the ability <u>the power</u> to prepare a neighbourhood plan.</p>	For clarity.	Agree with modification.
Pages 14-16 Paragraph 12.1 BAP1	<p>BAP1: The scale and density of development</p> <p>Amend as follows:-</p> <p>The demolition <u>retention</u> of all buildings of architectural or local heritage value will be resisted <u>supported</u>, (where planning permission is required). <u>in</u> order to preserve the historic character and amenity of the area, save building materials and not exacerbate pressure on existing services.</p> <p>All <u>Proposals</u> should reflect the character of the area in terms of:</p> <p>I. the general height in adjacent and original buildings;</p> <p>II. the plot widths of adjoining buildings and sites;</p> <p>III. the spaces between buildings which should not be infilled even in low density areas;</p> <p>IV. should contain <u>including</u> organic and animated roofscapes and elevations; **</p> <p>V. the density of the immediate surrounding area <u>residential development which should not exacerbate existing overcrowding and pressure for on-street parking;</u></p> <p>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.</p>	For clarity and to meet basic conditions. Imposition of a blanket restriction on density would not have regard to national policy. Elements of the policy relate to a community project. The policy framework for dealing with Heritage Assets and Conservation Areas already exists and does not need to be repeated.	Agree with modifications.

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	<p><u>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.</u></p> <p>All applications affecting 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 <u>must comply fully with the requirements of national and local policy.</u></p> <p>*The demolition of existing buildings will be resisted <u>Proposals involving the demolition of existing buildings will not be supported</u> 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.</p> <p>**'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</p>		

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	materials.		
Pages 16-17 Paragraph 12.2 BAP2	<p>BAP2: Good design for the 21st Century</p> <p>Amend as follows:-</p> <p>All development must <u>should</u> incorporate high standards of sustainable and inclusive urban design and architecture <u>principles</u>. Imaginative modern design is encouraged provided it respects the historic and natural character of the area. Development proposals will <u>will be supported which</u>:</p> <p>I. Retain, preserve and enhance 'Proposed Locally Listed Buildings' identified on the 'Proposals Map' which are of special architectural or historic interest;</p> <p>II. Reduces energy emissions that contribute to climate change during the life cycle of the development*</p> <p>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.</p> <p>*Developments of three-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</p>	For clarity and consistency with Core Strategy Policy CS2.	Agree with modifications.
Pages 17-18	BAP3: Shopfronts	For clarity. As currently	Agree with

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Paragraph 12.3 BAP3	<p>Amend as follows:-</p> <p>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 <u>to reflect</u> the character of the whole building.</p> <p>All new <u>Replacement</u> shopfronts should include all of the following elements, <u>where appropriate</u>:</p> <p>I. Original layout: Central and curved entrances, entrances to upper floors and rear service yards and facilities should be retained;</p> <p>II. Stall risers: To be included At a height which matches existing or adjacent original stall risers;</p> <p>III. Fascia: To be a depth which matches the original fascia and does not obscure any original features;</p> <p>IV. Externally illuminated fascia and projecting signs: <u>Signs -</u> Only One projecting sign per building, placed at the same height as the fascia;</p> <p>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;</p>	worded, the policy could be interpreted ambiguously.	modifications.

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	<p>VI. No solid roller shutters are allowed:</p> <p>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;</p> <p>VII. Materials: shopfronts should be timber and glass unless it can be demonstrated that the alternative material is just as pleasing <u>appropriate</u>.</p> <p><u>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.</u></p>		
Page 18 Paragraph 12.4 BAP4	<p>BAP4: Open spaces</p> <p>No comment on this policy.</p>	N/A	N/A
Pages 18-19 Paragraph 12.5 BAP5	<p>BAP5: Safe Routes</p> <p>No comment on this policy.</p>	N/A	N/A
Pages 19-21 Paragraph 12.6	<p>BAP6: The number and type of new homes</p>	In order to meet the Basic Conditions. On balance the	Agree with modifications.

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BAP6	<p>Amend as follows:-</p> <p>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:</p> <p>A. Sympathetic conversion and extension of existing buildings and upper floors of commercial premises:</p> <p>i. In developments of 9 or less dwellings, to include:</p> <ul style="list-style-type: none"> - 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. <p>ii. In developments of 10 or more dwellings to include Proposals for 10 or more units which include:</p> <ul style="list-style-type: none"> - 50% to be 3 bedrooms or larger <u>dwellings</u> 	<p>policy without any reference to meeting identified housing need and viability testing is overly restrictive. Policy BAP8 deals with HMO's.</p>	

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	<p>- 40% to be 2 bedroom <u>dwellings</u></p> <p>- 10% to be 1 bedroom <u>dwellings</u></p> <p>B. Sensitive redevelopment of buildings and sites of no historic value to include <u>where the proposal includes:</u></p> <p>– 50% to be 3 bedrooms or larger;</p> <p>– 40% to be 2 bedrooms;</p> <p>– 10% to be 1 bedroom;</p> <p>C. Strongly resisting HMOs throughout the neighbourhood plan area</p> <p><u>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.</u></p> <p><u>Informative</u></p> <p><u>The costs of a viability assessment and the verification of evidence submitted will be met by the applicant</u></p> <p><u>Any proposals affecting Designated or Non-Designated Heritage Assets will have to comply with national and local heritage policies.</u></p>		

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Pages 21-22 Paragraph 12.7 BAP7	<p>BAP7: The quality of new homes</p> <p>Amend the first sentence as follows:-</p> <p>All new residential units either through new build or conversion will <u>be encouraged to</u> comply with the following: standards</p> <p>I. 'Technical housing standards – nationally described space standard (March 2015)' which include minimum gross internal floor areas of:...</p>	In order to meet the Basic Conditions. Space Standards cannot be imposed through Neighbourhood Development Plans.	Agree with modifications.
Pages 22- 23 Paragraph 12.8 BAP8	<p>BAP8: Housing in multiple occupation (HMOs) and bedsits</p> <p>Amend as follows:-</p> <p>BAP8: Managing our Houses in multiple occupation (HMO's) and Bbedsits</p> <p>The number of houses in multiple occupation (HMOs) will be managed and the overall number reduced by <u>The change of use to a House in Multiple Occupation will only be permitted where:</u></p> <p>I. Allowing the conversion or redevelopment of existing HMOs to larger residential units in accordance with other policies in this plan;</p> <p>II. Carefully managing and improving the quality of existing HMOs in partnership with Bournemouth's housing department and special licensing</p>	For clarity and in order to meet the Basic Conditions. Elements of this policy relate to the management and not the use of the land.	Agree with modifications.

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	<p>initiatives;</p> <p>III. Not permitting any HMO's throughout the NP area unless:</p> <ul style="list-style-type: none"> - 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 <u>the Development Plan</u>. <p><u>The conversion or redevelopment of existing HMO's to larger residential units in accordance with other policies in this plan</u></p>		

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	<u>will be supported</u>		
Pages 23-24 Paragraph 12.9 BAP9	<p>BAP9: Managing our high street and businesses</p> <p>Amend policy as follows:-</p> <p>BAP9: Managing our high street and businesses <u>Christchurch Road</u></p> <p>Christchurch Road will be <i>is</i> central to all aspects of community life and its unique Victorian heritage will be celebrated with the unique character of Pokesdown and Boscombe recognised. This will be achieved by:</p> <p>I. Allowing <u>Supporting</u> a mix of uses, excluding residential at ground floor level, in accordance with Bournemouth Local Plan <u>Development Plan</u> Policies;</p> <p>II. Working with partners on an investment programme for environmental improvements to the building façades, shopfronts and streetscape;</p> <p>III. Working with partners on a viability assessment and the implementation of improvements to secure alternative uses for vacant space in the Royal Arcade;</p> <p>IV. // Retain and enhance <u>Support the retention and enhancement of</u> existing music and entertainment venues, including resisting residential uses near venues, where noise</p>	The policy should be renamed and modified to remove the community projects/aspiration sections from the policy section.	Agree with modification.

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	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.		
Page 24 Paragraph 12.10 BAP10	BAP10: Site Allocations Amend the first paragraph 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 <i>indicative</i> uses and amounts set out in Table 12 (pages 90- 91) will be supported.	The policy does not allocate all the sites in Table 12, only the 4 sites referred to in the policy (SA2, SA4, SA5, SA6). The amendment to the first paragraph of the policy is to ensure that the identified sites can meet the requirements of national policy in terms of flexibility.	Agree with modification.
Pages 24-25 SA2	SA2 Hawkwood Road car park No comment on this policy	N/A	N/A
Pages 25-26 SA4	SA4: Royal Victoria Hospital, Shelley Road, Phase 2 Amend the fourth paragraph as follows:- Providing that consideration is given to other policies within	When determining planning applications, the LPA will take into account other material considerations alongside the Development Plan and are the body ultimately responsible for	Agree with modifications.

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	this plan, the following development will be allowed <u>supported</u> :	making any planning decision. Therefore for clarity the word "allowed" should be replaced with "supported."	
Page 26 SA5	<p>SA5: Gladstone Road West</p> <p>Amend the second paragraph as follows:-</p> <p>Providing that consideration is given to other policies within this plan, the following development will be allowed <u>supported</u>:</p>	When determining planning applications, the LPA 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" should be replaced with "supported."	Agree with modifications.
Pages 26-27 SA6	<p>SA6: Sovereign Centre and car park</p> <p>Amend policy as follows:-</p> <p>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.</p> <p>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 <u>supported for a high-density scheme to deliver a mix of uses including:</u> and should comprise:</p>	For clarity	Agree with modifications.

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	<ul style="list-style-type: none"> • Appropriate town centre uses, including retail A1 floor space in accordance with BAP9 • Residential and/or student accommodation on the upper floors • <u>Parking.</u> <p><i>Any submission should include a</i> A robust parking study and impact appraisal to assess parking requirements, the methodology of which should be agreed by the local highway authority.</p>		
Page 27 BAP11	<p>BAP11: Priority improvement projects</p> <p>Delete policy from this part of the plan.</p>	The 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.	Agree with modification.
Page 28 Paragraph 2	<p>Conclusions and recommendations</p> <p>Paragraph 2: The general text in the plan should be modified to conform with the policy modifications</p>	For consistency with recommended policy modifications.	Agree with modifications.
Page 28 Paragraph 5	<p>Conclusions and recommendations</p> <p>Paragraph 5: The HRA recommends that the following text at an appropriate point within the Neighbourhood Plan</p> <p><u>Project level HRA and the provision of SANG/HIP capacity</u></p>	The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening meet the EU Obligation. However the HRA concludes	Agree with modification.

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	<p><u>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</u></p>	<p>that, with this recommended text, there is certainty that strategic provision for Dorset Heathlands will be secured. No adverse effects on European site integrity can therefore be concluded.</p>	