
Report to Bournemouth Borough Council

by Geoff Salter

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 30 November 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE BOURNEMOUTH TOWN CENTRE AREA ACTION PLAN

Document submitted for examination on 16 November 2011

Examination hearings held between 9 and 11 May 2012

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Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
AHVA	Affordable Housing Viability Assessment
AMR	Annual Monitoring Report
CD	Core document
CS	Core Strategy
DHPF	Dorset Heathlands Planning Framework 2012-2014
HMO	Houses in Multiple Occupation
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
#	paragraph

Non-Technical Summary

This report concludes that the Bournemouth Town Centre Area Action Plan (AAP) provides an appropriate basis for the planning of the Town Centre over the next 14 years, providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

The modifications can be summarised as follows:

- Insertion of a model policy on the presumption in favour of sustainable development to reflect the provisions of the National Planning Policy Framework (NPPF);
- Clarification of the way financial contributions will be sought for infrastructure works and improvements
- Modification of the policy context for identified sites including those at Glen Fern Road (A12) and Exeter Road Car Park (A17)

Introduction

1. This report contains my assessment of the Bournemouth Town Centre Area Action Plan (AAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph (#) 182 of the National Planning Policy Framework (NPPF) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (November 2011) which is broadly the same as the document published for consultation in August 2011. The examination hearings took place after the NPPF was published in March 2012 and a round of consultation had occurred. I have taken into account all written responses and oral evidence given at the hearings in May 2012.
3. My report deals with the main modifications that are needed to make the AAP sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. An initial round of main modifications that go to soundness was put forward by the Council in June 2012. Another set of modifications concerning the development principles for the Exeter Road site (A17) MM which I consider necessary to make the Plan sound was published in September 2012. All proposed modifications have been subject to public consultation and, where necessary, Sustainability Appraisal (SA). I have taken the consultation responses into account in writing this report.

Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. The AAP has been prepared alongside the Bournemouth Plan Core Strategy, which I found to have met the statutory requirement regarding co-operation with other authorities and statutory bodies. The Council submitted a statement to the CS examination which provides background material concerning the long-established arrangements for joint working in South East Dorset.¹ The levels of development planned in the AAP are consistent with the CS and there is no evidence that the consultation procedure has omitted any organisation that would have had a direct interest in the Plan. Similarly, there have been no representations that the duty has not been met properly. In these circumstances I conclude that the duty to cooperate has been met.

¹ CS CD H8

Assessment of Soundness

Main Issues

6. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified four main topic areas where issues upon which the soundness of the Plan depends have been raised.

Issue 1 – Spatial strategy

Does the AAP present a clear spatial vision for the town centre, recognising its distinct qualities and specific communities? Are the proposals for the Triangle and Lansdowne areas justified and deliverable?

7. The broad thrust of the AAP is to identify at the local level of the town centre how the development necessary to achieve Borough-wide policy objectives will be implemented. The town centre contains most of the sites for housing and commercial development that have been specifically identified in the Development Plan Documents (DPDs) contained in the Local Development Scheme (LDS). The AAP sets out clearly the role of the town centre as the sub regional focus for retailing, employment in services and the hotel and leisure industry, which accords with the continuing thrust of the government's 'town centre first' policy in the NPPF². The concept of sustainable development is embedded within the AAP but the Council has put forward a new policy and explanatory text setting out a presumption in favour of sustainable development **[MM1]**. It directly reflects the NPPF and is necessary for soundness.
8. The Triangle area occupies a transitional position between the town centre and residential areas to the west. The strategy to retain a range of uses within the area to help support town centre residents, to prevent evening uses dominating the area and to strengthen its role as a distinct urban community is consistent with the sustainability objectives of the NPPF and is justified by the evidence base.³
9. The report on the soundness of the CS has already dealt with the key policy issues for the Lansdowne area. This important part of the town centre provides a scarce resource of employment land, which should not be lost to other uses without very good reason. Despite the difficulties of promoting the local office economy here, Policy CS7 of the CS provides a more flexible approach to allow a wider range of employment uses than the previous Local Plan. I share the Council's concerns that even more flexibility to allow residential use on a large scale in association with university campus development would not optimise the benefits of developing the area. I see no reason why this updated policy context would not provide the basis for a successful expansion of the university, through encouraging new business development in smaller units suitable for start up enterprises, the new technology sector, sciences, media and businesses related to the leisure industry. The policy context is justified by the evidence, including the recently

² # 23

³ CD DD69, pp127-8

completed GVA Lansdowne Office Viability Study⁴, and is sound. I deal with proposals for one particular site (A6) below.

Issue 2 – Housing

Will the Plan deliver the expected numbers of new homes within the planned timescales? Will an appropriate standard and mix of housing, including family and affordable homes, be delivered?

10. The plan provides detailed guidance for 31 sites, many of which are identified as suitable for either full or partial residential development. I consider the detailed implications for housing delivery on some of the sites below. In summary, the Council's overall target to provide some 1500-2000 new dwellings in the town centre up to 2026 appears optimistic. By way of example, from evidence discussed at the hearings, there are doubts about the deliverability of three sites planned to come forward in the third five year period of the plan: A1 Asda, A6 Christchurch Road, A14 Holdenhurst Road. Two of these are occupied by national retailers who have shown no real interest in redevelopment and the other lies within the Lansdowne employment area where predominantly commercial or R & D development will be sought. On other sites, such as A21, dependent on an office scheme coming forward, and A25, where permission has been granted for a reduced residential element of a mixed use scheme, a lower number of dwellings may be realised. However, residential proposals on each site are sound in planning terms and it is possible that the lower end of the dwelling range could be achieved. Any shortfall would have implications for the proposed review of the CS rather than fundamental changes to the AAP.
11. As indicated in the report on the soundness of the CS, I retain real concerns about the mix of housing. Past experience of housing delivery in or near the town centre indicates that a very substantial proportion of new dwellings have been one or two bedroom flats. There is no evidence to counter the assumption that this trend is likely to continue over the plan period. The guidelines for many of the sites include residential numbers that are compatible only with high density development in flats. When assessing the location and characteristics of individual sites, in many instances it is not realistic to expect them to deliver the family housing that the CS says is needed. However, the overall balance of the housing mix within the Borough is more properly a matter for monitoring of the CS objectives through the Annual Monitoring Report (AMR) and the required early review of the strategy, rather than modifications to the AAP.

Issue 3 – Transport and parking

Is the parking strategy justified? Should more car-free development be encouraged within the town centre in order to meet climate change objectives?

12. Policy T1 recognises the need to promote sustainable forms of transport and the parking strategy is backed up by the evidence of the Parking Strategy⁵ and the Bournemouth Transport Strategy.⁶ The AAP seeks to maintain capacity in

⁴ CD DD5

⁵ Bournemouth Town Centre and Lansdowne Parking Strategy (DD9)

⁶ DD10

the car parks at the current level, which is adequate to meet expected needs up to 2016. However, as further development creating additional demand takes place throughout the rest of the Plan period, real capacity will decrease in relative terms. The proposals are to fill the deficit by investment to increase public transport use and encourage more sustainable modes such as walking and cycling.

13. I appreciate concerns that the parking strategy does not go far enough to discourage car use, taking into account health problems and obesity in particular. However, the desirability of improving the levels of activity of Bournemouth residents through disincentives to use their cars has to be balanced with the need for local businesses and employees, visitors and shoppers to use a car for a number of purposes. The provision of convenient parking in town centres to ensure they retain vitality and viability is recognised in #40 of the NPPF. I note that the SA took into account the important objectives of creating a healthy environment. I consider the AAP goes as far as it realistically can in encouraging modal shift while supporting business and the local economy. Other factors outside of the planning system will have to come into play to achieve further shifts in behaviour and improved health; these may include education programmes, advice on diet and individual exercise regimes.

Will the Plan be effective in delivering improvements to the Travel Interchange and other highway schemes? Is there sufficient clarity about expected developer contributions?

14. The Local Transport Plan⁷ contains provisions for the delivery of the Travel Interchange and a significant financial contribution has been identified for 2012-13. A larger sum has been awarded from the Department for Transport (DfT) for bus improvements in Bournemouth, Poole and Christchurch. Other funds may be available in future years.
15. The Council has identified the infrastructure needed to mitigate the impact of future development in the Infrastructure Delivery and Implementation Document.⁸ Developer contributions could be collected through a variety of mechanisms at present and the Council has acknowledged that these could change in the short term future as CIL is progressed. Some modifications to provide some flexibility depending on the circumstances of each case and to clarify what mechanisms may be used have been put forward by the Council; these are necessary to ensure the AAP will be effective and therefore sound. **[MM4-5, 9-10,11].**

Issue 4 - Allocated sites

Are the development principles for the following allocated sites justified, realistic, viable and deliverable?

A1 Asda

16. The Asda store at St Paul's Road has been operational for many years. The Council indicated that there was evidence of undertrading, possibly as a

⁷ CC3

⁸ DD18

consequence of its position isolated from other uses except a bus interchange and the volume of traffic on the roads encircling the store. Past experiences of some anti-social behaviour may also have had a detrimental impact on trading. There was no evidence from Asda as to the operator's future intentions and no indication that the company would be seeking to redevelop the store, as the AAP indicates. However redevelopment is not expected within the first 5 years of the plan and the proposed mixed uses, including replacement convenience retail floorspace and about 100 residential units, do not conflict with the CS. While there must be some doubt about future delivery as expected in the housing trajectory, the allocation is not unsound.

A6 Christchurch Road

17. This large area forms part of the Lansdowne Employment Area, where policy CS7 of the Core Strategy seeks predominantly employment uses. The area already contains some significant office buildings along the Christchurch Road frontage, as well as some car parks and a vacant site at the junction with St Swithun's Road. Given the size and nature of existing development, it is difficult to imagine that the re-development of these buildings would be viable for several years. The comprehensive scheme sought by the AAP is highly optimistic but parts of the area may become available for new development. Subject to a modification, Policy A6 allows for this outcome and is sound. **[MM17]**

A7 Commercial Road

18. Although most of this area is well developed and forms part of the core/primary shopping area, there appears to be some scope for development behind the main frontages which would be suitable for comparison retail floorspace. This would accord with the longstanding town centre first policy carried forward into the NPPF and would provide an opportunity for environmental improvements. A modification to allow for partial development in accordance with a comprehensive plan is needed for effectiveness **[MM18, 19]**

A12 Glen Fern Road

19. Policy A12 seeks the comprehensive development of this site, which lies behind the main Christchurch Road frontage. The area contains a number of buildings in different ownerships and delay could occur if an absolute requirement for one redevelopment at the same time were to be set out in the AAP. The removal of the Glen Fern Road multi-storey car park would be potentially very costly and similarly, there is no evidence that the redevelopment of Mercury House, the circular office block at the western end of the site, would be viable. The Council has agreed to a modification **[MM20, 21]** which would allow individual sites to be developed in accordance with a comprehensive plan. Although the explanatory text retains a reference to a planning brief, I consider the AAP contains sufficient flexibility to allow continuation of existing uses or partial re-development if a comprehensive scheme is not viable in the short or medium term. The modified policy is justified and would be effective.

A17 NCP Exeter Road

20. The car park at Exeter Road is a key site at a focal point in the town centre. The original bus station on the site ceased operating many years ago and most bus services now pass through or arrive and depart from Gervis Place. The site has been identified for a mixed use scheme which includes a bus hub and shopmobility scheme as essential requirements.
21. The justification for this element of the site proposals was put forward at a relatively late stage in the evolution of the plan. The need for the bus hub was not mentioned in the initial issues and options document in the early stages of preparation of the AAP. At Detailed Options stage, three options were considered, none of which specifically referred to the Exeter Road car park. At Preferred Options stage the Council proposed to improve the existing arrangements for buses based on Gervis Place, and referred to use of the NCP site as a bus hub.
22. Gervis Place is an important focal point in the town centre and the bus facilities bring passengers travelling along the key Poole-Bournemouth – Christchurch route right into the heart of the main shopping area. The Council argue that new bus arrangements are needed because of congestion in the street and along the footways, caused by the number of services and in particular the number of buses parked at any one time. As I saw, these create visual obstructions for pedestrians crossing from the Pleasure Gardens to the shopping area and pedestrian movement along Gervis Place is constrained to an extent by bus shelters and waiting passengers.
23. I recognise that improved bus services are an important element of a key objective of the plan to encourage sustainable transport, in accordance with the main thrust of government policy in the NPPF. While a new bus station may be desirable in its own right, the existing arrangements generally work well and congestion problems are not severe. There were no serious accidents in Gervis Place over the five years to February 2012 and only a couple of minor injuries that might possibly have been related to the layout of the facilities. The Plan seeks to retain bus services in Gervis Place with ‘associated rationalisation and environmental improvements’ in any event, with the agreement of bus operators. A significant part of the congestion problem concerns stopover buses, not through services. There was little evidence that other solutions to this issue, such as using existing road space at the Triangle or elsewhere in the town centre, had been considered thoroughly.
24. Another important factor weighing against a firm requirement for the bus hub at Exeter Road is the proposed redevelopment of the site. A planning permission for a development of a multi-screen cinema, restaurants and car park was granted by the Council in 2007 and renewed in February 2011. Although the scheme was put on hold following the recession in 2008, the developers gave evidence that funding had been obtained, tenants found and they were ready to proceed. The proposals for an investment of about £55m in appropriately located town centre uses would provide a stimulus to the Bournemouth economy fully in accordance with the government’s policy to secure economic growth in sustainable locations.
25. A minor revision to the scheme to exclude Council-owned land was

recommended for refusal of permission in May this year because it did not include a bus hub. The applicant went to appeal for non determination. As the Council acknowledged, there is no firm evidence that the type of scheme envisaged in the AAP, comprising a retail-led mixed use development as well as the bus hub and 'shopmobility scheme' is viable or likely to be so in the near future. The Council commissioned a feasibility study by Terence O'Rourke which showed that the bus hub could be incorporated into the physical design of the buildings, albeit with some difficulty. However, the very limited financial comments in that document state that none of the scheme options would make a profit and would require significant gap funding. By contrast, no meaningful discussions appear to have taken place with the owners and prospective developers of the site, who state that a bus hub scheme would not be viable. The Council has no other detailed viability appraisal to support its case that the proposal could be delivered. Although the Bournemouth Development Company may be able to help bring forward an alternative scheme for the site, no detailed work had been undertaken. Any Council-led proposal would quite possibly require the use of compulsory purchase powers and would be likely to take several years to come forward.

26. The NPPF⁹ states that Local Plans should be 'aspirational' but also 'realistic'. Whilst improved bus services are an important part of the Plan's strategy, the need for a bus hub on the site as an essential requirement in meeting this objective was not justified convincingly. On the other hand, there was evidence that the proposed development principles would at best delay or could even prevent a much needed investment on a key site in the town centre. I have concluded that this element of the development requirements for the site is not justified and the Plan would not be effective. To make the Plan sound a series of modifications are needed that delete a definite requirement for a bus hub but allow for its inclusion if it were viable. **[MM6, 7, 8, 12, 13, 14, 15 22, 23, 29]**

A25 Terrace Mount

27. The AAP sets out development principles for a residential-led scheme at the Terrace Mount site, with a suggested provision of 100 units. However, this aspiration might not be realised if a planning permission for 281 hotel bed spaces and 59 residential units, with car parking, is implemented. While this is another indication that the housing numbers anticipated in the town centre might not materialise, a previous planning permission granted approval for over 200 dwellings and the proposed housing is justified and could be delivered. The allocation development principles for the site are sound.

Other sites

28. A series of modifications have been put forward by the Council to allow for partial development of allocated sites rather than require complete comprehensive development at one time. These are necessary to enable viability and delivery. **[MM 25-27]**

⁹ # 154

Other matters

Is there sufficient information about funding and delivery of key proposals?

29. Section 7 of the plan sets out information about delivery and this is expanded in the Infrastructure Delivery and Implementation Document.¹⁰ Some of the more fundamental delivery issues with proposals for allocated sites have already been explored above. Many of the sites already have planning permission for the uses identified in the Plan. The Bournemouth Development Company has been established as a local asset backed vehicle with a private sector partner to help deliver schemes which will rejuvenate the town centre. However, in response to some objections the Council has put forward some modifications which provide greater clarity about the funding of environmental improvements through financial contributions, similar to those applying to transport proposals. These would make the Plan effective. **[MM2-3, 16, 28]**

Is the overall strategy reasonably flexible and does the Plan contain adequate mechanisms for monitoring, to ensure its effectiveness?

30. The inherent approach of the plan is to seek housing and employment growth in the town centre and to set the planning context for a variety of ways in which these broad objectives could be achieved. Table 7.1 in the implementation chapter of the Plan sets out a delivery strategy for each proposal and allocated site and includes assessments of risks to delivery and possible contingencies. Adequate monitoring against key indicators such as housing completions and employment figures will be achieved through the AMR.

Assessment of Legal Compliance

31. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The AAP is identified within the approved LDS March 2009 (as updated) which sets out an expected adoption date of July 2012. The content and timing of the AAP are broadly compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	Consultation has been carried out in accordance with the commitments in the SCI adopted in December 2006, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Report was published in August 2011. The report identifies mitigation measures for the AAP policies and concludes that

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	provided these measures are properly implemented, no adverse effects on the integrity of any European Sites in the Borough are expected to result from the AAP, either alone or in combination with other plans or projects.
National Policy	The AAP complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The AAP is in general conformity with the RS, as far as those provisions which remain up to date.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The AAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

32. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
33. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Bournemouth Town Centre Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

GS

Inspector
