



Report to Plymouth City Council

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

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO
THE CENTRAL PARK AREA ACTION PLAN**

Document submitted for Examination on 20 December 2007

**Examination Hearings held on 3 and 4 June 2008 at
Jurys Inn, Exeter Street, Plymouth**

File Ref: LDF 000464

1 Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the Independent Examination of a development plan document (DPD) is to determine:
 - (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document; and
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the Central Park Area Action Plan ("the AAP") in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act. For the avoidance of doubt, Planning Policy Statement (PPS) 12, published on 4 July 2008, and the requirements of the 2008 amending regulations, do not apply to this Examination.
- 1.3 My role is to consider the soundness of the submitted AAP against each of the tests of soundness set out in PPS12 (2004). In line with national policy, this AAP is presumed to be sound unless it is shown to be otherwise by evidence considered during the Examination. My report firstly considers the procedural tests, and then deals with the relevant matters and issues considered during the Examination in terms of the tests of conformity, coherence, consistency and effectiveness. My overall conclusion is that the AAP is sound, and no changes are needed in this respect. However, the Council wishes to make some detailed changes that are not soundness matters, and my report sets out all the detailed changes, which I endorse as improvements to the Plan's accuracy and clarity.

2 Procedural Tests [Soundness Tests (i)-(iii)]

- 2.1 The AAP is contained within the Council's Local Development Scheme, the updated version being adopted in July 2007. There, it is shown as having an Examination Hearing date of "By August 2008". Test (i) of paragraph 4.24 of PPS12 is met.
- 2.2 The Council's Statement of Community Involvement (SCI) has been found sound by the Secretary of State and was formally adopted by the Council before the Examination Hearings took place. The SCI details how the Council will engage with all relevant stakeholders in the AAP's preparation, production and Examination stages.
- 2.3 Alongside the preparation of the AAP it is evident that the Council has carried out a satisfactory parallel process of sustainability appraisal. Furthermore, in accordance with the Habitats Directive, I am satisfied that an Appropriate Assessment – Screening Stage has been undertaken. It concludes that there would be no significant adverse impact on the integrity of the following Natura 2000 sites: the Plymouth Sound and Estuaries Special Area of Conservation (SAC); the Tamar Estuaries Special Protection Area (SPA); the Dartmoor SAC; the South Dartmoor Woods SAC; and the Blackstone Point SAC, as a result of the AAP's Policies/Proposals.
- 2.4 Accordingly, I am satisfied that soundness tests (i) to (iii) have been satisfied. In addition, the South West Regional Assembly has indicated that the AAP is in general conformity with the draft Regional Spatial Strategy (RSS).

3 Conformity, Coherence, Consistency and Effectiveness Tests [Soundness Tests (iv)-(ix)]

An overview:

- 3.1 Government guidance on what an AAP should include is contained in Planning Policy Statement (PPS) 12, and the Companion Guide. Essentially, an AAP should be a spatial plan that draws together the plans and programmes of all relevant bodies and authorities to provide the land use planning framework for areas where significant change or conservation is contemplated, with a key feature being the focus on implementation. AAPs should identify the distribution of uses and their inter-relationships, including site specific allocations, and set the timetable for the implementation of proposals.
- 3.2 As is made clear in paragraph 1.3 of the plan, this AAP is being produced because of the need to substantially improve the environmental qualities of the Park, including its recreational and sporting facilities, and to create a premier park for the people of Plymouth to enjoy. The historic and regeneration contexts for the AAP are elaborated. The AAP appropriately reflects the Vision for Central Park as set down in the Core Strategy. Key issues and locally distinctive objectives are defined. These are consistent with the Core Strategy's approach to building a high quality, sustainable City. Policies/Proposals are expressed in such a way as to promote and guide development on major sites, and targets are set for the delivery of key components of change. The Policies/Proposals contain the most important development control criteria to enable planning applications to be determined.
- 3.3 The AAP is founded on a good evidence base that is detailed in tables in each Policy/Proposal section. The evidence base includes studies on the analysis of the need for better sporting and health facilities; green space and historic landscape assessments; a habitat survey; and assessments of the economic viability of Policies/Proposals. The AAP contains a Delivery and Implementation Plan that sets down for each Policy/Proposal the implementation timescale, the body responsible for delivery, the delivery mechanism, funding, land and phasing issues. The AAP also contains a monitor and manage framework, and refers to the important role of the Council's Annual Monitoring Report in measuring the extent of success in delivery.
- 3.4 In summary, I am satisfied that this AAP is a spatial plan that reflects national guidance on this matter. It is consistent with broader Government objectives for planning for open space, sport and recreation as set down in Planning Policy Guidance Note (PPG) 17: "Planning for Open Space, Sport and Recreation". Consequently, there are only a few issues related to the AAP's soundness that require more detailed consideration, and these are:

Issue 1 – Whether Policy/Proposal CP1 proposes a level of development that would be inconsistent with the Park's primary function, and inconsistent with Government guidance on the protection of green spaces? Is it deliverable within the timescale set down in the AAP? [Soundness Test (vii)].

- 3.5 Policy/Proposal CP1 provides for the development of integrated and state of the art leisure facilities located on the western side of the park. These would replace the existing Mayflower Sports Centre and Central Park Swimming Pools complex. A range of possible uses are specified but the

Policy/Proposal is flexible in as much as it does not *require* any particular facility to be built. Comprehensive development control criteria are then listed. Important amongst these is the requirement for a high quality landmark building that would be consistent with the City's regeneration strategy and the sub regional and regional role that such a facility would have.

- 3.6 In terms of the principle of replacing the rather outdated sports facilities in this part of the Park with a more comprehensive facility, this is supported by the draft RSS, and clearly signalled in the adopted Core Strategy. The AAP's Vision is to "create an outstanding venue of regional and national significance for active recreation, health, art, education, culture and the environment....". The evidence to support better and more sport and recreation facilities in order to improve the health of Plymouth residents is well documented in the report "Our City's Health" (2005). The Hearings revealed further support for the concept, if not the scale, of the proposal. I have therefore considered whether both the scope and scale of the Policy/Proposal is supported by the best evidence available, and would be the most appropriate option in all the circumstances.
- 3.7 It is clear that the 1928 Mawson master plan for Central Park envisaged a comprehensive leisure facility with a range of facilities which would have complemented the substantial open spaces in the heart of the City. This comprehensive facility was not completed, and I agree with the Council that what is proposed by the AAP would, in many respects, fulfil the original vision for the Park as a social centre. Inevitably, providing a better range of facilities to modern space standards will involve a larger mass of buildings on the site, and I have considered the arguments for and against the loss of park land in order to accommodate a much larger buildings complex than exists at present.
- 3.8 The area of land included in the Policy/Proposal is some 6 hectares but the net potential change from open space to built development would be less at some 4.6 hectares bearing in mind that the Swimming Pools complex would be demolished and the land revert to open space. The Policy/Proposal rightly does not specify the extent of site coverage or building mass but provides the area within which a high quality building, with the necessary linkages to the Plymouth Argyle Football Stadium, could be built. At the Hearings the Council referred to the detailed negotiations with developers that would need to be carried out but suggested that the phase 1 facilities in the Policy/Proposal could be accommodated within a building of some 12,000 sq m floor space, some of which could be at first and second floor level. Clearly, as the Council's Hearing statement at paragraph 14 makes clear, the entire allocated site would not be built upon, and there would therefore be ample scope for landscaping around the proposed building. I agree with the Council that it is not possible, nor would it be appropriate, for the AAP to predetermine the exact scale and composition of a building on the allocated site. That will be a matter for the Council to decide when a planning application is submitted.
- 3.9 In terms of the current use of the land within the CP1 allocation, the two areas of existing open space that could, potentially, be lost to development are Pellow's Field, which is used to accommodate circuses and other similar events, and an area used as playing pitches. The latter will need to be re-provided elsewhere in the Park or outside in order to comply with Core Strategy Policies CS30 and 33. In respect of the current use and value of Pellow's Field, there is no evidence to suggest that this occasional use could not be accommodated elsewhere within the Park.

- 3.10 As for the impacts of building the Life Centre, the potential nature conservation impact has been raised. However, the Council is well aware of the nature conservation value of open land in the Park. There is no specific evidence on how biodiversity would suffer. Core Strategy Policies CS18 and 19 require development proposals, which will include the Life Centre, to achieve a net gain in biodiversity. The AAP itself, at paragraph 2.8, states that *"at the heart of the AAP's strategy for change is the protection and enhancement of the Park's valuable green spaces, wildlife habitats and landscape quality"*. Therefore, I am satisfied that there is appropriate policy protection for the Park's important and valued wildlife assets
- 3.11 The effect of concentrating facilities in the Life Centre and the consequent number of users and vehicles that would be attracted was also raised at the Hearings. I am aware of the substantial traffic volumes already using Outland Road, as one of the main arterial routes to the City centre, and also the traffic attracted to Plymouth Argyle on match days. Nevertheless, locating development simply on the basis of avoiding traffic congestion would not be the appropriate solution. The Life Centre can be built in one of the most accessible locations using buses and the High Quality Public Transport network being developed by the Council. In addition, encouraging behaviour change in travel modes goes hand in hand with the purpose of the Life Centre in supporting more healthy lifestyles. CP1 already contains quite extensive requirements to encourage non car based travel, and I do not consider that the AAP needs any change in this respect.
- 3.12 I have also considered the argument that the Life Centre would concentrate too many facilities in one place, at the expense of other parts of the City. However, I support the Council's counter case that there are economies of scale in concentrating facilities in one location, especially for facilities such as swimming pools that are expensive to provide and maintain and therefore need a critical mass of users to remain viable. There is also the evidence contained in the City of Plymouth Green Space Assessment (2004) and the Plymouth Playing Pitch Strategy (2007), which both point to the net increase in green space being provided across the City. Conversely, there is no evidence on the viability of any specific alternative sites for some of the facilities proposed at the Life Centre. I do know that there will be a new sports hub provided for the eastern part of the City as part of the development of Sherford and major residential development at Plymstock. Consequently, I do not agree that the Life Centre proposal would be implemented at the expense of other parts of the City.
- 3.13 I am persuaded therefore that Policy/Proposal CP1 would be consistent with the primary role of Central Park, both as expressed in the original Mawson plan and as expressed in the Core Strategy and the Vision in this AAP. Furthermore, Government guidance in the form of PPG 17 is concerned to protect open space but where open space is to be lost, it also encourages, at paragraph 13, qualitative improvements to open spaces, sport and recreational facilities. I am convinced that the Life Centre would bring about qualitative improvements both to the sport and recreational facilities there and to the rest of the Park, and therefore accord with this guidance.
- 3.14 Finally, reference was made at the Hearings to the possibility that the Life Centre would not be deliverable, having regard to financial constraints on the City Council. The best evidence I have is that the Council is fully committed to this project, Council officers have been instructed to proceed with it, and an appropriate budget has been allocated in order that

preparatory design work can begin this year. Therefore there is insufficient reason for me to question the deliverability of the Policy/Proposal. My overall conclusion is that Policy/Proposal CP1 is the most appropriate in all the circumstances, and is sound. It follows that no changes to the AAP are required.

Issue 2 – Whether Policies/Proposals CP2, CP5 and CP6 are the most appropriate in all the circumstances. [Soundness Test (vii)].

- 3.15 Policy/Proposal CP2 aims to deliver major improvements to Home Park Stadium and support Plymouth Argyle Football Club's programmes for improvement of the facilities there. Paragraph 4.17 of the AAP makes clear that CP2 is a fundamental component, along with the Life Centre, in achieving a high quality facility at Central Park. The question for examination is whether the list of possible facilities included in the Policy/Proposal accords with Government guidance and is consistent with the draft Regional Spatial Strategy and the Core Strategy.
- 3.16 The possible uses included in CP2 are ones that can be found commonly at football stadiums around the country. The uses are consistent with the guidance in PPG17, at paragraph 21, where it states that leisure facilities, entertainment and retail uses may have similar land use characteristics. The Policy/Proposal does not require any particular combination of facilities but provides an indication of those uses that might be permitted subject to compliance with a number of detailed development control criteria. Important amongst those is a requirement to produce a plan to manage the transport and parking needs arising from development to address local concern over the additional traffic likely to be attracted.
- 3.17 I am confident that the intention of this Policy/Proposal to complement the Life Centre's facilities will produce a regional, as well as City, centre of sporting excellence. This will accord with the draft RSS and with the Core Strategy's Area Vision 7 and Policy CS02 which aim to significantly raise the standard of facilities and buildings in Central Park to contribute to the City's growth agenda. The AAP's Strategic Environmental Appraisal recognises that the improvements made to the Policy/Proposal following the Preferred Options Stage will have a positive impact on leisure, civic distinctiveness, cultural heritage and the local economy.
- 3.18 I note that the boundary of the CP2 allocation is quite tightly drawn to encompass the existing Stadium and the car park in front of the southern spectator stand, which is clearly in need of improvement to bring it up to the standard achieved already for the majority of the Stadium. There is ample scope for redevelopment in this highly accessible location without infringing on any of the Park's green space. I agree with the Council that it is important for the Policy/Proposal to provide sufficient commercial incentive for development to happen, and high quality improvements to be made to a rather neglected part of Central Park. No alternative wording for the Policy/Proposal has been put forward, and I conclude that CP2 is the most appropriate in all the circumstances.
- 3.19 Turning to CP5, this aims for a comprehensive retail and residential redevelopment at a prominent corner site at Peverell Park Road/Outland Road. The evidence under pinning CP5 points to one of the current failings of Central Park in its lack of imposing and inviting entrances. This Policy/Proposal is intended to remedy this deficiency at the Park's northern

end, and would do so in a striking way. The Policy/Proposal would also help fund needed improvements to the Park's infrastructure generally

- 3.20 I accept that implementation of the Policy/Proposal would involve some loss of trees and allotments in this part of the Park. However, there is ample scope and imperative to replace trees and habitats lost with better specimens, as required by Core Strategy Policies CS 18 and 19. In addition, the AAP is clear that the under used allotments lost will be compensated by Policy/Proposal CP4. I am also confident that the issue of overlooking of the children's playground from the proposed residential element of any scheme could be addressed via Core Strategy Policy CS32 and through CP5 itself, which requires enhancement of the playground. I am therefore satisfied that CP5 is sound and the AAP needs no amendment.
- 3.21 Finally, in relation to CP6, this Policy/Proposal provides for limited residential development at Pennycomequick to improve the townscape at the end of existing terraces of houses where they abut the southern end of the Park and to provide an inviting Park entrance at this point. I saw that the part of this allocated area fronting Alma Road is already being developed but the issue remains whether taking open land from the Park to implement the remainder of the Policy/Proposal is justified by the evidence.
- 3.22 I consider that an improvement in the relationship between built development and the edge of the Park is indeed justified and required. Further limited residential development would be consistent with the Area Vision, Objectives 3 and 5, as it would round off the existing terraces of houses and provide the opportunity to raise significantly the quality of the built environment of this part of the City. By providing for a degree of overlooking it would also improve security and therefore the attractiveness of the Park. The loss of usable green space as a consequence of the Policy/Proposal would be minimal due to the sloping nature of the land and the lack of any natural or man made feature that encourages better use at present. The quality of the Park as a whole would benefit additionally from the developer contributions expected by this Policy/Proposal. Accordingly, this part of the AAP is also sound and no change is justified.

Issue 3 – Whether Policies/Proposals CP5 and 6 are inconsistent with Government guidance and the Core Strategy in not providing for a proportion of affordable housing? [Soundness Tests (iv) and (vii)].

- 3.23 Policies/Proposals CP5 and 6 provide for residential and other development on the edge of the Park. They seek to achieve Objective 6 of the Plan, which is to improve and strengthen the relationship between the Park and the surrounding City in a sustainable manner. In the region of 123 dwellings could be provided by these two Policies/Proposals, but none of these would be affordable. This is made explicit in paragraphs 7.10 and 21. The issue turns on whether this lack of provision for affordable housing is justified in these cases.
- 3.24 Core Strategy Policy CS15 sets down the expectation that at least 30% of all new dwellings will be affordable, which is in line with the guidance in the draft RSS and consistent with the need identified in Plymouth's Housing Market Assessment. Both CP5 and CP6 are qualifying sites in that more than 15 dwellings could be provided. On this basis, there is a prima facie case to require an element of affordable housing on these sites.

- 3.25 However, I am persuaded by counter arguments put forward by the Council. These are that the main purpose of these two Policies/Proposals is not to provide sites for residential development as such. Indeed, given the capacity of the City to provide additional housing, including the very significant element of previously developed land, and having regard to the level of public opposition to further development in the Park, I agree that it would be difficult to justify taking land from the Park simply to meet City wide housing requirements. What is clearly more important within the context of this AAP is to deliver the Area Vision. The residential element of CP5 and 6 should, rightly, be seen as a form of enabling development, which I note has been reduced in scope from the Preferred Option stage in response to comments made.
- 3.26 In the case of CP5, I support the Council's approach in that the redevelopment of this prominent corner site, as proposed, would provide a significant landmark entrance to the Park that would enhance the Park's image and attractiveness. CP6 would provide a much needed improvement in the relationship of the existing urban form to the Park's southern edge. In both cases, residential development will allow for contributions to be made to enhancements to the Park, thereby increasing its attractiveness, usability and value. Core Strategy Policy CS33 underpins the approach being taken by the AAP in this respect. Furthermore, paragraph 16.11 specifically refers to the need to support strategically significant projects such as the Life Centre at the Park. There is clearly a limit to the level of public benefit that can reasonably be expected from development. If too much is required, then development would be jeopardised and nothing achieved.
- 3.27 Therefore, I conclude that the approach taken by CP5 and CP6 in not seeking an element of affordable housing is justified. I am convinced that the need to secure enhancements to the Park is greater than the need for affordable housing on these two sites. I recognise the argument that not requiring affordable housing may be used as a precedent to argue for not requiring it on other sites. However, I am satisfied that there is no lack of commitment on the Council's part to see a substantial increase in affordable housing in the City as a whole. It will be for the City Council to ensure that its targets are reached in this respect. The approach taken in this AAP is the most appropriate in all the circumstances, is founded on robust and credible evidence, and is sound in this respect. It follows that no changes are needed.

4 The Other Tests of Soundness

- 4.1 There is nothing that causes me to question whether the other Tests of Soundness, not considered above, have been met.

5 Minor Changes

- 5.1 The Council wishes to make several minor changes to the submitted AAP in order to clarify, correct and update various parts of the text. Although these changes do not address key aspects of soundness, I endorse them on a general basis in the interests of clarity and accuracy. These changes are in Annex 1. The Council has also identified those paragraphs that will become superfluous on adoption. Since these were included simply to assist readers to understand how the submission version has been arrived at, I am content that these can now be removed.

6 Overall Conclusion

- 6.1 I conclude that the AAP satisfies the requirements of s20 (5) of the 2004 Act and the associated Regulations, is sound in terms of s20 (5) (b) of the 2004 Act, and meets the tests of soundness in PPS12.

Douglas Machin

INSPECTOR

ANNEX 1 – SCHEDULE OF MINOR CHANGES THAT DO NOT RELATE TO SOUNDNESS, PROPOSED BY THE COUNCIL, WHICH I SUPPORT

Change Ref No	AAP Reference	Page No	Change
1	CP1	24	4. – delete the word <i>providing</i> , following the word <i>park</i> in the text and incorporate the words <i>a high quality public realm</i> in brackets.... reason: this will relate the definition to the term Social Centre more directly in the text, and resolve the misunderstanding that some people had expressed in their representations.
2	CP1	25	Final sentence delete 4 and replace with 3 to identify the correct Objective reference.
3	CP2	27	4. – delete the word <i>providing</i> , following the word <i>park</i> in the text and incorporate the words <i>a high quality public realm</i> in brackets.... reason: this will relate the definition to the term Social Centre more directly in the text, and resolve the misunderstanding that some people had expressed in their representations.
4	CP2	28	Final sentence delete 4 and replace with 3 to identify the correct Objective reference.
5	CP3	32	Final sentence delete 5 and replace with 3 and delete 4 and replace with 6 to identify the correct Objective references.
6	CP4	39	Final sentence delete 3 and replace with 2, delete 4 and replace with 3 and delete 5 and replace with 6 to identify the correct Objective references.
7	CP5	45	Add new bullet point at the beginning of the second list new item 1 to read <i>Replacement retail accommodation for existing businesses at this location</i> , Reason: this will clarify that existing businesses are being protected in the existing local centre, and resolve the misunderstanding that some people had expressed in their representations.
8	CP5	45	Final sentence delete 2 and replace with 4, and delete 4 and replace with 3 to identify the correct Objective references.
9	CP6	49	Final sentence delete 4 and replace with 3, to identify the correct Objective reference.
10	All	All	Delete "greyed" sections, sub headed "Text to be deleted on adoption".