



Appeal Decision

Site visit made on 4 September 2024

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/V1260/W/24/3340330

Land at Former Punshon Church, Exeter Road, Bournemouth, Dorset, BH2 5AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Britannia Parking against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref 7-2023-643-Y was approved on 16 February 2024 and planning permission was granted subject to conditions.
- The development permitted is continued use of the land as a temporary car park for an additional two years.
- The conditions in dispute are Nos 3 and 4 which state that: 3. Unless within: 30 calendar days of the date of this permission, an updated Car Park Maintenance Plan which includes: full details regarding initial and ongoing measures to ensure that the application site and perimeter are kept in both a clean and tidy condition and a good state of repair; and a timetable of works to address any existing and future issues which might arise; has been submitted to the local planning authority for approval; and 60 calendar days of the date of this permission, the Car Park Maintenance Plan has been approved by the local planning authority, the use hereby granted shall immediately and permanently cease. The development hereby permitted shall only be used and operated in accordance with the Car Park Maintenance Plan once approved. 4. Unless within: 30 calendar days of the date of this permission, a Landscaping Plan which includes: full details of landscaping including perimeter landscaping with planters with semi mature planting and decorative railings to replace hoardings; and a timetable of works to address any existing and future issues which might arise; has been submitted to the local planning authority for approval; and 60 calendar days of the date of this permission a Landscape Maintenance Plan has been approved by the local planning authority, the use hereby granted shall immediately and permanently cease.
- The reasons given for the conditions are: 3. To safeguard the visual amenities of the site and the setting of adjacent heritage assets and to accord with Planning Policies CS39, CS40 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and Planning Policies D4 of the Bournemouth Local Plan Town Centre Area Action Plan (March 2013). 4. To safeguard the visual amenities of the site and the setting of adjacent heritage assets and to accord with Planning Policies CS39, CS40 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and Planning Policies D4 of the Bournemouth Local Plan Town Centre Area Action Plan (March 2013).

Decision

1. The appeal is allowed in part and the planning permission Ref 7-2023-643-Y for Continued use of the land as a temporary car park for an additional 2 years at Land at Former Punshon Church, Bournemouth, BH2 5AH granted on 16 February 2024 by Bournemouth Christchurch and Poole Council, is varied by deleting condition 4 and substituting it for the following condition:

- 1) Unless within: 30 calendar days of the date of this permission, a Boundary Treatment Plan has been submitted to the local planning authority for approval; and 60 calendar days of the date of this permission a Boundary Treatment Plan has been approved by the local planning authority, the use hereby granted shall immediately and permanently cease. The development hereby permitted shall only be used and operated in accordance with the Boundary Treatment Plan once approved.

Application for costs

2. An application for costs has been made by Britannia Parking against Bournemouth Christchurch and Poole Council. This application is the subject of a separate decision.

Background and Main Issue

3. The former church which previously occupied the appeal site was demolished in 2015 and the site was cleared. Previous planning permissions for the redevelopment of the site have been granted but development does not appear to have commenced.
4. In the interim period, the site has been used as a car park. In November 2019 planning permission was granted for the use of the land as a car park for a period of two years. In 2022 planning permission granting the use of the land as a car park for a further year was granted. In February 2024 planning permission was granted, subject to conditions, permitting the use of the land as a car park for a further two years. This 2024 planning permission is the subject of the appeal.
5. The National Planning Policy Framework (NPPF) makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. The appellant believes that conditions 3 and 4 which were attached to the 2024 permission do not meet the tests set out in the Framework.
6. The Council have stated that these conditions have been imposed in order to safeguard the visual amenities of the site and the setting of the adjacent heritage assets.
7. As such, the main issue is whether or not conditions 3 and 4 of planning permission ref 7-2023-643-Y meet the tests set out in the Framework with particular regard to the effect of the proposal on the character and appearance of the area, including the setting of the nearby heritage assets.

Reasons

8. The appeal site is a parcel of land currently in use as a car park located close to the Priory Road and Exeter Road Roundabout in the Town Centre. The site has the appearance of a piece of waste ground and is surfaced with hardened aggregate.
9. The appeal site is adjacent to the Grade II Listed Royal Exeter Hotel. The Park Central Hotel (Church House) nearby is locally listed and comprises a non-designated heritage asset.

10. The proposal is for the continued use of the site as a temporary car park.

Condition 3

11. At the time of my site visit the car park contained Heras fencing in the centre and was significantly overgrown in a number of areas. Furthermore, the site was heavily littered and some parts appeared to be in disrepair with piles of rubble and other debris creating an unkempt and unattractive character and appearance.
12. The appeal site occupies a sensitive location, in close proximity to a listed building, on a key route, the Grand Garden Walk, which has been identified in the Bournemouth Local Plan: Town centre Area Action Plan, adopted March 2013 (AAP) for walking, cycling and public realm improvements.
13. Condition 3 attached to planning permission ref 7-2023-643-Y has been imposed by the Council with the aim of safeguarding the visual amenities of the site and the setting of adjacent heritage assets. This condition requires the submission and implementation of a Car Park Maintenance Plan which includes full details regarding initial and ongoing measures to ensure that the application site and perimeter are kept in both a clean and tidy condition and a good state of repair and a timetable of works to address any existing and future issues which might arise.
14. Within condition 3, the use of the term “to ensure that the application site and perimeter are kept in both a clean and tidy condition and a good state of repair” in isolation would indeed lack the precision required by the Framework. The appellant has also expressed some concern regarding the condition requiring the maintenance plan to include details of how existing and future issues would be addressed. This wording, if read as a standalone requirement, would also lack clarity.
15. However, these elements of the condition are to be read in the context of the conditions as a whole which sets out a requirement for a maintenance plan which should go on to detail the specific standards which are necessary and would provide the precision and clarity which is sought. The maintenance plan provides an opportunity for the parties to agree the detailed requirements which are necessary in order to protect the character and appearance of the appeal site and the wider area.
16. As part of a previous permission the appellant had agreed a Maintenance Plan (MP) which has been submitted as part of the evidence before me. The appellant holds that the existing maintenance plan is sufficient and would accept an amended condition requiring compliance with the MP.
17. The previous MP is a very short document which sets out how often certain maintenance tasks will take place. The plan is, however, lacking in detail and in my view lacks the specificity to ensure that the maintenance required takes place to a satisfactory standard. There are, for example, no specifics regarding timeframes or the actions to be taken should issues with one of the items reviewed arise. Furthermore, the MP does not deal with issues such as damage, graffiti or unauthorised advertising.
18. An amended maintenance plan as required by condition 4 would provide certainty and ensure that the site would be regularly maintained in such a way so as to safeguard the visual amenity of the area and to ensure that the site

would not fall into disrepair which would cause harm to the character and appearance of the area.

19. For the reasons set out above, I find that condition 3 of planning permission ref 7-2023-643-Y would be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable and would meet the tests set out in the Framework. Without the condition as imposed by the Council the development would cause harm to the character and appearance of the area and would cause harm to the setting of the Grade II Listed Royal Exeter Hotel. Due to the small scale of this proposal this harm would be less than substantial. I have not identified any public benefits of the scheme which would be sufficient to outweigh the harm which would be caused to the character and appearance of the area and to the setting of the heritage asset.
20. Consequently, the amendment of condition 3 as suggested would fail to accord with the aims of Policy CS41 of the Bournemouth Local Plan Core Strategy, adopted October 2012 (CS). Amongst other things this policy seeks to ensure that developments are well designed, of a high quality and respect the character and appearance of the site and its surroundings. The proposal would also conflict with Policy D7 of the AAP which states that the Council will pursue a high quality, well designed public realm and specifically sets out that they will seek to improve the quality of the pedestrian environment, ensuring routes are clear, attractive, safe and convenient, including those around the shopping area and the Grand Garden Walk.

Condition 4

21. Condition 4 attached to planning permission ref 7-2023-643-Y has been imposed by the Council with the aim of improving the existing appearance of the site through the implementation of a landscaping plan which would include planters and railings in place of the hoarding.
22. The Council state that the current boundary treatment in situ on site does not benefit from planning permission. This is not a matter for me to consider as part of this appeal. Nevertheless, at the time of my site visit the car park was bounded by hoarding which appeared to be in good condition. However, due to the large expanse of the site the surrounding hoarding is visually intrusive and forms a bulky, solid mass within the street scene. The site occupies a prominent and important location and is a highly visible feature in views along this key route through the city and towards the Grade II Listed Royal Exeter Hotel. As such, in my view, the existing hoarding causes harm to the character and appearance of the area and to the setting of the listed building. Once again, due to the small scale of the proposal the harm to the heritage asset is less than substantial and I do not consider that there would be any public benefits of the scheme which would be sufficient to outweigh this harm.
23. There is no doubt that the addition of high quality hard and soft landscaping would represent an aspirational and highly desirable improvement on the current arrangements. However, the planning permission is temporary and features such as planting and railings are of a more permanent nature. Planting, even if semi-mature, would take time, potentially years, to mature. I consider that requiring elements such as this would be a disproportionately arduous requirement in these particular circumstances.

24. I note that the car park has been operating in a temporary capacity for some time and accept that under the circumstances it could continue to operate beyond the two years should a further permission be granted. However, the current planning permission is a two year temporary permission and there is no guarantee of any use beyond that.
25. Accordingly, in my view, a landscaping plan with the elements as required by condition 4 would be onerous, unreasonable and would not be necessary in respect of this temporary permission. I therefore consider that condition 4 of planning permission ref 7-2023-643-Y would not meet the test of the Framework.
26. Nevertheless, a temporary boundary treatment which would not cause harm to the character and appearance of the area is required in order to make the site safe and secure. Consequently, I have amended condition 4 to require the submission, and implementation, of a Boundary Treatment Plan. Subject to this condition, the proposal would not cause harm to the character and appearance of the area or the setting of the listed building. In this respect, the proposal would accord with the aims of Policy CS41 of the CS and D7 of the AAP. In part, these policies seek to ensure that developments are of a high quality design.

Conclusion

27. For the reasons given above I conclude that the appeal should succeed in part. I will vary the planning permission by deleting one of the disputed conditions and substituting it with another.

L J O'Brien

INSPECTOR