

Supplementary Papers for Overview and Scrutiny Board

Date: Monday, 19 July 2021



6. Public Speaking

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To receive any public questions, statements or petitions submitted in accordance with the Constitution, which is available to view at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of a public question is 4 clear working days before the meeting.

The deadline for the submission of a statement is midday the working day before the meeting.

The deadline for the submission of a petition is 10 working days before the meeting.

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Question to Cllr Stephen Bartlett, Chairman of the Overview and Scrutiny Board

Agenda items 7. Update from the Local Plan Working Group and 8 Scrutiny of Regeneration, Economy and Strategic Planning Related Cabinet Reports

I set out below an extract from the draft document 'A Local Plan for Bournemouth, Christchurch and Poole – Issues and Options'

Ref	Site Address	Ward	Existing use	Suggested use	Source	Constraints	Assumed Site Density	Density generated capacity	Officer Site Capacity	Capacity at a higher density if appropriate	Suitability	Availability	Availability
CC010	Beach Road Car Park	Canford Cliffs	Car park	Residential	Existing allocation	TPO	60	.64 .2	60	0	Suitable	Achievable	Achievable

Can this entry be amended to include reference to existence of restrictive covenant please?

Members should be made aware of the importance of Beach Road car park's contribution to car parking and road safety in the area of Branksome Chine;

John Sprackling
23 Lindsay Road, Poole BH13 6AN

Background

The Branksome Park & Canford Cliffs Residents Association (BPCCRA) is concerned that the heading 'Constraints' in the listing in the report makes no reference to the fact that development of the site is severely affected by the existence of Covenants that restrict the use of the car park for public open space or car parking Any development of the site is strictly controlled to no more than six dwellings.

The Council sought to overturn the Covenants by Application to the Upper Tribunal (Lands Chamber) (UTLC) dated 27 June 2017 – Tanya Jane Coulter - Solicitor. ('The tribunal, however, did require Bop to invite people within 200 metres of the car park to object, which suggests that the UT(LC) did consider that these people might be so entitled. The Application was met with objections from 49 proximate landowners) together with representations that the car park be retained and its use encouraged. Recent well publicised parking chaos in the area around Branksome Chine by visitors to the beaches emphasises the need to retain as much existing parking as possible.

In the event, the Council withdrew its Application to the UTLC and, it is believed, costs were awarded to the admitted objectors against the Council.

The Association considers the above information to be material to the Committee's deliberations and Members should be made aware of this

John Sprackling
President – Branksome Park and Canford Cliffs Residents' Association

Response from

The Council acknowledge that a covenant exists on the car park site at Beach Road. However, as with other sites that may be subject to a covenant this is a legal issue rather than a specific planning constraint. Following the public examination of the Poole Local Plan the Inspector concluded it was appropriate to allocate the site for development and the Poole Local Plan has subsequently allocated the site for 60 dwellings. It is suggested however that officers amend the table at Appendix 1 of the local plan consultation document prior to consultation to clarify the 'constraints' column refers to 'planning constraints'. We welcome people's views on any issues as part of the local plan consultation process and urge interested parties to respond to the consultation once released.