

Recommendation Report for Removal of a Planning Obligation

REF NO: BR/154/21/PO

LOCATION: 55 & 57 West Street
Bognor Regis
PO21 1XB

PROPOSAL: Application to modify planning obligation dated 13/01/1989 under reference BR/424/88 to remove age restriction obligation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above. The 1988 planning permission (BR/424/88) included a legal agreement with a planning obligation which imposed an age restriction (those of state pensionable age or above) for occupants of the 3 ground floor flats in the development. This current application seeks to remove this planning obligation for age-restricted occupancy of these flats.

SITE AREA 0.24 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 40 dph.

TOPOGRAPHY Predominantly flat.

TREES None.

BOUNDARY TREATMENT Low painted render front wall and piers.

SITE CHARACTERISTICS The site consists of a two storey attached building, sub-divided into 8 flats, on West Street just off the Esplanade in Bognor Regis town centre. There is an area of hardstanding at the rear used for parking.

CHARACTER OF LOCALITY Coastal urban character.

RELEVANT SITE HISTORY

BR/31/94	Alterations to lower the cill height of three dormer windows on the front elevation	ApproveConditionally 11-03-94
BR/424/88	Conversion of Hotel to total of 8 flats (3 ground floor flats to be restricted to occupation by persons of State Pensionable Age).	App Cond with S106 13-01-89

Planning permission was granted in 1988 (BR/424/88) for the conversion from a Hotel to 8 flats (with 3 ground floor flats restricted to occupants of state pensionable age and above).

REPRESENTATIONS

Bognor Regis Town Council - no objection.

No other representations have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC Highways: Agree with approach that under-provision of on-site parking is acceptable in this particular case, given highly accessible town centre location, on-street permit holder parking nearby, and double yellow lines protecting from parking locally that would be detrimental to highways safety.

COMMENTS ON CONSULTATION RESPONSES:

Noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:
 Inside Built-up Area Boundary
 The Steyne Conservation Area
 Adjacent to a Locally Listed Building (59 West St)
 2km of Felpham and Bognor Reef SSSIs
 Within Zone B of Pagham Harbour SPA/Ramsar

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local

Planning) (England) Regulations 2012.

Bognor Regis Neighbourhood Plan (made 2015) is relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the removal of the planning obligation for age-restricted occupancy would not result in significant harmful on-street parking pressures or congestion nor a severe impact on highways safety and operation of the highway.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The Legal Agreement associated with the original 1988 permission BR/424/88 for these flats included a planning obligation which imposed an age restriction (those of state pensionable age or above) on occupants of the 3 ground floor flats in the development. The files associated with the original permission indicate this age restriction was imposed on these 3 flats due to a lack of on-site parking provision (by 3 spaces) and the assumption that older residents of state pensionable age or above would be less likely to own/park a car on-site so this would reduce the amount of required parking on-site.

The approved Site Plan (Oct 1988) shows the provision of 5 car parking spaces on site, at the rear of the building. The approved conversion of the Hotel resulted in 8 flats. The approved Floor Plans show a housing mix of 7 x 1 beds/bedsit studios and 1 x 2 bed.

According to current parking standards, contained within the Arun District Council Parking SPD (2020), for this site location in Parking Behaviour Zone 4, there would be a requirement for 1 car parking space per 1 and 2 bed flat. As such, there would be a total requirement for 8 car parking spaces to serve the 8 flats. As explained above, the approved Site Plan shows the provision of 5 car parking spaces on-site. Accordingly, there is an under-provision of 3 car parking spaces, as there was in 1988.

Under para 3.3 of the parking standards, ADC Parking SPD, it states "A more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres." Under para 3.2 it states "To satisfy the promotion of sustainable travel modes and choices it is considered that a 10% variation below the target parking demand value be allowed where appropriate travel option provision is provided...". For larger schemes a Parking Capacity Survey (as per para 2.13 of the SPD) is required in cases of under-provision of parking but does not tend to be required for small scale schemes.

The development consists of flats, is relatively small scale (8 flats) and is located in Bognor Regis town centre, within a highly accessible location with access to a range of sustainable transport modes, including Bognor Regis train station, local bus routes, walking and cycle paths. There is on-street permit holder parking on West Street and double yellow lines protecting from parking locally that would be

detrimental to highways safety. It is considered the age-restriction to occupants of state pensionable age or above would not nowadays necessarily mean car ownership of these occupants is less likely.

The Local Highway Authority (WSCC Highways) confirm they agree with approach that under-provision of on-site parking is acceptable in this particular case, given highly accessible town centre location, on-street permit holder parking nearby, and double yellow lines protecting from parking locally that would be detrimental to highways safety.

Given the site circumstances as described above and that age restriction in and of itself would not necessarily result in less car ownership, that the removal of the age restriction planning condition and an under-provision of parking on-site is acceptable and would not result in significant or harmful on-street parking pressure or congestion nor a severe impact on highways safety and operation of the highway. The proposals accords with the NPPF and Arun Local Plan policies T SP1 and T DM1 in this regard and the application is recommended for approval, subject to the Deed of Variation to alter the original Legal Agreement.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

The application is accompanied by a Deed of Variation to the original Legal Agreement associated with BR/424/88. The Deed of Variation was completed on 1st September 2021.

RECOMMENDATION

APPROVE

1 INFORMATIVE: This decision has been granted in conjunction with a Deed of Variation legal

agreement (completed 01/09/2021) relating to the removal of the planning obligation related to age restriction which was imposed on the original Legal agreement associated with the original planning permission BR/424/88.