

Recommendation Report for Removal of a Planning Obligation

REF NO: BR/316/19/PO

LOCATION: Flat 1 Anglesea Court
11 Victoria Road South
PO21 2NA

PROPOSAL: Application to discharge a Planning Obligation dated 06/04/1987 under Planning Reference BR/517/85 relating to age restriction.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application requests the modification of a Planning Obligation made under S52 of the Town and Country Planning Act 1971, to enable Flat 1 Anglesea Court to be occupied by persons of any age instead of the current restriction resulting from the modified agreement which currently allows occupation by any person of retirement age.
TOPOGRAPHY	Predominantly flat
BOUNDARY TREATMENT	Brick walls to sides, Timber panel fence to the rear and dwarf wall to front.
SITE CHARACTERISTICS	Two storey flatted property, red brick, gabled roof with concrete tiled roof situated on the western side of Victoria Road South within the Conservation Area Aldwick Road. The block comprises 4 flats.
CHARACTER OF LOCALITY	Predominantly residential area in the between of Aldwick Road and Bognor Regis Promenade with the Bognor Regis Sailing Club and Grade II Listed Building Culver Cottage on the opposite side of Victoria Road South and Locally Listed Buildings to the rear (Park Road) and to the south.

RELEVANT SITE HISTORY

BR/517/85	Proposed 2 Storey Development Of Four 1 Bed Flats For The Elderly	ApproveConditionally 06-04-87
BR/222/11/PO	Application to discharge a planning obligation dated 6th April 1987 under planning application ref no: BR/517/85/ relating to age occupancy restriction	Approve 02-12-11

A Planning Obligation dated 06/04/1987 under Planning Reference BR/517/85 relating to age restriction was discharged for Flat 3 under application BR/222/11/PO

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

1 letter of objection:

These flats were built for people to retire to.

No objection to a lady of 63 being able to buy this property but there should be clarification on what is "retirement age".

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Objection will be covered in the Conclusions.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

2km Buffer of SSSI Bognor Reef

Pagham Harbour Access Management Zone B

Conservation Area Aldwick Road, Bognor

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

There is no relevant policy within the Bognor Regis Neighbourhood Development Plan to be considered assessing this application.

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 it would have no materially adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

This application is for the removal of an age restriction on one flat which is part of a group of 4 flats, which were originally age restricted to occupation of state pensionable age. The restriction was imposed under a Section 52 Agreement following the approval of BR/517/85. This restriction was imposed since any future change of use from elderly occupation to unrestricted occupation would have required a greater number of car parking spaces in accordance with the Council's adopted car parking standards at the time. However, there are other material planning considerations that must be taken into account, particularly the potential impact of younger people occupying units amongst those that are still subject to age restrictions and open space considerations. There are other flats within area that are occupied by younger residents and it is not considered the removal of the age restriction would adversely affect the residential amenity of existing residents to a material extent.

It is suggested that there is no useful purpose identified for the obligations. Noise and nuisance from younger residents can be addressed via landlord management of covenants for quiet enjoyment. If there is a refusal there may be an appeal to the Lands Tribunal which the Council would find difficult to defend."

RELAXATION OF RESTRICTIONS RELATING TO OCCUPATION BY THE ELDERLY:

The current Local Plan at para.12.6.1 states that:

'Arun has one of the highest older populations (people aged 60+) when compared to other local authority areas within the County. Comparatively speaking, Arun also has a low proportion of people aged under 45 living within the District.'

Therefore, planning should seek to achieve further accommodation (housing) for the older population.

The Current Arun Local Plan states at para. 12.6.2 that:

'Having regard to the age profile of the District, the Council recognises the need to support the provision of continuing care facilities for the elderly which may take the form of any of the following:

Own homes (designed to meet the needs of the elderly)
Sheltered housing
Day care facilities
Nursing homes, and
Specialised care units'

Flat 3 Anglesea Court have had its age restriction removed through granted planning permission under reference BR/222/11/PO. Having regard to this it is considered that age restrictions of this type are no longer appropriate or necessary and as such a Policy for the relaxation of restrictions relating to occupation by the elderly is not required.

Therefore, while the provision of accommodation for the older/elderly population is important, it is considered that the aforementioned age restriction policy is not considered appropriate. Therefore, the removal of such a condition could be deemed appropriate following the appropriate assessment regarding parking and highway safety, amenity space, noise etc.

In this case, it is considered that the overall character of the development will be maintained. The development is a block of four 1bed flats which has no amenity space and car park within the rear yard (not allocated but on the base first come first served). The internal space standards will not be impacted by a change in the age of the occupier of the flat. The change of occupancy is not considered to result in any significant loss of residential amenity to the remaining residents of the flats particularly as 1 of 4 flats has no age restriction.

The site is sustainably located on bus routes and within a reasonable walking distance from the railway station which reduces the need for travel by car. In terms of residential amenity space there are parks and Bognor Regis Promenade within 97m.

CONCLUSIONS:

It is considered that the change of tenure will not result in any significant loss of residential amenity and car parking given the fact that all 4 flats within property are single bed as such not suitable for families. For reasons given above it is considered that the discharge of this Planning Obligation is in accordance with relevant policies of the Arun Local Plan. It is therefore recommended that this be approved.

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.

RECOMMENDATION

APPROVE

1 INFORMATIVE: This permission relates to Flat 1 only.