



PORTFOLIO: ECONOMY AND PLANNING

CABINET – 5 DECEMBER 2001

DEVELOPMENT AT PARISH COURT, LYMINGTON – OCCUPANCY RESTRICTION CONSENT

1. INTRODUCTION

- 1.1 The purpose of this report is to obtain approval of an application for consent to the occupation of 23 Parish Court Lymington, the consent of the Council being required by the terms of an old planning legal Agreement relating to the development.

2. BACKGROUND

- 2.1 Parish Court is a development of 32 elderly persons dwellings with a resident warden. The legal Agreement imposes an occupancy restriction to the effect that no flat is to be occupied (without the consent of the Council) by a person who has not for at least the previous 3 years, been ordinarily resident in the administrative area of the Council. The Agreement further states that the Council in giving their consent (if the proposed occupier has not been resident in the area for 3 years) will consider amongst other things 'family associations in the area'. Furthermore, the Agreement states that consent will not be unreasonably withheld.
- 2.2 Ordinarily, a matter such as this would not be brought before Cabinet. However, it is clear, that there is no specific delegated power to officers to deal with the matter.

3. THE APPLICATION FOR CONSENT

- 3.1 The lady that has applied for consent, whilst not currently resident in the area (nor has she been for the last 3 years), has close family associations in the area that would satisfy the criteria that the Council is obliged to consider under the terms of the legal Agreement.
- 3.2 In light of this fact, it is suggested that it is appropriate to grant such consent. This would be in accordance with the legal Agreement.
- 3.3 In the past, similar applications have likewise been approved.

4. RECOMMENDED FUTURE DELEGATION

- 4.1 It is recommended that the Directorate of Environment Services be authorised to determine future applications. This will mean that such applications will not need consideration by the Cabinet.

5. CONSULTATION

- 5.1 Consultation has taken place between Planning and Legal officers.

6. OPTIONS CONSIDERED

- 6.1 Refusal of the application. There would appear to be no reason why this application for consent to occupy 23 Parish Court, Lymington should not be approved.
- 6.2 Not to grant delegated authority. This is a matter which is considered appropriate for delegation to officers. The recommended delegation to the Director of Environment Services to deal with such applications in the future will mean that such applications will no longer need to come before the Cabinet.

7. FINANCIAL IMPLICATIONS

- 7.1 None directly arising out of this report.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 None directly arising out of this report.

9. CRIME & DISORDER IMPLICATIONS

- 9.1 None directly arising out of this report.

10. RECOMMENDATIONS

- 10.1 It is recommended:
- (i) That consent be given to the applicant to occupy 23 Parish Court; and
 - (ii) To obviate the need in future for applications such as this being brought before Cabinet, that authority be delegated to the Director of Environment Services to consider and decide as she considers appropriate upon future applications for consent arising from this particular legal Agreement and any similar applications for consent arising from other legal planning Agreements.

Further Information:

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Background Papers:

Planning Agreement
Application for consent