

PLANNING APPLICATION REPORT**REF NO:** FP/221/08/**LOCATION:** Tower House
Havelock Close
Bognor Regis**PROPOSAL:** Continuance of use without compliance with condition no 5 imposed under planning reference FP/166/08 relating to occupancy of garages.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is to vary Condition 5 on application FP/166/08 which inadvertently restricted the garages proposed to the use by Tower House only. However, the proposed garages were to replace and resite the existing garage which belong to 1 and 2 Havelock Court.
SITE AREA	0.0114 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick wall to front and rear. Fencing to side.
SITE CHARACTERISTICS	<p>The site is the car parking area for Tower House, which has approval for 6 one bedroom flats (FP/38/08).</p> <p>The area is tarmaced with a double garage which is concrete and dilapidated.</p> <p>Work has commenced to convert the building to flats (side extension demolished and side window boarded up).</p>
CHARACTER OF LOCALITY	Residential mix of Victoria houses and new houses. Adjacent to the car park and 1 and 2 Havelock Court. The garage is owned by 1 and 2 Havelock Court.

RELEVANT SITE HISTORY

FP/166/08/	Demolition of existing garage & erection of 2 single garages	Approve Cond 10-10-2008
FP/38/08/	Conversion and refurbishment to form 6 no. one bedroom flats.	Approve Cond 30-04-2008

The garages which were approved on FP/38/08 were to replace those belonging to 1 and 2 Havelock Court, and were resited under application FP/166/08 but the restrictive Condition 5 prohibited the use by 1 and 2 Havelock Court. This application is to correct this.

REPRESENTATIONS

Representations received:

Felpham Parish Council

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

County Highways : No highway issues.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	DEV1 DEV5	High Quality Development Parking Provision
Arun District Local Plan:	GEN7 GEN12	The Form of New Development Parking in New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG13	Transport

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an 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

The principle of car parking was approved FP/38/08 and it included the existing double garage, which is in the ownership and use of 1 and 2 Havelock Court.

Application FP/166/08 was to relocate and rebuild the double garage in order that the garage is closer to Havelock Court to enable easy access to the garages. The existing garage was to be replaced by two car parking spaces for Tower House. In short, the application was to retain the six car parking spaces for Tower House and a double garage for Havelock Court. However, Condition 5 stated "the garage building and two car parking spaces hereby permitted shall be used solely as a garage in connection with the occupiers of Tower House only and for no other purpose, including renting/leasing out". Therefore, the garage cannot be used for Havelock Court as intended.

The removal of this condition therefore will connect this in order that 1 and 2 Havelock Court can use their garage notwithstanding the garages being resited and rebuilt. With the removal of the Condition 5, overall there will be six car parking spaces for Tower House and a double garage for 1 and 2 Havelock Court.

Therefore, as the condition is not necessary and unreasonable it is recommended that the application is approved.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The garage building and two car parking spaces hereby permitted shall be used solely for the parking of vehicles and no other purpose.

Reason: To safeguard the amenities of the neighbouring properties and to ensure the provision of adequate off street parking space in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 2 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and carparking and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1 DEV5

LOCAL PLAN: GEN7 GEN12

NATIONAL POLICIES: PPS1 PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.