PLANNING APPLICATION REPORT

REF NO: LU/153/08/

LOCATION: 32, 33, 34 Fitzalan Road & 14,
16 Church Street & part garden of
18 Church Street Littlehampton

PROPOSAL: Application for the redevelopment of the site to form 60 "extra care" frail elderly apartments for the elderly plus ancillary communal facilities, associated car parking & landscaping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a fresh application for 60 "extra care" frail elderly apartments. It follows a previous approval on appeal (LU/257/07/) for 56 units at this site.

Under LU/257/07, an Inspector allowed an appeal against a refusal of a planning application for the re-development of a site to form "56 Extra Care" frail elderly apartments, plus ancillary communal facilities associated car parking facilities and landscaping.

Under LU/257/07, a three storey/part two storey terrace apartment block is to front onto Fitzalan and Church Street frontage. The three storey terrace on Church Street is to be broken up with a two storey glazed link stepped back from the road by between 6 - 7.5 metres.

Under this application, the proposal is to replace this link with 4 additional "Extra Care"' frail elderly apartments to create a total of 60 units. Instead of the glazed, stepped back link, a two storey rendered element with tile roof over is proposed. This element will be stepped back from the road by between 0.4 - 2 metres.

The remaining elements of the current application remain the same as the appeal application. This comprises a three storey apartment block stepping down to a two storey flanking onto the side of 18 Church Street and its garden. Within the rear garden area of 18 there is an area of car parking which is served by an access off Church Street that runs alongside 18. Within parts of both street elevations, the second floor is accommodated wtihin the roof and dormers. The section closest to 31 Fitzalan Road is two storey with roof over and the rear end section facing onto the gardens of 18 and 20 Church Street is also two storey.

The development will be occupied by the frail elderly. The development is to be operated as an Extra Care Scheme. This requires it to be operated as one building to provide disabled access to all parts for its residents as well as to enable the 24 hour Manager Care Staff to provide support. Within the development, there are services, laundry, kitchen, lounge, function room and dining room. These facilities are provided within the three/two storey facing onto 18 and 20 Church Street.

The applicant indicates that the minimum age for occupation is usually 60 years with a spouse of 55 years the typical new resident is a window aged 81 - 83. 23 spaces are to be provided with access off Church Street.

The applicant has put forward a Design and Access Statement, and Planning Statement and a copy of the Appeal Inspector's Report of the previous application LU/217/07. The main points of which are:

- An Appeal was held into the application for 56 "Extra Care" frail elderly apartments on this site and allowed on 18th March 2008. The principle issue at the Inquiry was whether that proposed development would harm the character of the area of which the appeal site forms part.

- In his conclusion on this issue, in paragraph 23 of the Decision Notice, the Inspector advises that the proposed development would form part of an urban area making use of previously developed land and making effective use of land for housing. He advised therefore that it would satisfy Regional Policy, Structure Plan Policy and would be a well designed development in-keeping with its surroundings.

- That scheme previously sought to provide a "glazed feature" along the Church Street frontage and neither the Local Planning Authority nor the Inspector advised that this would be a pre-requisite of achieving Planning Permission on the site. In order to use the site more effectively and meeting the needs of older people identified in Local Plan Policies DEV20 and DEV21, a revised application for an additional 4 units is now proposed.

- The principal amendment between the previously allowed scheme and that now submitted is the amount of the glazed feature and the continuation of the built form elevation along Church Street.

Given the findings of the Inspector, which are a most material consideration in the determination of this application, it is submitted that additional units would not

impact upon the Inspector's findings relating to the character of the area and would use the land more effectively providing more housing for older people.

SITE AREA	0.51 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	118 residential units per hectare.
TOPOGRAPHY	Predominantly flat
TREES	There is a Robina Pseudoacacia in the front garden of 14 Church Street. No other trees of merit.
BOUNDARY TREATMENT	On road frontages predominantly low brick walls with hedging behind within site, timber fencing separating gardens of dwellings on site.
SITE CHARACTERISTICS	Site is occupied by five two storey residential dwellings with plot widths ranging from 13m being house number 14 Church Street to 18m being house number 32 Fitzalan Road. There are spaces between these dwellings at ground floor and first floor level between 3 and 6 metres and in the case of the relationship between the rear of 34 and the side of 14 Church Street a gap of 30 metres. These properties have a plot depth of 46m on Fitzalan and 74 on Church Street. The site has a combined frontage of 122m and the existing houses are set back from the back of the footpath by between 9m and 11m. The dwellings have a low per cent of development footprint relative to overall plot size.
CHARACTER OF LOCALITY	The site is surrounded by residential development which has occurred over the last century. The houses are predominantly detached of one and two storeys. Pitched tiled roof predominate, with a variety of elevation treatments including brickwork, render and tile hanging. On the opposite side of Fitzalan Road there are non-residential developments including the library, offices and health centre. On the opposite corner to the site, on Church Street, is a three storey development of flats. There is also a three storey flatted development at the junction of St. Mary's Close and Church Street. Predominantly there are detached dwellings within Church Street.

RELEVANT SITE HISTORY

LU/124/07/	Redevelopment to form 65 "extra care" apartments for the frail elderly with communal facilities, access and car parking	Refused 29-06-2007 **Appeal:** Withdrawn

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LU/257/07/	Application for the redevelopment of the site to form "56 extra care" frail elderly apartments for the elderly plus ancillary communal facilities, associated car parking & landscaping (Resubmission of LU/124/07)	Refused 05-11-2007 **Appeal:** Allowed+Conditions 18-MAR-2008

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection : Previous objections apply and overdevelopment of site.

The previous summarised points are as follows:

- The approval of this application would have a significant negative impact on the Town Centre and notwithstanding the similar development on the other side of Church Street would create a dangerous precedent.

- The application would result in the loss of important family sized homes, the loss of which would impact significantly on the character of the Town Centre. The development is also overbearing with regard to neighbouring properties and is also an overdevelopment of the site.

- Approval of this application would fly in the face of much of the work of the many agencies to regenerate the town, particularly initiatives such as the Littlehampton Vision.

- Significant impact on local NHS services, particularly doctors and dentists.

- Anticipated that at least 60% of those people moving into such accommodation would be from outside the Town, therefore bringing greater demands on already overstretched service. These problems will be exacerbated if the Littlehampton Community Hospital is not replaced and services from Worthing Hospital reduced.

- The Town Centre of Littlehampton needs to retain a mixture of development including quality family housing. The loss of this mix will lead to long term economic decline.

- Should the application ever be successful, the Council would like to lodge its views relating to community improvements. The Health Service, Social Services and Libraries are put forward. Also bus service provision is put forward, especially as people living in these units could take advantage of free bus service. Finally, contributions should be put forward towards an improved Dairy Community Centre.

Six letters of objection raising the following main points of objections:

- All previous objections to previous Schemes apply.
- Gross overdevelopment of the site which is inappropriate.
- Further enlargement of the development is an exploitation of the judgement already obtained.

- Infrastructure is inadequate.
- Additional apartments represent a direct challenge to the Council called upon to protect the area, being of 'Special Character'.
- Applicants originally submitted an application for 65 Apartments, subsequently reducing the number of apartments to 56 which was rejected but only to be allowed on appeal.
- Site has properties of character and individuality, all of which are to be demolished to make way for yet another development of non-descript retirement flats.
- Adequate number of retirement Sheltered flats exists.
- Pressure on already overburdened doctors' surgeries, hospitals, local amenity, etc.
- Insufficient car parks.

Comments on Representations received:

An Appeal has been allowed for 56 "Extra Care" frail elderly apartments which is considered to have established the principle of this level and scale of development on site. The difference between this application and the appeal application is 4 'Extra Care' frail elderly apartments and the resultant impact taking into account the Inspector's comments.

CONSULTATIONS

Head of Highways and Transport

Consultations responses received:

County Planning - No strategic planning objection as complies with the objectives of the adopted West Sussex Structure Plan subject to compliance with following specific Policies DEV1, DEV4, DEV5, ERA2, CH1 and CH7 in the event of Planning Permission, Conditions and Information are recommended relating to archaelogical investigation, protection of trees and wildlife.

County Highways - No objections subject to Conditions.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	LOC1	Locational Strategy
	DEV1	High Quality Development
	DEV3	Infrastructure Requirements
	DEV5	Parking Provision
	NE1	Level of Residential and Employment Development
	NE3	Housing Provision
	NE13	Transport
	NE17	Roads
	CH1	Character
	CH7	Archaeology
	ERA1	Making the best use of land
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure

GEN12	Parking in New Development
DEV17	Affordable Housing
AREA17	Sites of Archaeological Interest

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
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 not materially adversely affect 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, provides for affordable housing provision and is not prejudicial to highway safety.

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

An Appeal has been allowed for a proposal involving 56 "Extra Care" frail elderly apartments which is considered to have established the principle of this level and scale of development on site. The difference between this current application and the appeal application is 4 'Extra Care' frail elderly apartments and the resultant impact taking into account the Inspector's comments.

It is considered that the substitution of a stepped back glazed link with a brick/roof tiled element closer to the frontage, will not adversely affect the character and appearance of the area taking into account the Inspector's comments.

It is the strength of comments from the Inspector in favour of the appeal proposal that results in officers considering this proposal favouably in terms of impact on the appearance and character of the area, This is borne out by paragraphs 17 and 18 of the Appeal Decision, where it is indicated:-

"17. I find nothing in the bulk, massing, scale or architectural treatment of the development that might give rise to a serious planning objection. In arriving at this conclusion, I have taken into account proposals affecting land on the west side of Fitzalan Road and the relationship of the development proposed to mostly detached, 2-storey houses on the south side of Church Street.

18. I have given careful consideration to criticisms of the development proposed in relation to houses on the north side of Church Street and recognise differences between the main parties concerning relative heights and perceptions of the physical and visual impact of the building proposed. The development proposed would inevitably appear more assertive than the houses that presently occupy the appeal Site, but I do not consider that it would dominate the street scene or appear seriously out of keeping with the area's character."

In light of the Inspector's comments, it is therefore recommended that this application is approved subject to a legal agreement securing a financial contribution towards affordable housing in lieu of on-site provision and the imposition of a lower age limit on the permanent occupiers of the apartments, 60 years or in the case of joint residency 55 years in accordance with local plan policy.

In the event that the Legal Agreement is not completed satisfactorily by 10th September 2008, then the planning application is recommmended for refusal under delegated powers on the grounds that inadequate affordable housing provision is provided and that the age limits controling occupancy to this type of development has not been secured.

RECOMMENDATION

REFUSE

1 The proposal fails to provide adequate off-site affordable housing provision by reason of a failure to provide a satisfactory legal agreement. The applicant has failed to provide an accepted and justified financial viability appraisal to form the basis of any satisfactorily affordable housing offer. The proposal is therefore contrary to the policy adopted by Arun District Local Plan to seek 40% affordable housing provision on developments of this type, PPS3 relating to affordable housing provision, policies DEV17 of the Arun District Local Plan and NE3 of the West Sussex Structure Plan.

2 The proposal fails to provide to secure the imposition of a lower age limit on the permanent occupiers of the apartments, 60 years or in the case of joint residency 55 years. Accommodation is restricted to occupation by the elderly on sites such as this where reduced carparking is considered appropriate and to ensure this type of accommodation is retained in interests of retaining a range of accommodation to meet different needs in the district. The proposal is therefore contrary to policies DEV21 of the Arun District Local Plan and PPS3 relating to the need to provide for different housing needs.