

Recommendation Report for Planning Permission

REF NO: F/4/17/PL

LOCATION: Rife Cottage
1 Station Road
Ford

PROPOSAL: Existing ancillary building to be used as a tourist unit. Resubmission of F/17/16/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the change of use of the existing outbuilding to provide tourist accommodation.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	None of any significance affected by the proposed development.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a flint wall approximately 1m in height with the rear and side boundaries consisting of picket fencing, close boarded fencing and planting.
SITE CHARACTERISTICS	The site is occupied by a semi-detached two storey dwelling with flint elevations and a slate roof. The host dwelling has previously been the subject of a two storey side extension. A detached garage is located to the north of the dwelling and the proposal is for the conversion of this existing structure.
CHARACTER OF LOCALITY	The character of the locality is predominantly rural with limited development.

RELEVANT SITE HISTORY

F/17/16/PL	Existing ancillary building to be used as a tourist unit.	Refused 17-11-2016
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Planning permission was previously refused under reference F/17/16/PL due to an outstanding objection from the Environment Agency given the absence of a suitable flood risk assessment.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A

CONSULTATIONS

Environment Agency
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

Engineers (Drainage):
No surface water drainage comments

Environment Agency:
Original consultation response dated 20th March 2017.
Objection -

1. The FRA suggests that the finished floor levels be 150mm above ground level whereas flood depth reaches 1050mm in areas when taking into account the effects of climate change, suggesting flood levels can reach 900mm above finished floor levels. This depth is considered too large for flood resilience constructions, a maximum depth of 600mm is allowable.
2. As the building is an existing one, it is unlikely that it will be able to structurally withstand the forces of flood water. This suggests that even with the use of flood resilience constructions, there is an unacceptable risk of floods breaching the property.
3. The proposed development does not have a safe means of access and/or egress in the event of flooding and no acceptable alternative option for managing the safety of people has been provided as part of the application. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event.

Consultation response dated 13th June 2017:

Objection -

- The FRA submitted with this application does not comply with the requirements set out in paragraph Section 9 & 10 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- Whilst it is stated that the existing floor levels are to be raised 600mm, information has not been provided as to what the existing ground floor levels of the ancillary building are. The Product 4 information provided by the Environment Agency gives an undefended 1 in 200 tidal flood risk level of 4.04mAOD. For any potential occupants to be safeguarded from flooding, finished floor levels will need to be above this level. Therefore the existing ground floor level needs to be provided so as a comparison can be made.
- We would also not support a void under a building, as a means of flood flow conveyance, in a severe flood scenario, due to the risk of blockages which could form.
- Additionally, as there is no available safe refuge on an upper floor, removing the need for evacuation, the evacuation procedures identified would need to be approved by the local authority's Emergency Planning Officer.
- Finally it has not been verified whether the tourist accommodation is proposed to be all year round. If it cannot be demonstrated that the building can be constructed/raised to a suitably safe level above 4.04metres AOD, all year occupancy would result in a continued objection. Alternatively if the required level cannot be achieved, but the tourist proposal is for part of the year only (i.e. April 01 to September 30) then we would be more flexible and subject to

appropriate mitigation it is possible that we could request a condition time limiting occupation.

Comments on Consultation responses:

Comments noted. The objections of the Environment Agency were relayed to the applicant but no resolution has been found and the objections of the Environment Agency remain in place.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV34
GEN11
GEN2
GEN3
GEN7

Tourist Accommodation and Attractions
Inland Flooding
Built-up Area Boundary
Protection of the Countryside
The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
SD SP2 Built-Up Area Boundary
W DM2 Flood Risk

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The Ford Neighbourhood Plan has not been made but is at Reg15 stage and as such the policies within the plan can carry limited weight in the determination of this application. It is therefore considered that policies EH6 and EE9 are considered relevant to the determination of 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 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

PRINCIPLE

The application site falls outside of the built area boundary where the principle of development is resisted. However, the building the subject of this change of use application has already been constructed and is currently used for purposes incidental to the existing dwelling. As such the proposed change of use is not considered to have an unacceptably adverse impact upon the rural character of the locality.

The proposed use could be restricted to a tourism use through the inclusion of a suitably worded condition so as to avoid the unit being used for permanent and independent residential use.

DESIGN AND VISUAL AMENITY

The proposed building will be altered externally through the addition of 2 no. high level windows on the southern elevation and the addition of bi-fold doors to the western elevation. The proposal includes the addition of decking to the west of the building measuring 10m in depth and approximately 5m in width - this decking will feature fencing to a height of approximately 1.8m on the southern and western edge with 1.1m high railings to the north.

RESIDENTIAL AMENITY

The proposed development by virtue of its design and location is not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts on the neighbouring property.

FLOODING

The application site falls is identified as falling within Flood Zone 3. The application, unlike the previous submission under reference F/17/16/PL, was accompanied by a Flood Risk Assessment (FRA). Consultation was undertaken and an objection was raised by the Environment Agency due to the proposal not being of flood resilient construction; is unlikely that it will be able to structurally withstand the forces of flood water; and that the proposed development does not have a safe means of access and/or egress in the event of flooding.

Additional information was provided by the applicant in an attempt to overcome these issues and further consultation was undertaken with the Environment Agency. However, the original objection was maintained with the following points being raised;

- The FRA submitted with this application does not comply with the requirements set out in paragraph Section 9 & 10 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) .
- Whilst it is stated that the existing floor levels are to be raised 600mm, information has not been provided as to what the existing ground floor levels of the ancillary building are.
- We would also not support a void under a building, as a means of flood flow conveyance, in a severe flood scenario, due to the risk of blockages which could form.
- Finally it has not been verified whether the tourist accommodation is proposed to be all year round. If it cannot be demonstrated that the building can be constructed/raised to a suitably safe level above 4.04metres AOD, all year occupancy would result in a continued objection.

The objections from the Environment Agency were provided to the applicant and it was advised that these should be discussed directly with them in order to identify a solution. No further documentation regarding these matters has been provided to the LPA and as such the objection of the Environment Agency remain in place.

In the absence of this information the proposal is considered to conflict with policy GEN11 of the Arun District Local Plan; Paragraph 94 of the NPPF; and policy W DM2 of the emerging Arun Local Plan.

HIGHWAYS

The proposed change of use will make use of the existing drive way to 1 Station Road and is unlikely to result in a significant increase in vehicular movements to and from the site.

SUMMARY

The proposed development is considered to conflict with relevant development plan policy and as such is recommended for refusal for the below reason.

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 and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no impacts have been identified upon any protected characteristics..

RECOMMENDATION

REFUSE

- 1 Insufficient information has been provided, by way of a Flood Risk assessment (FRA), in order to allow the local planning authority to assess whether the proposed change of use from ancillary building to tourist unit will not lead to an unacceptable level of flood risk to current and future occupiers and the application is therefore contrary to section 10 of the National Planning Policy Framework, Policy GEN11 of the Arun District Council Local Plan and Policy W DM2 of the Arun Local Plan February 2014 (Publication Version).
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.