

Recommendation Report for Planning Permission**REF NO:** LU/335/13/**LOCATION:** 63 South Terrace
Littlehampton**PROPOSAL:** Sub-division of existing two bedroom apartment to provide 2No. one bedroom apartments**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to the conversion of an existing 2 bedroom apartment to create 2 one bedroom flats, one at ground floor and one in the basement.
SITE AREA	60 square metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Frontage decorative walling to 1 metre high
SITE CHARACTERISTICS	Mid terrace 4 storey property. Brick and rendered elevations. 1st floor balcony. Property is currently divided into flats.
CHARACTER OF LOCALITY	Predominantly residential. The property is located in an area where most of the original single dwellinghouses have been converted into flats.

RELEVANT SITE HISTORY

LU/547/88	Division of first floor flat into two self-contained flats	ApproveConditionally 31-10-1988
LU/651/88	Conversion of ground floor flat into 2 No. 1 bedroom flats	ApproveConditionally 09-10-1989

REPRESENTATIONS**Representations received:**

Littlehampton Town Council

No Objection - It is believed that the statement in the planning application referring to the proposed development as being located in Flood Zone 1 is incorrect. The proposed development is in Flood Zone 3 and therefore at a high risk of flooding. Consequently, the

Town Council has no objection to the application providing that the Planning Authority is satisfied that the property has a sufficient level of flood protection.

Comments on Representations received:

The Flood Zone has been incorrectly referred to by the applicant. The Environment Agency has raised an objection on the basis of insufficient flood protection and the application is recommended for refusal accordingly.

CONSULTATIONS

Environmental Health

Environment Agency

Consultations responses received:

Environment Agency - Objection. This application has failed to meet the requirements of the second part of the flood risk Exception Test. In the absence of an acceptable flood risk assessment (FRA), we recommend refusal of planning permission until a satisfactory FRA has been submitted

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

The application site is shown to be within Flood Zone 3, a high flood risk area in accordance with NPPF. In addition, the current defences on the River Arun only offer a 1 in 75 year standard of protection.

The predicted 1 in 200 year tidal flood level for Littlehampton at today's date is 3.73m AOD. Local land levels are understood to be in the region of 2m AOD. Flood depths at this location could therefore be as much as 1.7 metres of water. If climate change is taken into account over the lifetime of the development (5.0m AOD in 2115) then these depths could be as much as 3 metres.

We have grave reservations as to whether an FRA could address these issues satisfactorily, and the applicant should seriously consider this before engaging the services of a flood risk consultant. Given the flood depths we would consider that sleeping accommodation on the lower ground floor may pose an unacceptable risk to occupants. In addition a safe evacuation route to and from the site (in accordance with table 13.1 of FD2320/TR2 Flood Risk Assessment Guidance for New Development) could not be provided based on these levels.

Environmental Health - Given the floor area of the kitchen to the lower ground floor unit and the floor area of the bedroom to the upper ground floor unit these 2 flats are only suitable for occupation by 1 person if the properties enter the private rental sector.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Class B road

Building or Structure of Character

Public sewer on site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN10	Tidal Flooding and Coastal Defence
	GEN22	Buildings or Structures of Character

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 conflict with relevant Development Plan policies in that it represents a development that would be liable to flooding.

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 subdivision of the existing flat into 2 units is acceptable. Other units in this part of South Terrace have been subdivided into numerous flats. The resultant units would generate a slight increase in activity and noise levels at the site but they would not result in material harm to residential amenity. The application is therefore acceptable in terms of residential amenity and the character of the area.

The alterations required to facilitate the conversion would be internal which would have no

adverse impact on the character of the building and would be compliant with policy GEN22 of Arun District Local Plan.

The site lies in Flood Zone 3 and is therefore at high risk of flooding. Water levels could be as high as 3 metres in this area. Given these flood depths sleeping accommodation on the lower ground floor may pose an unacceptable risk to occupants. In addition a safe evacuation route to and from the site could not be provided based on these levels. The proposal is therefore contrary to policy GEN10 of Arun District Local Plan.

The application is recommended for refusal for the following reason

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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 negative impacts have been identified upon those people with the following protected characteristics (age and disability).

Lack of easy and readily accessible exit from accommodation in the event of a flood.

The implementation of the proposed mitigation measures will not satisfactorily address the negative impacts identified

RECOMMENDATION

REFUSE

- 1 An acceptable Flood Risk Assessment has not been submitted as part of the proposal and the Local Planning Authority is not satisfied given predicted flood depths that sleeping accommodation on the lower ground floor would not pose an acceptable risk to occupants or provide a safe evacuation route to and from the site. The proposal is therefore contrary to policy GEN10 of Arun District Local Plan and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning

(Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

- 3 INFORMATIVE: The applicant is advised that given the floor area of the kitchen to the lower ground floor unit and the floor area of the bedroom to the upper ground floor unit these 2 flats would only be suitable for occupation by 1 person if the properties entered the private rental sector.