

<b>Application Number:</b>	<b>AWDM/1058/24</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Former 51 Old Fort Road, Shoreham-By-Sea, West Sussex</b>	
<b>Proposal:</b>	<b>Application to vary conditions 1 &amp; 15 of approved AWDM/2007/21 to enable floor level of the ground floor living rooms to be set as built at 5.91 metres AOD and for the lower ground floor to be habitable.</b>	
<b>Applicant:</b>	Mr and Mrs David and Brenda Collins	Ward: Marine Adur
<b>Agent:</b>	Mr James Breckell	
<b>Case Officer:</b>	Hannah Barker	

The Interim Planning Services Manager presented the application explaining that it sought to amend two conditions from the original permission. Condition 1 and 15, changing the levels of the ground floor living rooms slightly and asking that the lower ground floor lower ground floor flexible room be deemed as habitable but not for sleeping.

The Officer confirmed that the adherence to approved drainage details would be added back onto the conditions. There was also one further comment received on 27th September from the WSP regarding drainage/flooding matters. WSP stated that they considered the lower ground floor to *not* be fit for habitable purposes. This was in contradiction to the Environment Agency's response to the application.

In response to Members' questions the Officer clarified that generally WSP as a drainage consultant concentrated on drainage matters rather than flooding and the Environment Agency was considered the primary body to advise on flooding. As such the Agency's response was of greater weight in the determination of this application. He also confirmed that the assessment of flood risk had taken into account the rising sea levels forecast for the requisite 100 years, including climate change. He also drew to Members attention the fact that there were other properties in the area with lower ground floor levels.

There were two registered speakers who gave representations in objection to the application. They drew attention to their concerns regarding flooding and that the property had been marketed as a four bedroom house which would include the lower ground floor flexible room as a bedroom. This was contrary to the current conditions and the condition amendments applied for.

There was one representation from the ward Councillor who expressed similar concerns to the objectors.

There were three registered speakers who gave representations in support of the application. They apologised for the marketing of the property as a four bedroom house, explained that this had not been intended and that they had corrected the estate agent's error as soon as it had been noticed. The property was now marketed correctly as three bedroomed houses.

During debate the Members acknowledged that as the Environment Agency had altered their comments to allow habitable use of the lower ground floor, refusing the application on the grounds that the Committee might disagree with this, may lead to a successful appeal by the applicants. In addition to this they noted that a precedent has been set locally that habitability has been allowed at this lower ground level.

Councillors expressed concern that the proposed revised condition, prescribing that the lower ground floor may be used as habitable space but not for sleeping purposes, was unenforceable, and as such, application could be made to remove it in the future. The Members also recognised the differing views in the reports from the Environment Agency and the WSP and considered that this needed further investigation.

In response to a discussion about possible deferral to allow for further investigation, the Committee was concerned that this might precipitate an appeal against non-determination of the application. The applicants agreed to an extension of the 8 week determination period, which overcame this risk.

A proposal was put forward to defer the application to allow for further investigation, including a request for an expanded response from the Environment Agency, to explain why it now supported the use of the flexible room as habitable accommodation and to comment on the recent WSP response and to ensure that WSP is aware of the Agency's comments. The application would return to the Committee for determination thereafter. This was seconded and voted on with an outcome of 8 votes in favour and 1 against.

**Decision - Defer** - The application is deferred in order for officers to seek an expanded comment from the Environment Agency to explain why it is now content to allow for the use of the flexible lower ground floor room for habitable purposes. Also officers will make the Environment Agency (EA) aware of the comments of 27th September by WSP and seek the EA view upon it. Likewise they will inform WSP of the EA response.