

APPENDIX 2

Adur & Worthing Councils Our ref: HA/2024/126147/01
Planning team Your ref: AWDM/1058/24
Portland House
Richmond Road Date: 17 October 2024
Worthing
West Sussex
BN11 1LF
Dear Planning team (FAO: Hannah Barker),

APPLICATION TO VARY CONDITION 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 AND USED FOR SLEEPING ACCOMMODATION.

51 OLD FORT ROAD, SHOREHAM-BY-SEA, WEST SUSSEX, BN43 5RL.

We write this letter in response to a request from the local planning authority to expand upon our response to application ref: AWDM/1058/24 as set out in our letter dated 17 September 2024 (our ref: HA/2024/126147/01).

The application was for the variation of condition 15 of approved AWDM/2007/21 to enable the floor level of the ground floor living rooms to be set as built at 5.91 mAOD and for the lower ground floor to be habitable and used for sleeping accommodation.

Please find comments from us on pertinent aspects set out below:

Finished floor levels

The submitted Flood Risk Assessment (FRA) for application ref: AWDM/2007/21 offered a floor level of 6.15 mAOD (section 3.2). As this was the figure included in the FRA, we conditioned it as written. However, the point is about the freeboard being offered. Ideally, we seek 600mm above the design flood level as specified in Flood Risk Standing Advice. For this site, the design flood level is 5.26 mAOD. A floor level of 5.91 mAOD is still offering sufficient freeboard so it is satisfactory from our perspective.

Use of the lower ground floor room

Our letter dated 17 September 2024 confirms that we do not agree that the lower ground floor should be used for sleeping accommodation, and this is specifically referenced within our wording for the variation of condition 15:

“The room on the lower ground floor (labelled as ‘flexible room’ on drawing no.058, revision A at Appendix C of the Flood Risk Assessment) shall not be used for sleeping accommodation.”

The original application confirmed that the lower ground floor was not intended to be used for habitable purposes (as per the letter dated 7 December 2021 from James Breckell Architects), and so we conditioned this also as stated at that time.

As there is agreement that the lower ground floor would not be used for sleeping accommodation (as noted from the Committee Report) when occupants would be most vulnerable to flood water impacts, from our perspective the risk to occupants has been addressed to an adequate degree.

We note that there is no single legal definition of “habitable room” as its use and meaning is subject to context. It is for the Local Planning Authority to determine whether the proposed use of the lower ground floor is acceptable. Our only stipulation in this regard is that it is not used for sleeping accommodation and we have made that position clear.

Letter from WSP as drainage consultants for the Local Planning Authority

We have been made aware of the letter from WSP dated 27 September 2024. This letter refers to matters concerning surface water flooding. The Town and Country Planning (Development Management Procedure) (England) Order 2015 came into force on 15 April 2015 and removed the Environment Agency as a statutory consultee in relation to surface water drainage. Therefore, we cannot offer any comments on the letter as it concerns matters that are not within our remit.

If you have any queries regarding the above information, please do not hesitate to contact the advisor identified below.

Yours faithfully,

Environment Agency – Solent & South Downs

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