



Appeal Decisions

Hearing held on 30 August 2023

Site visit made on 30 August 2023

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2023

Appeal A Ref: APP/C3810/W/23/3322316

27 Clifton Road, Littlehampton, West Sussex BN17 5TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vitae Investments Limited against the decision of Arun District Council.
 - The application Ref LU/347/22/PL, dated 24 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is change of use (regularisation and part retrospective) to Sui Generis 10 room HMO and C3 Flat on the first floor.
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Appeal B Ref: APP/C3810/W/23/3322319

27 Clifton Road, Littlehampton, West Sussex BN17 5TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vitae Investments Limited against the decision of Arun District Council.
 - The application Ref LU/350/PL, dated 25 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is temporary change of use for 10 years of the ground floor to a 10 bed HMO (Sui Generis) including alterations/rearrangement of existing ground floor C3 unit (permanent).
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Decisions

Appeal A Ref: APP/C3810/W/23/3322316

1. The appeal is allowed, and planning permission is granted for change of use (regularisation and part retrospective) to Sui Generis 10 room HMO and C3 Flat on the first floor at 27 Clifton Road, Littlehampton, BN17 5TE in accordance with the terms of the application, Ref LU/347/PL, dated 24 October 2022, subject to conditions set out in the attached schedule.

Appeal B Ref: APP/C3810/W/23/3322319

2. The appeal is dismissed.

Applications for costs

3. The appellant has applied for an award of costs against the Council in relation to Appeal A. This is the subject of a separate Decision.

Preliminary Matters

4. The descriptions of development above are a combination of those on the application forms and the Council's decision notices to clearly distinguish

between development on the ground floor and first floor and to quantify the number of units proposed whether within the house of multiple occupation (HMO) or as a separate flat (Class C3 unit).

5. The Council refused planning permission in June 2022 to an application for the change of use of the whole building to a 20 bed HMO and 2 dwellings (part retrospective to regularise the use of the first floor) (Ref. LU/60/22/PL).
6. The Council's decision notices for the current appeals refer to the requirements for site-specific flood risk assessments at Paragraphs 30 to 32 of Planning Practice Guidance (PPG). PPG has since been updated and the relevant paragraphs are now 20 to 22.
7. Subsequent to the hearing, the Government has published an updated version of the National Planning Policy Framework (the Framework) (2023). However, the paragraphs and chapter numbers referred to in appeal submissions have not changed.
8. The Council has confirmed that reference to conflict with Policy WDM3 in its appeal submissions is a mistake and that the policy is not relevant to the appeals. The Council has recently made an Article 4 Direction preventing the exercise of permitted development allowances to change from a dwellinghouse to a small HMO. This affects the area including the appeal site but is only relevant to the appeal proposals in reference to the local high concentration of HMOs.

Main Issues

9. The main issues are:

(a) the suitability of the ground floor and the first floor of the premises for the residential accommodation proposed having regard to flood risk and mitigation measures,

(b) the adequacy of the outside amenity space provision for occupiers of the proposed first floor residential accommodation,

(c) local housing need, and

(d) the planning balances with respect to the proposals' benefits including housing provision and any shortfalls.

Reasons

Site and surroundings

10. The appeals relate to a two-storey semi-detached building which largely fills the site apart from an open driveway on to Clifton Road on its southern side. Alongside this on the ground floor is a garage and door to no.27a, a vacant and gutted one-bedroom unit. The remainder of the ground floor is also vacant and appears to have been used previously for garaging and storage purposes.
11. There is an external staircase leading from the driveway to an open terrace; this serves as outside amenity space for the first floor accommodation which is L-shaped, replicating that proposed for the ground floor. The first floor currently functions as a licenced 11 room HMO but does not benefit from planning permission.

12. The submitted 'Existing' first floor plan shows 11 bedrooms in an irregular layout with a shared kitchen and bathrooms. At my site visit it was apparent that the layout now accords with the 'Proposed' first floor plan showing 10 bedrooms, each with an ensuite, a 1-bedroom flat, a shared kitchen and dining area and an office for an on-site manager.
13. The site is located on the western side of Clifton Road within an area of mixed residential and commercial character. There are dwellings on the opposite side of the road and the site's northern boundary abuts the rear gardens to terraced houses in New Road. To the west (rear) and south, the site adjoins the car park to a supermarket. The site is not far from Littlehampton town centre and lies within the 'Built-up Area Boundary' within which development is generally supported. It is also within a flood zone, along with much of Littlehampton town centre. According to the Council's figures, the foreshore is some 600m to the south whilst the River Arun, which is tidal, is 170m to the west of the site.

Flood Risk – Policy background

14. The relevant development plan policy is W DM2 of the Arun Local Plan (2018) (ALP) which sets out the requirements for development in areas at risk of flooding. These include the need for a sequential test, provision of a site-specific flood risk assessment to demonstrate that the development will be safe, identification of adaptation and mitigation measures and for appropriate flood warning and evacuation plans to be in place.
15. The site lies within Flood Zone 3a, defined by the Technical Guide to the Framework as having a high probability of flooding. The Framework seeks to direct development away from areas at highest risk of flooding (whether existing or future) and sets out sequential and exception tests. At Paragraph 159 it states, "*Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*". Paragraph 167 of the Framework states that development should only be allowed in areas at risk of flooding where a site specific flood risk assessment can demonstrate, amongst other matters, that "*within the site that the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location*". Furthermore, that "*safe access and escape routes are included where appropriate, as part of an agreed emergency plan*".
16. Paragraphs 20 and 21 of PPG detail the requirements for a site-specific flood risk assessment. It should "*demonstrate to the decision-maker how flood risk will be managed now and over the development's lifetime, taking climate change into account and with regard to the vulnerability of its users*". The information provided needs to be credible, fit for purpose and proportionate to the anticipated degree of flood risk. Paragraph 55 of PPG states the Design Flood Level is the 0.5% Annual Exceedance Probability (AEP) tidal flood level at the site, including an allowance for climate change over the lifetime of the development.

Flood risk – ground floor

17. As the proposal is for a change of use of an existing building, it is not possible for the development to be sequentially located elsewhere. To satisfy the Framework's requirements for an 'exception test', the appellant has submitted a site-specific flood risk assessment (FRA) informed by reference to the

Council's Strategic Flood Risk Assessment (SFRA) and modelling data provided by the Environment Agency (EA). The FRA concludes that existing flood defences reduce the annual probability of fluvial and tidal flooding to less than 0.1% in the present day and up to 2070. If flood defences are not raised in the future in response to climate change and probable rises in sea level, then not only the appeal site but also a large area of Littlehampton could be affected resulting in great economic loss. As such, the appellant contends that it is highly likely that flood defences will be raised in the future. But as the proposal seeks only a temporary permission for just 10 years, the FRA concludes that it would be safe for its lifetime.

18. The FRA recommends that the finished ground level to the proposal is raised by 600mm to 2.74m Above Ordnance Datum (AOD) to mitigate any risk from fluvial, tidal or ground water flooding. The proposal includes this measure and a Flood Emergency Action Plan (FEAP). The FEAP recommends that the HMO registers with the EA to receive automated flood warnings and that the on-site manager be responsible for taking appropriate actions in the event of a flood warning. If evacuation of the HMO is necessary, the FEAP recommends occupants exit into Clifton Road and proceed along a proscribed route to a suitable refuge to be agreed with the Council.
19. The EA, as a statutory consultee, objects to the proposal on the ground floor, notwithstanding that it is just for a 10-year temporary period, contending it would represent 'a current day' risk to life. This is because even with a raised finished floor level to 2.74 AOD, the 1 in 200 current day undefended level event for the property would be at 3.73 AOD, meaning that residents would be inundated by depths of 0.99m of water. Furthermore, the EA contends that the proposed flood resilient flood measures would be inadequate as potential occupants would only have access to the ground floor and that there would be an unacceptable risk to life from tidal inundation.
20. The differences between the main parties relates to the reasonableness of taking undefended flood levels into account. Whilst flood defences can fail, their existence diminishes the prospect of a flooding event. In this case, flood defences to the east bank of the River Arun comprise a floodwall with steel sheet piles driven into the riverbed completed in 2015. The coastal defence consists of a raised shingle beach which absorbs wave energy and provides height relative to sea level. If this were to be displaced in a severe storm, the promenade to the sea road (B2140) would provide a second line of coastal protection. These defences appear to be robust; there is no information before me to indicate points of weakness or likely failure.
21. The FRA points out that the area around the appeal site is relatively flat and infers that any flooding resulting from a breach in flood defences would spread out at a shallow depth in the absence of elevated topography to contain it. But there is a paucity of data on flood events in the locality and there remains uncertainty on the accuracy of modelling of the consequences of a breach in flood defences and on the impact of climate change or a severe weather event.
22. PPG explains that flood risk is a combination of the probability and potential consequences of flooding. In my judgement, it is appropriate to consider both defended and undefended flood levels. Whilst the probability of flooding within the proposal's 10-year period is low, the risk cannot be ruled out. But the consequences for occupiers of the ground floor accommodation could be severe

if a flooding event were to occur. Residents would only have access to the ground floor of the building and would be occupying enclosed sleeping accommodation. Many of the bedrooms towards the western end of the building would be remote from the single doorway access to the driveway, which would also be flooded in this scenario. There would be no safe refuge. There would be a consequent risk to life in these circumstances.

23. PPG at Paragraph 042 states, *"Areas behind flood defences are at particular risk from rapid onset of fast-flowing and deep-water flooding, with little or no warning if defences are breached. Measures need to be designed to avoid internal flooding from residual risk from flood risk management infrastructure wherever possible; and ensure people are not exposed to hazardous flooding, irrespective of the development's vulnerability classification."* Whilst local flood risk management infrastructure (the existing flood defences) appear to be sound, ground floor residents could be exposed to hazardous flooding in the event of a breach in those defences or overtopping.
24. The appellant points out that Met. Office monitoring of tidal storm surges has become more accurate over time and therefore that there should be sufficient warning of a critical extreme weather event. However, if such a weather event developed quickly and unexpectedly and timely warnings were not issued or did not reach all occupiers of the ground floor accommodation, then the emergency measures in the FEAP would be inadequate in relation to safe escape routes.
25. In that the appellant's site specific FLA does not assess undefended scenarios, the proposal would conflict with Paragraph 167 of the Framework in that the most vulnerable development, in the form of 10 HMO units and a rearranged flat, would be located in areas of highest flood risk on the ground floor of the building.
26. Neither would there be ready access to the first floor or an alternative escape route as part of an agreed emergency plan. The inclusion of many dwellings, the most vulnerable form of development, just on the ground floor, would not be compatible with expectations set in PPG for a more detailed assessment in the FRA. The FRA would not be appropriate to the scale, nature and location of the development.
27. Whilst flood risk is a combination of the probability and potential consequences of flooding, in view of the severe consequences that could arise for occupiers of the ground floor units, I consider the level of harm arising to be significant. The proposal's temporary nature for just 10 years reduces the probability of a severe flood occurring in the lifetime of the development, but if such an event were to occur, the consequent level of harm would be significant. The proposal would thereby conflict with Policy W DM2 as the FRA would not demonstrate that the development would be safe for its lifetime with appropriate evacuation plans in place.
28. The appellant has referred to two recent permissions from the Council involving HMOs in the surrounding area to support the case for the ground floor appeal (refs. LU/13/21/PL and LU/84/21/PL). The Council have pointed out that at both sites there would remain internal access from the ground floor to the first floor to allow for emergency safe refuge on site in a worst case scenario. This would not be the case at the appeal site.

29. Paragraph 164 to the Framework states that to pass the exception test “it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”. It is therefore necessary to also consider the wider benefits of the appeal proposal in a wider planning balance below.

Flood Risk – First Floor

30. The first floor of the building has been modified in accordance with proposed plans and permission is sought to regularise the use. The Council’s first refusal reason reflects the Environment Agency’s concern about the inadequacy of the FRA as this did not address undefended flood levels. During the appeal process the appellant submitted a schematic cross section of the building showing floor levels in relation to various flood scenarios.
31. This confirms that the first floor level would be above the undefended flood level depths for 0.5% AEP. The appellant has applied recommended sea level increases to the 2012 tidal water level at the site, resulting in predicted flood levels in 2032 of 3.85m AOD and in 2122 of 4.83m AOD. The first floor level of 5.19m AOD would be 0.36m above the 2122 undefended flood level at the site.
32. As the proposal seeks a permanent permission, it is necessary to consider flood risk for the lifetime of the development. It is uncertain how long the building will remain, but the 100-year analysis should be adequate for this purpose. This would be the worst case scenario, if a breach of existing flood defences occurs or that defences are not renewed in due course, as expected.
33. The appellant has not submitted a separate FEAP for the first floor. In the event of a flood warning, occupiers at first floor level would be able to exit the site as envisaged, should there be sufficient time and flood levels permit this. Residents would also have the benefit of the external terrace leading to the staircase access, at the same level as the accommodation, and therefore which would be above anticipated flood levels. In these circumstances, the FEAP would be satisfactory.
34. In the case of the proposed first floor accommodation the probability of flood risk and the consequences of such risk would both be small and any conflict with Policy W DM2 of the ALP would be insignificant.

Amenity space provision

35. Policy H SP4 (c) requires new HMOs to “provide adequate areas of open space”. As the policy does not specify external space standards, the Council has relied on Section H.04 of the Arun Design Guide SPD. It has applied guidance on balconies (an unobstructed area of 3 sqm) resulting in a requirement of 33 sqm for each 11 unit proposal. The Council comment that the ground floor open space would be 40.9 sqm, and so satisfies this requirement, but the first floor terrace, estimated to be 30 sqm, would fall short of it.
36. The Council is also concerned about the quality of the terrace as an area of open space as the windows from rooms 3 and 4 to the first floor HMO look directly on to the terrace, thereby resulting in overlooking. As the terrace is a raised area, it is also highly visible from the surrounding area and does not offer much privacy.

37. In my judgement, the quantitative shortfall is relatively small, only 3 sqm. Application of the SPD's balcony guidance alone should not be determinative in this instance. The SPD advises that outdoor amenity space should be of an appropriate size and shape and be useable and enjoyable. The terrace broadly satisfies these requirements. As a communal area to be used by all occupiers of the first floor HMO, a requirement for privacy would not be paramount. At the site visit I noted that rooms with windows overlooking the terrace had net curtains which would help to safeguard privacy within the rooms.
38. It is also pertinent to note that there are several areas of open space nearby in Littlehampton including Caffyns Field (about 200m from the site) and the lawns adjacent to East Beach, some 350m to the south.
39. Whilst the first floor terrace does not strictly adhere to the Council's application of the SPD, it broadly satisfies other aspirations in this guidance. The quantity and quality of the terrace as an area of open space for the first floor HMO may not be exemplary but it is "*adequate*" for its purpose, which is the test for Policy H SP4. I conclude that there is no conflict with this policy.
40. The Council's second refusal reason also refers to Policies D DM1 and QE SP1 of the ALP relating to aspects of form and design quality and quality of the environment. These are general policies applicable to development of many kinds. In my judgement, the character, appearance, attractiveness and impacts of the first floor terrace as an external area of open space for residents would be satisfactory and broadly compatible with these policies.
41. To support their case, the Council has referred to a recent dismissed appeal relating to the adequacy of outdoor space for a proposal to increase the size of a HMO (ref. APP/C3810/W/22/3296267). In this case, the Inspector discounted inclusion of accesses either side of a proposed rear extension as too narrow for usable external space and was not convinced that the compact nature of the remaining area would be both useable and enjoyable for proposed occupants. The circumstances at the current appeal site differ greatly. I have determined that the first floor terrace would be useable and enjoyable for residents.

Housing need

42. The Council cannot currently demonstrate a 5-year housing land supply. Its Annual Monitoring Report published in January 2023 showed a deterioration from 3.3 years to 2.36 years supply. This represents a significant shortfall in housing delivery against targets and means that the presumption in favour of sustainable development at Paragraph 11(d) of the Framework is triggered. Framework Paragraph 60 refers to the Government's objective of "*significantly boosting the supply of homes*" whilst Paragraph 69 emphasises that small and medium sites, such as the appeal site, can make an important contribution to meeting the housing requirements of an area and are often built-out quickly.
43. The site is within the defined 'built-up area boundary' for Littlehampton where new development should be focused according to Policy SD SP2 of the ALP. This is reinforced by Policy 2 of the Littlehampton Neighbourhood Plan (LNP) which seeks to concentrate future housing within the built-up area boundary. Policy 3 of the LNP states that sites within 400m walking distance of the local centre will be particularly suited to meeting the needs of smaller households. These policies weigh in favour of both proposals which are aimed at meeting the needs of smaller households within a central location.

44. Policy H SP4 of the ALP states that applications for HMOs will be favourably considered subject to satisfying criteria relating to effects on the character of the area, parking demand and provision of adequate areas of open space.

Other matters

45. Local residents have objected to the proposals in relation to anti-social behaviour, particularly to noise and disturbance from the terrace at late evening hours. Reference has been made to disturbance at other HMO sites in the surrounding area and that there is local concentration of such sites. I do not doubt the nuisance associated with such disturbances in the past, but the proposals offer the advantage, not present at all HMO sites, of an on-site manager to monitor and act on any incidence of anti-social behaviour. The proposals would not be out of keeping with the character of the local area, and they would not be likely to give rise to unreasonable parking demands. As such, there would not be conflict with the parts of Policy H SP4 relating to these matters.

Planning balances

46. Both appeal proposals would have the benefits of providing additional housing in the context of local under-delivery of new housing. Moreover, the small unit accommodation proposed would be in a sustainable location, close to town centre amenities and within the defined built-up area for additional housing. The proposals would accord with national and local policies on the provision of new homes. Paragraph 69(c) to the Framework ascribes "*great weight to the benefits of using suitable sites within existing settlements for homes*".
47. At the Hearing, it became apparent that the housing team at the Council had arranged placements on the first floor of the premises; they have also been in discussion with the appellant about the use of the ground floor. There is a demand for HMO accommodation in the area and the first floor is currently being used to house some of the more vulnerable in the local community.
48. Flood risk is a material consideration for both appeal proposals. For the ground floor accommodation, I have found that although the risk from flooding appears to be small for the temporary period proposed, the consequences for occupiers could be severe if a breach of defences were to occur. The proposal includes many bedrooms with no ready access to an upper floor. The FRA and FEAP do not satisfactorily address these circumstances. There would be significant harm arising from the conflict with Policy W DM2. The ground floor proposal would conflict with the development plan as a whole.
49. In my judgement, neither would the proposal pass the exception test set at Paragraph 164 of the Framework, in that the development's wider sustainability benefits to the community would not outweigh flood risk, and that significant uncertainty remains that the development would be safe for its lifetime, even just 10 years, taking account of the vulnerability of occupiers to flooding.
50. Conversely, with respect to the first floor proposal, due to the higher floor level for both the accommodation and external terrace, the FRA and FEAP would be satisfactory. The proposal would satisfy the requirements of the exception test; the development's wider sustainability benefits to the community would outweigh flood risk, and the development should be safe for its lifetime taking account of the vulnerability of its users.

51. Any conflict with Policy W DM2 would be insignificant. The size and quality of the terrace as an area of outdoor space would be adequate for its purposes and in relation to relevant development plan policies.
52. In view of the absence of a five-year supply of deliverable housing sites, the proposals need to be considered in the context of Paragraph 11 (d) to the Framework. The most important policies for both proposals are Policy W DM2 in relation to flood risk and the various housing policies. In view of under-delivery of housing, the Council's housing policies can be considered to be out-of-date. However, Policy W DM2 is compatible with requirements for examining flood risk in the Framework. Significant weight should be given to the conflict between this policy and the proposed ground floor accommodation.
53. Paragraph 11 (d) sets out an expectation that permission should be granted where the most important policies for determining the proposals are deemed to be out-of-date. However, footnote 7 to Paragraph 11 (d) (i) provides a list of policy areas in the Framework that protect areas or assets of particular importance providing a clear reason for refusing the development proposed. The list includes, *"areas at risk of flooding and coastal change"*. In relation to the proposal for the ground floor, the Framework's policies on areas at risk of flooding provide a clear reason for refusing permission to the proposal due to the vulnerability of future occupiers if a substantial flood were to occur.
54. But the Framework's policies on flood risk do not provide a clear reason for refusing permission to the proposal for the first floor accommodation. Flood risk remains a material consideration but the location of the accommodation above anticipated flood levels for the foreseeable future would significantly reduce the risk of harm for occupiers in the event of a flood.
55. Paragraph 11 (d) (ii) states that planning permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole"*. The Council contends that the first floor terrace would not accord with Paragraphs 128, 130 and 134 of Chapter 12 to the Framework on achieving well-designed places. But I have found that this area would be adequate for its intended purposes. In my judgement, any adverse impacts arising from the limited size and quality of the terrace as an area of outdoor space and from a flood event would not significantly and demonstrably outweigh the benefits of the proposed first floor accommodation in providing needed housing when assessed against the policies in the Framework taken as a whole.
56. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In relation to the ground floor proposal, there would be conflict with the development plan. Consideration of the Framework does not indicate that the decision should be taken other than in accordance with the development plan. The appeal should therefore be dismissed.
57. In relation to the first floor proposal, any conflict with the development plan would be less significant. There would not be conflict with the development plan as a whole. The proposal also benefits from the presumption in favour of sustainable development set out at Paragraph 11 (d) to the Framework. The appeal should therefore be allowed.

Conditions

58. A condition is required to list the approved plans in the interests of certainty and to enable approval of minor material amendments. As the proposal for the first floor has already been implemented, it is not necessary to impose the statutory condition providing 3 years to commence work. But conditions are necessary to gain approval of details of outstanding matters listed by the Council and to secure their subsequent implementation. These include cycle parking and storage of refuse bins to ensure a satisfactory appearance to the site and energy efficiency measures in the interests of sustainability. The site is hard surfaced with little opportunity for substantive soft landscaping, but a condition is necessary to approve hard and soft landscape measures and opportunities for biodiversity to ensure a satisfactory appearance to the site and to accord with development plan policies.
59. A condition is needed to ensure that the use is operated in accordance with flood mitigation measures recommended by the Environment Agency in the welfare interests of future occupiers. A condition is necessary to require that the HMO is operated in accordance with the submitted Management Statement to minimise any nuisance to residents in the immediately surrounding area. Finally, a condition is needed to ensure that the first floor terrace is retained as an area of outdoor amenity space in accordance with the proposal for the benefit of future occupiers.
60. The Council has suggested a condition to control construction hours on site. This condition is not necessary as most of the work to enable the use to operate has already been done. Any additional work is likely to be of a minor nature and unlikely to disturb local residents.

Conclusions

61. For the reasons given above Appeal A relating to the first floor should be allowed and Appeal B relating to the ground floor should be dismissed.

Rory MacLeod

INSPECTOR

Schedule of Conditions (Appeal A – first floor)

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1714-150, 1714-151, 1714-155, 1714-156, 1714-161, 1714-165, 1714-166, 1714-170 and 1714-171.
2. Within 3 months of the date of this decision, a plan shall be submitted for approval to the local planning authority showing the layout of covered and secured cycle parking spaces and enclosures for refuse bins. The approved details shall be implemented in full within 3 months of the date of approval and shall be retained thereafter.
3. Within 3 months of the date of this decision, a scheme to demonstrate energy efficient measures reflecting current standards including the use of renewable energy supply systems, shall be submitted for approval to the local planning authority. The approved scheme shall be implemented in full within 3 months of the date of approval and shall be retained and maintained in good working order thereafter.
4. Within 3 months of the date of this decision, details of hard and soft landscape measures, including screens and fences, and opportunities for delivering biodiversity net gain, shall be submitted for approval to the local planning authority. The approved details shall be implemented in full within 3 months of the date of approval.
5. The development shall be carried out in accordance with the submitted flood risk assessment (22/021.01 5th September 2022) and the following mitigation measure it details: The owners/occupants are to sign up to the Environment Agency's free Flood Warning Service in line with paragraph 8.1.4.

Confirmation of the formal flood emergency evacuation plan for the first floor shall be submitted for approval to the local authority emergency planners within 1 month of the date of this decision. The approved plan shall thereafter be provided to occupants.

These flood mitigation measures shall be fully implemented and retained thereafter for the lifetime of the development.

6. The HMO shall at all times be managed in accordance with the Management Statement prepared by Castle Accommodation.
7. The first floor terrace shall be retained as an area of open outdoor amenity space for occupiers of the development and shall not be used for other purposes.

APPEARANCES

FOR THE APPELLANT:

Colm McKee CMK Planning

John O'Connor JOC Consultants Ltd

Aksana Green Vitae Investments

FOR THE LOCAL PLANNING AUTHORITY:

Kathryn Welch Planning Officer, Adur District Council

Sophie Brown Planning Advisor, Environment Agency

Edward Conway Flood Risk Officer, Environment Agency

INTERESTED PARTIES:

George O'Neil Ward Councillor for Adur District Council

Sam Jones Local resident