

Development Management – Delegated Officer Report

Application Number: AWD/0511/26 Recommendation: REFUSE

Site: Simplicity, 51A Old Fort Road, Shoreham-By-Sea, West Sussex

Proposal: The construction of a flood barrier to allow for the use of the lower ground floor of 51A Old Fort Road as a flexible habitable living space to include sleeping.

Date of Site Visit: Visited when considering previous applications

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application relates to one of a pair of semi detached properties which have been constructed following approval of AWD/2007/21, the demolition of existing chalet bungalow and construction of a pair of semi detached 3 storey, 3 bedroom houses, (including lower ground floor below existing ground level.)

AWD/1698/22 and AWD/1119/23 were approved to vary and remove conditions.

AWD/1058/24 was approved, this was to vary Conditions 1 and 15 of approved AWD/2007/21 to enable floor level of the ground floor living rooms to be set as built at 5.87 metres AOD and for the lower ground floor to be habitable (non sleeping.) Following this an appeal was lodged against the conditions imposed, Condition 15 restricted the use of the basements to allow for habitable use but with no sleeping permitted. The appellant wanted this removed/alterd to allow the use of the basement for sleeping also. The appeal was dismissed and the following statement was contained within the Inspectors Decision.

“Overall, the information and evidence before me does not provide the level of certainty that at this stage any residual flooding risk can be safely managed. It is open to the appellant to discuss the matter further with the Council but the approach for allowing development in area at risk of flooding, as set out in the National Planning Policy Framework (the Framework) cannot currently be demonstrated. I do not therefore have a sufficiently robust basis on which to agree to the variation of the condition.”

Following the appeal decision and the above statement contained in it the applicant has submitted the current application seeking to allow for sleeping to be permitted within the basement of one of the dwellings, No. 51A Old Fort Road, the eastern property. Included within the application is a proposed flood barrier and Site Specific Flood Risk Assessment.

Consultations:

WSP Sustainable Water Management Officer: - Following a review of the submitted information, we have no objection in relation to surface water flood risk. Following the recent updates to the Environment Agency Surface Water Flood Maps, we acknowledge the site is free from flooding in the 1 in 100 year event with an allowance for climate change. However, there is a surface water risk to the adjacent property and a tidal risk of flooding to the site. Therefore, we would recommend the approval of the application with the following condition:

Condition 1: Prior to the first use of the development a Flood Risk Emergency Plan that considers all sources of flooding and sets out the use of the proposed flood barrier, shall be submitted to and approved in writing by the Local Planning Authority. The Flood Evacuation Plan should be created in line with 'Flood risk emergency plans for new development' as produced by ADEPT and EA.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Adur Council.

Environment Agency: - As this development poses an unacceptable risk to life from flooding, we **object** to this application and recommend that planning permission is refused.

Reasons

The site lies within Flood Zones 2 and 3a, which is land defined by the planning practice guidance as having a medium and high probability of flooding. Notwithstanding the mitigation measures proposed, the risk to life and/or property from tidal inundations would be unacceptable if the development were to be permitted.

The application does not demonstrate that occupants can remain safe for the lifetime of the development when allowances for climate change are taken into consideration. It is not considered appropriate to support sleeping accommodation where reliance is placed on a flood defence. Assessments of flood risk should be undertaken on the basis of the undefended scenario. While this application proposes the introduction of flood defence, it should not be relied upon in determining the level of flood risk to the site.

Our response to application AWDM/2007/21 included a condition specifying that the lower ground floor was not to be used for habitable uses and/or for sleeping accommodation due to flood risk.

Overcoming our objection

To overcome our objection, the applicant should submit evidence to demonstrate that the proposed development will not pose a risk to life as highlighted above. If this cannot be achieved, we are likely to maintain our objection.

Further comments made following the revised Flood Risk Assessment: -

The revised Flood Risk Assessment (revised issue, dated 12 June 2026) does not satisfactorily address our previous concerns. It still indicates that the site will rely on a flood defence to use lower ground floor areas as sleeping accommodation.

We therefore **maintain our objection** as set out in our response dated 26 May 2026.

Overcoming our objection

To overcome our objection, the applicant should submit evidence to demonstrate that the proposed development will not pose a risk to life as highlighted above. If this cannot be achieved, we are likely to maintain our objection.

Representations: - 1 representation received from the owner/occupier of 49 The Meadway making the following points: -

- The proposed Flood Barrier for 51 Old Fort Road is flawed.
- The flood barrier on partially dams the gaping hole in the tanking at the top of the stairs. Applicant's FRA is inadequate.
- Barrier is a major trip hazard.
- How would Building Regulations be satisfied.
- Should the basement flood protection be breached water would rise rapidly in the basement.
- Electrical sockets have been installed at low level in the basement, flood risk ignored.
- No stipulations or provision regarding the barrier being non removable or maintained.
- Any mitigation would need to be applied to both properties for it to be effective.
- Site Specific Flood Risk Assessment is flawed.
- Environment Agency objection.
- Planning Inspector dismissed decision.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 36.

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'

National Planning Policy Framework (December 2024)

Planning Assessment

Principle

The main issues here are Flood Risk, both tidal and surface water. Consideration is given as to whether the submitted Flood Risk Assessment and Flood Defence proposed allow for the basement of 51A only to be used for habitable use to include sleeping.

Also for consideration is if the proposed Flood Defence has any impact with regards to visual or residential amenity.

Flood Risk

Following the objections from the Environment Agency the applicant requested confirmation that the following documents had been considered: -

The site specific Flood Risk Assessment.

The former appeal decision letter.

The applicant's submission letter.

The Environment Agency have confirmed that these documents have been reviewed and that the objection in relation to tidal flood risk and the undefended scenario must be considered. The objection therefore remains and there is considered to be risk to life in this case if the basement of no. 51A is used for sleeping at anytime. The Environment Agency had previously advised when consulted on AWDM/1058/24 that "the room on the lower ground floor (labelled as 'flexible room') ...shall not be used for sleeping accommodation. This view remains unchanged.

It should be noted that the Environment Agency as a national body of expertise advise that the basement should remain for non sleeping to protect a risk to life. This expert opinion holds significant weight in the consideration of this application and Officers could not reasonably justify going against such advice in this case.

WSP have advised that in the light of the most recent mapping that there will be no objection to the use of the basement for sleeping in relation to surface water flooding. However this does not overcome the issue with regards to tidal flooding above. Therefore support cannot be given to this application.

Visual Amenity and Residential Amenity

The proposed flood barrier will be a visible from the street scene, however it will not be a prominent feature, it is set back and low level. It will not harm the character and appearance of the existing building or street scene. There will be no harm to adjacent occupiers, therefore no impact upon residential amenity.

Recommendation

REFUSE

The use of the lower ground floor of 51A Old Fort Road for sleeping will result in a risk to life as a result of the medium and high probability of tidal flooding. Notwithstanding the mitigation measures proposed the risk to life and or property from tidal inundations would be unacceptable if the use were to be permitted. The application is therefore contrary to Policies 15 and 36 of the Adur Local Plan and the NPPF.

Is recommendation contrary to letter(s) of representation N

Proactive refusal.

Case Officer: Hannah Barker

Date: 21st July 2026

Authorised by: Peter Barnett

Date: 22 July 2026