

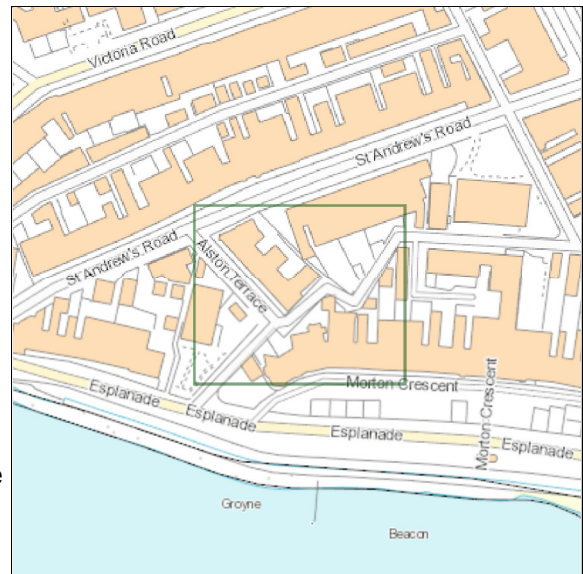
Ward Exmouth Town

Reference 19/1267/FUL

Applicant Mr C Olisa

Location Flat 1 6 Alston Terrace Exmouth EX8 1BH

Proposal Subdivision of flat 1 into two flats (retrospective application)



RECOMMENDATION: Refusal

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		Committee Date: 3rd September 2019
Exmouth Town (Exmouth)	19/1267/FUL	Target Date: 06.08.2019
Applicant:	Mr C Olisa	
Location:	Flat 1 6 Alston Terrace	
Proposal:	Subdivision of flat 1 into two flats (retrospective application)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Development Management Committee as the recommendation differs from the views of the Town Council and a Ward Member.

Retrospective planning permission is sought to divide Flat 1, 6 Alston Terrace into two flats. The site is located within the built-up area of Exmouth, but is also located within flood zone 2, as defined by the Environment Agency. This puts the site as significant risk of flooding. Consequently, flood risk is a key consideration, and it is necessary to undertake a sequential test. The sequential test seeks to avoid the placing of residential development in areas where there is a risk of flooding.

The proposal, in effect, relates to the creation of one additional flat. It is considered that there are other locations within East Devon, which are outside of a flood zones 2 and 3, where one flat can be provided. Consequently, it is considered that the proposal fails the sequential test and, therefore, is unacceptable in flood risk terms.

The proposal is considered to be acceptable in all other regards. However, due to the failure of the sequential test, it is recommended that this application is refused.

CONSULTATIONS

Parish/Town Council
Meeting 24.06.19

No objection

Exmouth Town - Cllr Joe Whibley
No objections - recommend approval.

Other Representations
No third party representations have been received.

PLANNING HISTORY

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN21 (River and Coastal Flooding)

Government Planning Documents
NPPF (National Planning Policy Framework 2019)

Exmouth Neighbourhood Plan 2018 – 2031

Site Location and Description

This application relates to 6 Alston Terrace in Exmouth, which is located close to the sea front and within the built-up area boundary of Exmouth, but just outside the towns conservation area.

The building is an end of terrace property, with a road running along its south-eastern and south-western boundaries. The site is located within flood zone 2, as designated by the Environment Agency.

Proposed Development.

Retrospective planning permission is sought for the subdivision of a flat into 2 flats.

ANALYSIS

The main considerations in the determination of this application relate to the principle of the proposed new flat, the impact of the proposal on its surroundings, impact on highway safety, conservation area impact and flood risk

Principle

The site lies within the built up area boundary of Exmouth, and therefore the location of the proposal would be acceptable in principle.

Flood Risk

A flood risk assessment has not been provided. However, data from the Environment Agency has been provided, which concurs with the Council's information that the site is within flood zone 2.

The Environment Agency has not commented on the application. However, despite this, as the site is in flood zone 2, the Sequential Test must be applied by the Local Planning Authority.

The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding, as described in paragraph 158 of the National Planning Policy Framework (NPPF). The application building lies within Flood Zone 2 and Flood Zone 3 (high probability of flooding). The aim of the sequential test is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding). Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered.

It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case.

Paragraph 155 of the NPPF advises that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere." As residential accommodation is considered to be high risk use, it is considered to be inappropriate in a location at risk of flooding.

Under the sequential test, development should not be permitted if there are reasonably available sites with appropriate in areas with a lower probability of flooding. The principle of this being to not put additional people at risk of being flooded.

Sequential test

No information has been provided by the agent about the availability of other sites at lower risk of flooding.

It is considered that the catchment area for applying the sequential test would be the District of East Devon, and this approach has been considered appropriate by a

planning inspector when determining application 17/2498/FUL, which related to a site close to the location to which this report relates. In any event, even if the geographic area were limited to Exmouth, the Council currently has a 5 year housing supply of land and it is considered that there would be land and buildings available for a single flat to be provided which would not be in the flood zone.

As the site is for residential development, located with flood zone 2 and there are other locations where the development could be located that is not at risk of flooding, the proposal fails the sequential test and planning permission should be refused.

Whilst it is appreciated that there are plans in place to provide flood defence works to Exmouth, these are not yet in place and the area remains at risk of flooding and need to pass the Sequential Test until such time that the area is removed from Flood Zone 2 by the Environment Agency.

As the application is retrospective, any refusal of permission would need to be followed by enforcement action to cease the use of the additional residential unit.

Impact on surroundings

The surrounding settlement pattern is very dense characterised by linear terraced streets. In that context, the proposed flat would significantly change the street scene. It is considered that this is acceptable and no objections are raised.

Overall it is considered that the design and use of materials would be appropriate to the character and appearance of the area in accordance with Policy D1 of the Local Plan.

Impact on neighbouring amenity.

Windows at the front of the property would face over the street. Given the dense nature of properties within this area of Exmouth it is considered that the proposal would not harmful result in any harmful overlooking of neighbouring buildings. Therefore it complies with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031, as well as related guidance within the Exmouth Neighbourhood Plan 2018 - 2031.

Impact on highway safety

This proposal to which this report relates would have no impact upon highway safety.

Conservation area impact

It is considered that the nature of the development is such that it would not have a detrimental impact on the conservation area.

CONCLUSION.

Whilst the proposal is acceptable in many regards, as the site is located in an area at high risk of flooding, and there are other sites available in the district where the

additional dwelling can be located that are not at risk of flooding, the proposal fails the sequential test.

As the site would put more people at risk of danger in a flood event, the proposal is unacceptable and it is recommended that planning permission be refused.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal would lie in flood zone 2 where there is a high probability of flooding. There are other reasonably available sites within the district of East Devon with a lower probability of flooding that would be appropriate to the type of development proposed. Therefore the development fails to satisfy the Sequential Test and would be contrary to guidance within the National Planning Policy Framework and National Planning Policy Guidance and Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan.

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

T1	Location Plan	07.06.19
S1	Existing Floor Plans	07.06.19
S2 : front/side	Existing Elevation	07.06.19
S3 : rear/side	Existing Elevation	07.06.19

List of Background Papers

Application file, consultations and policy documents referred to in the report.