

PLANNING COMMITTEE UPDATE SHEET

COMMITTEE DATE: 5 FEBRUARY 2020

APPLICATION NO.	TEAM LEADER	ITEM NO.	PAGE NOS.
19/01228/FUL	LYNDSEY HAYES	02	49-59

ADDITIONAL CONSULTATION RESPONSE

Environment Agency (EA):

'In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused'.

The FRA fails to:

- Properly demonstrate that the future occupants would not be at an unacceptable risk of flooding over the lifetime of the development.
- Consider the impacts of climate change on the development over its lifetime using the latest guidance in relation to sea level rise and the design flood level.
- Include a detailed topographical survey of the site to verify the stated ground level of 6.95 metres above Ordnance Datum.
- Confirm the level (to mAOD) that the flood resistance and resilience measures will be set to.
- Take into consideration that the access to the site is not in an area identified as benefitting from defences.

The proposed mitigation measures (raised finished floor level and additional flood proofing measures) should be confirmed relative to the external ground level and the design flood level (including up to date relevant climate change allowances).

Officer Response: A site specific FRA forms part of the Exceptions Test. Only when the Sequential Test has been passed is the Exceptions Test applied if appropriate. Therefore whilst the EA objection is acknowledged, because the main committee report and refusal reason #4 sets out that the Sequential Test is not passed, then it is not necessary to go on to consider whether the FRA is acceptable or include this in the refusal reason or add it as an additional reason.

ADDITIONAL REPRESENTATION / OWNERSHIP CERTIFICATE

A representation regarding land ownership raised an issue over the accuracy of the submitted information in particular the signed certificates. Submission

of incorrect certificates means that the LPA is unable to determine the application as set out in the Town and Country Planning Act 1990.

After discussions with the Agent it was confirmed that the information originally submitted was inaccurate and so a new Certificate 'B' was provided along with evidence of the correct notice served to the relevant land owner on 22/01/2020. The Council is unable to issue a decision within 21 days of the date of this notice being served unless and until a representation is received from that landowner prior to this date.

For the avoidance of doubt, Members are still able to consider and decide on the application, although *if* a landowner representation was received before the notice period expired raising a new material planning issue that members ought to consider, then the application would need to be brought back to the next planning committee. If no landowner representation was received within the notice period or if no new material planning issue is raised then the application would not need to be brought back to planning committee and a decision would be issued after the 21 day notice expiry period.