Expired

Development Control – Delegated Officer Report

Application Number: ADC/0037/08 Recommendation - Refuse

Site: Jetty Adjacent 31 Riverside Road Shoreham-by-Sea West Sussex

Proposal: Proposed additional berths

The Application

The application relates to the jetty to the rear of No.31 Riverside Road, a detached bungalow located on the north side of the road, and on the south side of the banks of the River Adur.

The proposal is for an additional seven berths on the jetty which projects approximately 80m into the river; the formalisation of a parking area on the river bank to the rear of No's 31 & 33 for 8 cars; with a widened vehicular access with lay-by to the front of the property accessing Riverside Road.

To the west of the property is located No.29 Riverside Road a detached residential bungalow with 15m rear garden. To the east across the access way are No's 33, 35 & 37, three detached houses approved under SU/7/97/TP.

Site history

The jetty itself was granted permission under SU/23/80/TP subject to conditions: preventing the storage of items, materials or catch at any time upon it; prohibiting the parking of vehicles other than for loading and unloading of boats using the jetty; and restricting the number of boats using the jetty to five. Subsequent to being built the Planning Enforcement Officer has been required issue a number of notices on the owner of the site.

- 2 January 1997 – Planning Contravention Notice relating to a breach of conditions 2 and 3 of SU/23/80 and deposition of rubble, standing of a lock-up store, use for storage of fishing gear, containers, drums and steel rods and for parking a lorry.
- 19 March 1997 – Breach of Condition Notice served for the breaches as set out in the PCN of 02.01.97.
- 19 March 1997 – Enforcement Notice served due to the alleged breaches constituting development and being detrimental to the appearance and amenities of the residential locality and detracting from the riverscene.
- 29 May 1997 – Letter to owner requesting compliance with Enforcement Notice by 30.08.97 and the removal of the large rubble filled hulk immediately to the rear of the garden of the bungalow at

No.31, and compliance with the Breach of Condition notice by 25.04.97.

- 23 March 2000 – Letter requesting a planning application for a concrete hardstanding laid at rear of No's 33 – 37 Riverside Road.
- 28 September 2000 – Planning Contravention Notice for laying of concrete hardstanding.
- 7 October 2002 – Planning Contravention Notice for the storage of a variety of items in addition to other items already included in previous enforcement and breach of condition notices.
- 15 April 2003 – Enforcement Notice for operational development without permission comprising the construction of a hardstanding, deposition of rubble and material change of use from the mooring and loading/unloading of up to 5 boats at the jetty to mixed use for mooring and loading/unloading of up to 5 boats and the storage and parking of vehicles, trailers, boats, plant, equipment, tyres, timber and other materials.
- 20 October 2003 – Letter explaining non-compliance with above Breach of Condition Notices and Enforcement Notices and that legal action would now be taken.
- 6 December 2004 – Owner fined the sum of £1,580 at Magistrates Court.

At the time of the site visit the jetty had 10 boats moored, and the site was generally untidy, with stacked and stored materials throughout the site, concrete causeway, jetty and land to the rear of No's 31 Riverside Road.

Consultations and Representations

County Transport Planning Services: Objection. The Highways Officer notes that the number of boats moored exceeds the current approved limit, and that informal parking occurs to the rear of No's 31 and No.33 and that the current scheme would render 3 of the proposed parking spaces (behind No.31) potentially unusable. The Officer raised concerns that the addition of seven berths would lead to residual parking alongside Riverside Road. Parking already takes place and obstructs visibility for emerging drivers and further car parking would not be acceptable for road safety reasons.

Environment Agency: No objection to the proposal however the Environment Agency request that conditions be imposed on any planning permission granted, due to the site being within an area of estuarine mudflat and saltmarsh habitat. These habitats are national and local Biodiversity Action Plan (BAP) habitats, for which targets have been set in order to ensure no loss of area, and for gains to be made where possible. The permanent loss of any area of these habitats would be unacceptable.

- The proposed car park stated in the design and access statement shall not exceed the existing hard standing footprint of the site. No built development shall occur beyond the existing hard standing. The existing hard standing does not include the rubble located adjacent to the mudflats.

- Existing debris and rubble located adjacent to the existing hard standing and access way to the jetty shall be removed.

Director of Services: No objection in principle but they recommend a condition prohibiting use of boats for human habitation or overnight accommodation, to protect amenity of the area and prevent pollution of the river.

Shoreham Port Authority: No comment.

Third Parties: There have been two letters of objection to the proposals from the neighbours at No's 33 & 35 Riverside Road.

The owner of No. 33 raises concerns that the plans do not indicate the boats that are already moored at the jetty. They state that the pathway between their boundary fence and the wall of No.31 is not large enough to have cars and boats from the marina, and that the smell from fumes would be awful. They feel that if approved the area will be completely without birdlife.

The owner of No.35 says that the increase in berths will create further problems meaning cars and vans will be parked on the extended hardstand behind No's 33 & 35, at the bottom of their gardens, creating noise and disturbance, making it impossible for wildlife. In addition it will encourage even more rubbish to be dumped. Boat owners currently park outside their properties and

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, CH1, NE6, NE12, ERA2, ERA3, DEV1, DEV4-5.
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AB16, AR14
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 203 and ADC 2004)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS9 'Biodiversity and Geological Conservation (ODPM 2005) & Circular 06/05
PPG13 'Transport' (DTLR 2001)

Planning Assessment

Policies
The site lies within an area specifically identified for boat moorings under Local Plan policy AR14. This policy states that reorganisation of moorings will be approved provided there is no conflict with the operation and natural expansion of the Harbour, the scale being appropriate to the character of the locality, local environment considerations including residential amenity and on-site parking arrangements being acceptable. Policy AB16 of the Local Plan is also relevant and states that in order to protect and enhance the important

amenity value of the River Adur, development which adversely affects views along and across it between the Surrey Hard and the A27 will not be permitted, it goes on to state that opportunities will be taken, when considering development proposals, to improve the river scene.

Structure Plan policies require that generally development should be restricted to within the areas defined as built-up, provided that the impact on the character of the area, the environment, resources and assets are acceptable (LOC1). Equally CH1 and DEV1 both seek to preserve and where possible enhance the character, distinctiveness and sense of place of areas, rivers, waterways and wetlands. ERA2 & 3 both seek to protect the wide range of habitats, species and geological features of the area, and that development should not be permitted unless the distinctive character and resources of river estuaries will be conserved taking into account the impact on, amongst other things, nature conservation. Policy DEV5 relates to parking provision and states that development should not be permitted unless the level of parking is compatible with the need to avoid environmental or safety problems and the need to encourage, cycling and the use of passenger transport, where this is, or can be a realistic alternative, and that it does not exceed agreed maximum standards other than in exceptional circumstances.

Visual amenity

The number of boats moored at the jetty at the time of the site visit was 10, additionally the grounded hulk referred to in the Enforcement notices has not been moved, and has been in-filled with debris and rubbish to an extent that it is now level with the concrete causeway leading to the jetty. The jetty itself is unkempt and cluttered with rubbish, nets and fishing gear, and it is still considered to contravene the original planning permission conditions preventing the storage of items and materials, and restricting the number of boats using the jetty to five.

Ordinarily the planning application would be viewed in isolation from the current Enforcement notices and on its own merits, however it is considered that the number of boats does directly contribute to the poor state of the jetty, and if permission were to be granted for the additional berths it is felt that the addition of more boats would only exacerbate the problem, resulting in an increase in the detriment to the visual amenity of the area and the riverscape contrary to policy AB16 of the Local Plan.

Residential amenity

The property directly to the east of the vehicular access (No.33) is sited very close to the access way. Currently cars use the track for loading and unloading of the boats only, and if there is no space the additional parking takes place on the wide footpath in Riverside Road. If permission were to be granted it would result in the formalisation of 8 car parking spaces to the rear of No's 31 and 33. Currently the hardstanding behind No.33 can accommodate a maximum of two cars, whilst to the rear of No.31 two cars can be informally parked. The addition of the parking spaces would generate an amount of activity that would be in excess of the levels currently

experienced by occupiers of No.33 and due to the proximity to the site would detract from their residential amenity to an unacceptable level.

Highways and access

The Highways Officer feels that the substandard access if used in a more intensive fashion would cause a detriment to highways safety. The access itself is very narrow at 2.4m and does not allow for the passing of two cars if exit and entry were needed at the same time by two different vehicles. The proposed lay-by at the front of No.31 would prevent cars waiting on the main road whilst a car exited the site, however this would result in a reduction of visibility at the point the access joins onto Riverside Road. At the time of the site visit and on further inspection at a later date two large vans also occupied the hardstanding at the front of No.31 adding to loss of visibility to the highway.

The proposed parking is aligned in such a fashion that the three southernmost spaces behind No.31 would not be accessible, due to the longer garden to the rear of No.33 to the east and small amount of manoeuvring space.

Effect on natural habitat

The plans as submitted show that the area of hardstanding to the rear of No.31 would not be increasing in area and would merely be formalising the parking arrangements. This is not the case. The area to the rear of No.31 as existing is as a result of dumping of rubbish and infilling the riverbank mudflat area with rubble. This area to the rear of No.31 and the areas infilled either side of the concrete causeway are the subject of the enforcement action as stated above, and whilst the Environment Agency have no objection to the proposals, their comments are based only on the plans submitted. They recommend two planning conditions which state that the permanent loss of any of the estarine mudflat and saltmarsh habitats would be unacceptable, and requesting the existing debris and rubble located adjacent to the existing hardstanding and causeway be removed,

The proposed hardstanding to the rear of No.31 would result in an increase of infilling of the river of approximately 75 square metres. The additional plans supplied show an area to the rear of No.31 the same size as the proposed formal parking area. This is incorrect and it is felt that the plan is inaccurate with respect to the effect the proposals will have on the infilling of the river and the surrounding natural habitats.

It appears from the site history that since the original planning permission was granted for the jetty (SU/23/80/TP) that the area either side of the concrete causeway has been gradually infilled with rubbish and debris to such an extent that the surface area has increase greatly giving it the appearance of a large hardstanding area. This has been to the detriment of the views across the River Adur, the riverscape in general, biodiversity and the protected estuarine mudflat and saltmarsh habitats. The proposed extension of the hardstanding would only increase the detrimental effects that these areas would suffer.

Recommendation

REFUSE for the reason that:-

1. The increase in hardstanding area to the rear of No.31 Riverside Road results in the loss of an area of estuarine mudflat and saltmarsh habitat, to the detriment of the visual amenity and biodiversity of the area. It is contrary to the policies of the West Sussex Structure Plan (ERA2, ERA3), the Adur District Local Plan (AB16, AR14) and PPS9 'Biodiversity and Geological Conservation'.

2. 1AR
The increased use of the existing access to the public highway would add to the hazards of highway users to an unacceptable degree, and the proposal does not make provision for adequate visibility at the junction of the access with the public highway which would be detrimental to highway safety, contrary to the policies of the West Sussex Structure Plan (DEV4).

3. 7BR – amended.
The proposal does not include adequate provision on the site for the parking of vehicles in a satisfactory manner to the standard required by the Local Planning Authority and the proposal would be likely to increase the pressure for on-street parking in an area where insufficient space is available, with resultant detriment to highway safety, to obstruction of the flow of traffic and to the detriment of the residential amenity of the surrounding properties, contrary to the policies of the West Sussex Structure Plan (DEV4-5) and the Adur District Local Plan (AR14).

Case Officer:

Date: 04/07/08