Development Management - Delegated Officer Report

Application Number: AWDM/0601/15 Recommendation – Approve

Site: Former 79-81 Brighton Road, Shoreham-By-Sea

Proposal: Application for a Minor Material Amendment to planning permission AWDM/0501/12 to increase height of retaining wall to infilled slipway at Surry Hard by 0.3m.

Date of site visit: 8 July 2015

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to the site of the former Parcelforce building which has permission to be redeveloped for a new mixed residential and commercial building, 5-7 storeys high (AWDM/0501/12). Work has commenced and is now well under way. Part of that consent included works to infill Surry Hard to the east of the site to form a stepped quay. That work has been carried out but it was discovered that during the highest tides river water overtops the new wall and floods the Hard. To afford better protection to the Hard, and the area in general, it is proposed to raise the outer wall of the Hard, adjacent to the river by 300mm.

The work has been carried out since the application was submitted due to the length of time it has taken to complete the deed of variation to the original legal agreement.

Relevant site history

AWDM/0501/12 – Demolition of existing warehouse to facilitate new mixed-use development of 132 dwellings (Use Class C3) (comprising 32 x 1-bed flats, 87 x 2-bed flats and 13 x 3-bed flats of which 27% are affordable units), a 1265sqm foodstore (Use Class A1) and 121sqm of ancillary commercial floorspace (Use Classes A1, A2, A3, A5 and B1) in a 5-7 storey building with 150 parking spaces plus cycle spaces at basement level and at the front of the site, new vehicular access to serve the foodstore from Brighton Road, access to residential units via Surry Hard, improvements to the existing river wall, public hard and boathouse and new landscaping.

Consultations

West Sussex County Council: The ***Public Rights of Way Officer*** has no objection as the flood wall is not on the legal line of the Restricted Byway

Adur & Worthing Councils: The ***Engineer*** has no comment.

Environment Agency: No objection in principle to increasing the height of the retaining wall to 300mm

Southern Water: There is a surface water sewer within the site. No new foundations or construction work should be located within 3m either side of the centre of the sewer.

Representations

None received

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AG3, AP4, AB1, AB3-4, AB16, AB23, AB25-27, AB30, AB32, AT1, AT10, AH2-3, AH5, AR16 and Appendix 11 'Supplementary Planning Guidance' comprising:-
Development Control Standard No.2 "Space Around New Dwellings and Flats"
Shoreham Harbour Interim Planning Guidance (2011)
Draft Development Brief for Western Harbour Arm (2013)
National Planning Policy Framework (March 2012)

Planning Assessment

Principle

Planning permission exists for the redevelopment of the site and the development has commenced. This application concerns only works to raise the height of the infilled slipway. As the aim is to improve flood protection for the site and the wider area, there is no objection in principle.

Visual amenity

The increase in the height of the wall where it abuts the river by 300mm will have little visual impact on the site or the wider area.

Residential amenity

The proposal will not harm the amenities of the occupiers of the houseboats to the west of the wall or to the future occupiers of the development on the site.

Flood Risk

The works will prevent water overtopping the wall during the highest tides. Concern has been expressed that water could continue to find its way onto the Hard via the Surry boatyard slipway immediately to the west. However, the applicant has confirmed that the Boat Yard owners will sandbag their slipway at appropriate times to protect the Hard. While this is not ideal, no objection has been raised by the Environment Agency. On this basis, it is considered that there are no reasons to refuse the application on flood risk grounds.

Public Right of Way

Part of the Surry Hard forms a restricted byway and there are ongoing discussions with West Sussex County Council to extinguish these rights. As the work infilling Surry Hard has already been carried out it is not possible to deal with any extinguishing of the public right of way/restricted byway (PROW) under s257 of the T&CPA and provisions in the Highways Act would need to be used. Any request to extinguish a right of way would have to be assessed having regard to the loss of enjoyment caused by removing public access. In this instance the PROW only related to part of the top section from the end of the Boat Yard building towards the A259 (which also included a section of highway). Therefore the works at the southern end including the stepped quay are not unauthorised and no objection has been raised with regard to the proposed raising of the wall height.

Legal Agreement

The application has necessitated a variation to the original S106, which was completed on 21 September 2016.

Recommendation

APPROVE

Subject to Conditions:-

As per original permission

Is recommendation contrary to letter(s) of representation? N

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The applicant is advised that a licence may be required by the Marine Management Organisation before carrying out the development subject of this application.

Case Officer: Peter Barnett Date: 26 September 2016

Authorised by: Gary Peck Date: 26 September 2016