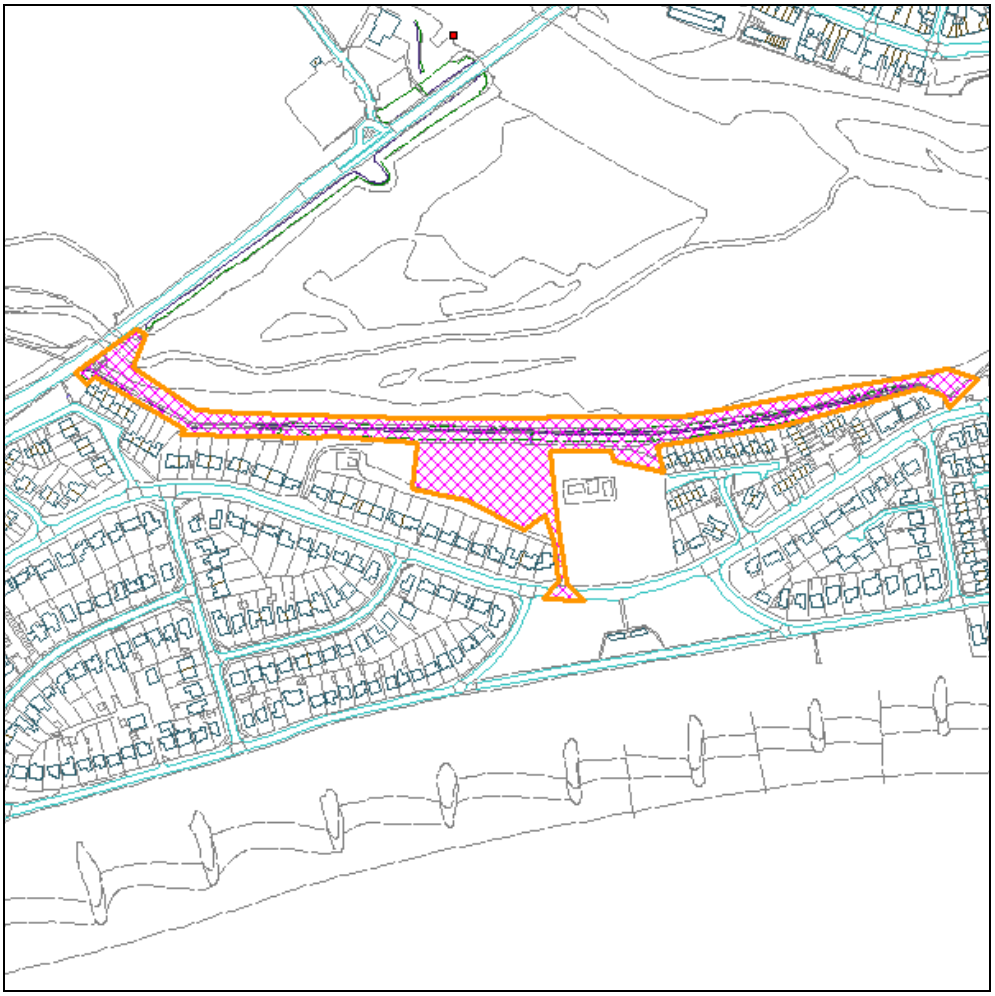
Application Number: AWDM/1491/17 **Recommendation – APPROVE**

Site: **Adur Tidal Walls Scheme Reach W5: Land to East of A259 Brighton Road bridge and to North of Beach Green/Riverside Road**

Proposal: **Variation of condition 24 of AWDM/1614/15 relating to amended drawings for the design and construction of the Environment Agency's Shoreham Adur Tidal Walls Scheme at Riverbank Reach (Reach W5).**

Applicant: Mr Graeme McClure Ward: Marine
Case Officer: Gary Peck



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

This application seeks amendments to the previously approved Adur Tidal Walls Scheme in relation to reach W5 (The Riverside reach) which extends from Brighton Road to the west to the junction of Beach Green and Riverside Road to the west.

The amendments include changes to offset the alignment of the steel sheet-pile wall by 514mm to the landward side of the existing concrete footpath between the A259 road bridge and Riverside; increase width of overall wall structure from 440mm to 865mm; planters (indicative) on top of the wall; and minor enlargement of planning application red line boundary within Beach Green to accommodate the construction compound.

It is proposed that piling will be undertaken adjacent to the existing footpath on the landward side, whereas the original design involved the construction of the wall within the footprint of the existing footpath. As such, piling will now be able to take place without the removal of the existing concrete footpath and without any intrusive works undertaken on the river-side of the footpath, which would impact on the houseboat access structures and limit access during the construction.

The top level of the flood protection wall will remain the same height as the original solution; however, the steel sheet piles will have to extend a further 600mm in height, within the section of the flood protection wall, to enable Giken construction. The wall will be brick clad.

As well as the submitted drawings, an Addendum to the previous Environmental Statement has been submitted

The application site stretches from Brighton Road (A259) in the east to Beach Green/Riverside Road in the west. The application site partially encompasses the area of houseboats along this part of the Adur estuary. Immediately to the south of the application site are the gardens of residential properties on Ormonde Way, Beach Green and River Close.

The reach is adjacent to the Adur Estuary Site of Special Scientific Interest (SSSI). The Shoreham by Sea Conservation Area is to the north of the application site.

Relevant Planning History

AWDM/1614/15 - *Improvements to 1.8km of tidal defences on the east bank between Coronation Green and the A27 road bridge and 5.4km of defences on the west bank between Shoreham Old Fort and Shoreham Toll Bridge. Proposed development (referred to as the Shoreham Adur Tidal Walls scheme) consists of seven reaches on the west bank (designated W1 - W7 inclusive) and three reaches on the east bank (designated E1 - E3 inclusive). The proposed defences include steel sheet piling, concrete walls, flood glass and earth embankments. Additional works to include a section of road raising, scour protection in the form of rock revetment, matting, planted terraces and gabions and the creation of 1.3 ha of intertidal salt marsh in reach W7 and*

landscape improvements at Town Quay and the Shoreham Old Fort car park. The application is accompanied by an Environmental Impact Assessment. Permission granted in June 2016

3 subsequent non material amendment applications have been granted but these were for other reaches and therefore do not affect this application.

Consultations

Technical Services

We have no objection to the details provided; however we have voiced our concerns to the changes proposed both in number and length of the access steps.

We have suggested that none of the access steps should start / cross onto ADC land.

This approach is supported by parks, parking services and Estates.

(Note the access steps are not part of this application)

Environmental Health

Full contamination condition can be imposed if appropriate.

Representations

4 letters of objection and 2 letters of comments have been received on the following grounds:

- Support the wall but bare concrete will now face the houses in Ormonde Way and it should be clad as on the riverside of the wall
- Unacceptable that the appearance of the construction is anything less than fitting with the local architecture
- The relocation of the wall may increase the risk of landslide
- Landscaping of the bank will now be the responsibility of the houseboat owners instead by the EA as previously indicated
- Object to loss of access to the towpath by the removal and non-replacement of existing steps. Major changes are taking place without consultation
- In respect of the tie in between reaches W4 and W5 stating that a ramp will be situated on privately owned land and storage has already been taking place on a garage compound.

The agent has responded to the objection and comment letters:

We have reviewed the objection letters and have the following comments to make, which should hopefully assist with your assessment and determination of the s73 planning application.

Objection from 5 Riverside
This resident lives within reach W4 and predominantly appears to be concerned with works within their garage/compound area, which is at the tie in between reach W5 and reach W4. I can confirm that this current s73 application for reach W5 does not propose any amendments or new works within this area. I have asked the EA and TVO to respond separately on points 4, 5 and 6 of the letter (these matters relate to consultation, future maintenance and programme).

Objections from 9 & 11 Ormonde Way
The main concerns appear to relate to the appearance of the wall structure and interpretation of the drawings.

I can confirm that the wall will be clad with yellow brick panels, down to a level of +3.90 OD. Below that, there is a 195mm deep strip of concrete, down to a level of +3.75. Below that, where the existing embankment is lower, the weathered steel colour of the sheet piles will be visible. The height of this varies in different areas along reach W5, depending on the embankment levels and its irregularities.

Steel sheet piles will be visible along a proportion of 25%-30% of W5, with exposure heights ranging between 0mm and 500mm. Generally, in most areas the exposure is in the order of 250mm – 350mm. The maximum exposure of 500mm, is localised, and is encountered along the stretch of the Beach Green Car Park (currently the TVO compound). Exposure is generally in the order of 400mm along this section.

Please see attached visual aid (for information only), that demonstrates the elevation of the wall to the rear of 9-11 Ormonde Way, its neighbouring properties (13-15 Ormonde Street), and along the Beach Green Car Park, where the maximum exposure is encountered. I hope this will assist in your consideration of the points raised by these residents.

16 & 17 River Close
I note that there have been two additional objection letters submitted yesterday and today. As you will be aware, this current s73 planning application does not include details of the stairs. Discussions regarding stairs with stakeholders and stair design are ongoing and such details will be submitted as part of a second s73 planning application, which will be submitted in due course (I think these letters were triggered by a meeting between residents and the contractor which took place on site yesterday).

Relevant Planning Policies and Guidance

Submission Adur Local Plan as modified in accordance with the Inspector's recommendations: Relevant policies include 2 (Spatial Strategy), 4 (Economic Growth),

7 (Shoreham Airport), 8 (Shoreham Harbour), 11 (Shoreham-by-Sea), 16 (Strategic approach to the Historic Environment), 17 (The Historic Environment), 37 (Flood Risk and Sustainable Development).

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issue in the determination of the application is the effect of the amendments, having regard to the previously permitted scheme, upon the character and appearance of the area and the amenities of neighbouring properties.

It is important to stress that while representations have been made regarding access steps (the consultation response from Technical Services also refers to the access steps) they are not part of the application and will be the subject of a separate application to be submitted in due course.

As previously proposed, the original design specification for this reach focused on raising the existing alignment along a public footpath. The height of the path was to be raised by 170mm to a design height of + 4.42m AOD to limit the flooding to extreme events.

It is understood that local residents and stakeholders raised concerns in relation to their boats, jetties, gardens and access during the works. In order to address these concerns, the contractor and the Environment Agency developed a new design with an emphasis on the following:

- Reducing impact on local residents and users;
- Allowing for vegetation and tree cover to be retained to act as screening to residents and reducing impact on reptiles;
- Jetties and access being undisturbed for the duration of the works;
- Minimising impact on existing services (UKPN, BT etc);

- Minimising disturbance to residential gardens, amenities and habitat;
- Reducing damage to boats from vibration and reducing levels of noise by removing the use of the vibro hammer and only using a Giken silent piler.

It is stated that the top level of the flood protection wall will remain the same height as the original solution; however, the steel sheet piles will have to extend a further 600mm in height, within the section of the flood protection wall, to enable Giken construction. The alignment of the wall is moved just over half a metre to the landward side and its width increases from 0.4 to 0.8 metres. This allows the existing footpath to remain as previously the wall was located within the alignment of the footpath.

The relevant concerns in respect of the proposal appear to relate to the appearance of the wall from residents gardens in Ormonde Way. Supporting information has subsequently been submitted which shows the majority of the wall be clad with brick panels and it is only a relatively small section where the steel sheet pile will be visible. While regard should be had to the representations made, the appearance of the wall from the resident's side will have little impact upon public amenity and could be considered as a matter between the residents and the applicant. In any case, given the limited extent to which the sheet pile would be visible, to which it could open to residents to screen themselves if they saw it necessary, and in light of the acknowledged wider benefits of the scheme in preventing flood risk, it is not considered that a refusal or further amendment of the scheme could be justified.

It is apparent that the concerns of the houseboat owners in respect of this application appear to have been largely addressed and the opportunity to retain the footpath and use a quieter piling method while retaining the height of the wall as a flood defence appear to be welcome improvements. It is therefore considered that the application is acceptable.

Recommendation

GRANT permission

Subject to Conditions:-

Condition 24 as amended:

The development hereby permitted shall be implemented in accordance with the following approved plans:

Planning Drawing – Overview IMSO000648-MMC-01-XX-DR-C-1030 P01 received 5 September 2017

Drawing List IMSO000648-MMC-01-W5-DR-C-2900 P01.1 received 5 September 2017

Map of Existing Services IMSO000648-MMC-01-W5-DR-C-2913 P01.1 received 5 September 2017

Site Clearance & Demolition IMSO000648-MMC-01-W5-DR-C-2915 P01.1 received 5 September 2017

Reach Overview IMSO000648-MMC-01-W5-DR-C-2930 P01.1 received 5 September 2017

General Arrangement IMSO000648-MMC-01-W5-DR-C-2931 P01.1 received 5 September 2017

Typical Upstand Wall IMSO000648-MMC-01-W5-DR-C-2934 P01.1 received 5 September 2017

Stanchion Post Details IMSO000648-MMC-01-W5-DR-C-2936 P01.1 received 5 September 2017

Typical Upstand Wall Further Details IMSO000648-MMC-01-W5-DR-C-2937 P01.1 received 5 September 2017

18th December 2017