Expiry 30/1/08.

Development Control – Delegated Officer Report

Application Number: ADC/0739/07 **Recommendation – Refuse Application**

Site: **Houseboat Royal Native 7 Riverbank Brighton Road Shoreham-by-Sea West Sussex**

Proposal: **Temporary mooring of second boat, 'Rebus Stone' (for 6-8 months) during its conversion to a houseboat to replace the existing houseboat 'Royal Native'**

The Application

The application relates to an existing houseboat plot located to the western end of the line of houseboats situated to the north of Beach Green car park. The existing houseboat at the site is 'Royal Native' it is proposed that this boat will be replaced by a larger boat, 'Rebus Stone.' Permission is sought to moor the second boat 'Rebus Stone' for a maximum of 8 months during which time this boat would undergo conversion to a houseboat on the site and the existing boat will be removed from the site. No superstructure or external changes are proposed. The existing boat, 'Royal Native' is 13 metres in length. The proposed boat would be 39 metres in overall length with a maximum width of 5 metres.

Planning permission is required in this case for the temporary mooring of the two boats at this site. The applicant's have provided supporting information with the application stating that they need both boats at the site at one time to allow 'Rebus Stone' to be converted to a houseboat and 'Royal Native' to be broken down and removed from the site as this is the applicant's only home. Therefore they are not able to remove 'Royal Native' prior to bringing in 'Rebus Stone' for which planning permission would not be required.

Consultations and Representations

Environment Agency: - Objection – Due to the excessive size of the proposed new boat and the impact this will have on the Site of Special Scientific Interest (SSSI) where this boat will be situated, contrary to Policy AN1 of the Adur District Local Plan.

Natural England: - Natural England is concerned that the foul water from the replacement boat will still discharge directly into the estuary as this will continue to have an impact on the SSSI. The replacement vessel is considerably larger than the existing vessel. It is noted that the plan is to demolish the existing boat 'Royal Native' it is not clear how this will be done, informatives are suggested to ensure the impact on the SSSI are minimised.

Director of Services: - Environmental Health has no objections.

Third Parties: - No third Party representations have been made.

The Shoreham Society: - The Royal Native must be the only known surviving 19th Century Shoreham oyster boat. If approval is given to replace it what is to become of the Royal Native as far as the planning department is concerned.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC2, CH3, ERA2, DEV1
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AC1, AC4, AC10, AN1, AB16
'Good Practice Guide for Houseboats' (ADC 2007)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS7 'Sustainable Development in rural Areas' (ODPM 2004)
PPS9 'Biodiversity and Geological Conservation' (ODPM 2005)
PPG20 'Coastal Planning' (DoE 1992)

Planning Assessment

Policies

The site lies within the Adur Estuary Site of Special Scientific Interest (SSSI), of national importance principally because of its habitat for wading birds. It forms part of the 'strategic gap' of countryside separating built-up areas as defined in the Local Plan. There is a policy objection to new development unless there are compelling circumstances but, in previous cases, the view has been taken that replacement of existing houseboats on a one-for-one basis is acceptable subject to policy AC10 providing for replacement dwellings in the countryside. However, following the Secretary of State's decision in 2005 on houseboat 'Fische,' the replacement of one houseboat with another was held to fall outside planning control.

Policy AB16 of the Adur District Local Plan states that in order to protect the important amenity value of the river upstream of the Surry Hard, development adversely affecting views along and across the river will not be permitted.

Visual Amenity

Permission is only required in this case to moor two vessels for a temporary period pending the conversion of the replacement vessel to a houseboat. Following the 'Fische' decision, there is no planning control as such over bringing boats or removing old ones. Whilst the permanent mooring of two boats on one plot is clearly unacceptable, it is considered that it would be unreasonable to prevent the temporary mooring of two boats whilst the replacement boat is undergoing conversion. This has been approved in other cases and does not appear to have caused demonstrable harm to the SSSI. The submitted plans show the new boat to be moored alongside the existing boat during its conversion.

The proposed boat 'Rebus Stone' is 39 metres in length. The council's 'Good Practice Guide for Houseboats' gives dimensions which should be used as a guide for replacement houseboats. 'Rebus Stone' at 39 metres exceeds the recommended length of 25 metres. It also states that houseboats should be a reasonable distance from the riverbank, typically 5 metres. The proposed boat is shown to be moored up against the riverbank.

The existing houseboat 'Royal Native' is much smaller than many of the current houseboats including the two boats moored either side of the site, which are around 25 metres in length. The applicant has also provided supporting evidence which cites four other houseboats which exceed the recommended 25 metres. However it is considered that although the 'Good Practice Guide for Houseboats' is only guidance and could be exceeded slightly in some cases. There is no justification in this case to exceed the recommended length of 25 metres by 14 metres to 39 metres and allow a temporary mooring, replacement boat of this size. It is considered that this would set a precedent for allowing further, much larger boats which would be detrimental to the visual amenity of the area.

Ecological Impact on the SSS/

The Environment Agency is objecting to the proposal due to the impact the proposed boat will have on the SSSI. It is stated that there are likely to be significant impacts upon the nature conservation interest of the SSSI, through impacts of shading, changes in hydrology, and direct loss of the Biodiversity Action Plan (BAP) habitats (saltmarsh and mudflat) through the mooring of the boat on the substrate.

As stated above, the SSSI is of national importance and, as a result of the involvement of the relevant bodies, the Council's Good Practice Guide limits the size and positioning of replacement boats for its protection.

Natural England have expressed concern with regards to the foul water from the replacement boat will still discharge directly into the estuary as this will continue to have an impact on the SSSI. With regards to this matter, notwithstanding past comments from both the Environment Agency and English Nature, the Planning Inspectorate have not considered it to constitute a valid planning reason for refusal in respect of replacement houseboats as there would be no significant increase in the level of discharge.

Recommendation

REFUSE on ground that :-

1. The proposed temporary mooring of the replacement houseboat 'Rebus Stone' by reason of its length and proximity to the river bank will have an adverse effect of the visual amenities of area and if permitted would make it difficult to resist further similar proposals which cumulatively

would have a more serious detrimental impact. Therefore contrary to policies AB16 and AC4 of the Adur District Local Plan and CH3 and DEV1 of the West Sussex Structure Plan.

2. The proposed temporary mooring of the replacement houseboat 'Rebus Stone' by reason of its length and proximity to the river bank will have an adverse effect on the ecological habitat of the Adur Estuary Site of Special Scientific Interest due to impacts from shading, changes in hydrology and direct loss of the Biodiversity Action Plan saltmarsh and mudflat habitats. Therefore contrary to policy AN1 of the Adur District Local Plan and ERA2 of the West Sussex Structure Plan.

Case Officer...J Barker.....Date...29\1\08.. PB 29/1/08