Development Management – Delegated Officer Report

Application Number: AWDM/0554/21 Recommendation: APPROVE

Site: Houseboat Valeur, 22 Riverbank, Shoreham-By-Sea

Proposal: Creation of new four bedroom floating home and associated access and ancillary solar array, bike storage, plant room, shower and WC enclosure.

Date of Site Visit: 23 April

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application seeks permission for the replacement of an existing houseboat, Valeur, with a new 4 bedroom houseboat. The existing houseboat is in a poor condition and evidently requires replacement. The application site is situated centrally within the row of houseboats on the southern side of the river and is north of Beach Green, with River Close to the south east. The houseboats are very mixed in character and size but some of those largest in scale and footprint are very close to the site, including that immediately to the east. The SSSI is to the north, while crossing the site to the south is a walkway above the new Tidal Walls. The remainder of the curtilage is beyond the walkway to the south where it is proposed to provide an enclosed garden and parking area under a carport type structure.

The proposed houseboat is described as being in a long, tapered form sloping inwards. External walls will be clad in standing seam aluminium.

Planning History:

None relevant to the determination of the application

Consultations:

Environmental Health

No objection subject to a Construction Management Plan

Environment Agency

We have **no objection** to the proposal as submitted from a flood risk perspective.

<u>Advice to the Local Planning Authority and Applicant</u>

<u>Flood risk</u>

The proposed houseboat will be located in Flood Zone 3 (tidal high risk). However, as the houseboat is a replacement dwelling, it will be providing a betterment to the existing floating structure.

It must be ensured that the structure is secured to the land so that it cannot float away (which plans show that it is), and that residents have an adequate evacuation plan, both of which are matters the Local Planning Authority must satisfy themselves are addressed adequately.

Foul water

We note that there is a section in the Design & Access Statement which specifies that the houseboat will be connected to mains drainage on land, or if not possible for technical reasons, a waste digester will be used which treats foul water and is occasionally pumped out to a land based removal service (specified in the section entitled 'Ecology and biodiversity', point 2).

Connection to mains drainage should be the option given the highest priority if possible. This is the best solution in terms of water quality, and in accordance with the hierarchy set out in the Planning Practice Guidance for Water Supply, Wastewater and Water Quality.

If a waste digester is utilised, it is possible that the discharge from this may require a permit from us (https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits). Please contact our National Customer Contact Centre for advice as to whether this applies on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Advice to the Local Planning Authority

Adur Estuary SSSI

Due to the location of the houseboat within the Adur Estuary SSSI, it is imperative that Natural England are consulted on this proposal and are given an opportunity to provide their comments.

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood, and to evacuate before an extreme flood, needs to be considered. One of the

key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG.

Advice to the Applicant

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit (called a 'Flood Risk Activity Permit') or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert; and/or
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it is a tidal main river) and you do not already have planning permission.

For further guidance, please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The Applicant should aware of the Shoreham Adur Tidal Walls Scheme which could impact the site and the application. For more information on the scheme, please visit https://www.gov.uk/government/collections/shoreham-adur-tidal-walls-scheme.

The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.

Signing up for flood warnings

The Applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. Our flood warning service is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message.

Anyone can sign up.
Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-for-flooding.

To get help during a flood, visit https://www.gov.uk/help-during-flood.

For advice on what do after a flood, visit https://www.gov.uk/after-flood.

Marine licence

For any activities (including construction, dredging and removals) below the mean high water springs mark, a marine licence may be required from the Marine Management Organisation (MMO). Please note that the requirement for a marine licence is separate from planning permission.

Please contact the MMO directly in regard to marine licence enquires and applications – they can be contacted on **0191 376 2791** (9.00am to 4.30pm Monday to Thursday, 9am to 4pm on Friday) or by emailing info@marinemanagement.org.uk.

Further details can also be found on the MMO website –

https://www.gov.uk/government/organisations/marine-management-organisation/services-information."

Natural England

Natural England have commented on the proposal on a number of occasions, with further information being provided by the applicant in response. Their final comments were:

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would: • damage or destroy the interest features for which the Adur Estuary Site of Special Scientific Interest (SSSI) has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

• A Construction Environmental Management Plan (CEMP)

• Net loss of intertidal mudflat/saltmarsh habitat to be avoided by additional removals of boats stored in the intertidal zone, located within the houseboat owners' plot.

• Saltmarsh habitat that would be lost should be translocated to a new area and monitored to confirm the establishment.

• Saltmarsh monitoring to be conducted annually for 5 years. With annual monitoring reports to be sent to Natural England for review and to discuss any remedial works.

• Seasonal clearing of landside vegetation and features on the boat superstructure to take place out of the nesting season (March to August).

• Construction activities should be avoided during overwintering bird period (October to March inclusive).
We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites and advice on other natural environment issues is set out below

Further advice on mitigation Natural England have previously responded to this consultation on the 13th May 2021 (case ref no 349424), on the 14th June 2021 (case ref no 354369) and on the 24th September 2021 (case ref no 366920). In our previous response, we were concerned that there was insufficient information about the translocation methodology of saltmarsh habitat and subsequent monitoring. Natural England have reviewed the Additional Ecology Mitigation Information (15th October 2021) and now acknowledge that there is sufficient detail on how the saltmarsh habitat will be transplanted and monitored.

As outlined within the Additional Ecology Mitigation Information document, the saltmarsh habitat is to be transplanted during mid spring to early summer during neap tides. No heavy machinery will be used to transplant the saltmarsh, instead the saltmarsh will be transplanted by hand. A total of 53m2 of current saltmarsh habitat is to be translocated away from the construction zone, and will be used to establish an area of 106m2 of saltmarsh habitat adjacent to the replacement houseboat. The newly established saltmarsh will be subject to a 5 year monitoring plan. Monitoring of the saltmarsh will be conducted annually by a qualified ecologist.

Please find below, further information relating to conditions which should be secured if planning permission is to be granted:

Saltmarsh and mudflat Habitat The proposed application involves temporary loss and disturbance of saltmarsh and mudflat habitats which are notified interest features of the Adur Estuary SSSI. The Adur Estuary contains one of only two significant areas of these habitats in Sussex.

Technical Services

No objection

Representations:

11 letters of support have been received making the following comments:

- design is well thought out

- will add value to the Riverbank
- applaud the use of modern technology
- planning permission may not even be required

Relevant Planning Policies:

Adur Local Plan (2017):

Relevant policies include: 11: Shoreham-by-Sea, 13: Adur's Countryside and Coast, 15: Quality of the Built Environment and Public Realm, 18: Sustainable Design: Green Infrastructure, 31: Biodiversity, 34: Pollution and Contamination, 35: Water Quality and Protection and 36: Flood Risk and Sustainable Drainage

Good Practice Guide - Houseboats

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

Planning Assessment

The main issues are the effect of the proposal upon the character and appearance of the area (including the SSSI) and the amenities of neighbouring properties.

The application has been the subject of detailed negotiation with Natural England to ensure that appropriate mitigation is provided to prevent any adverse impact upon the SSSI. The outcome of those discussions is outlined in the consultation section above and the applicant is aware of, and has agreed to, the proposed conditions. It is therefore considered that this matter can be acceptably controlled by condition.

The application site faces towards Beach Green Park and therefore unlike many of the houseboats does not have a directly facing relationship with neighbouring residential properties. This gives more scope for a larger structure than along other parts of the riverbank and furthermore, its close proximity to Fische, probably the most prominent boat in the entire row, means that even though the proposed houseboat is reasonably sized in itself, it will appear reasonably subservient to its environs. In any case, its tapered nature will reduce its visual impact.

It is noted that there has been a number of representations of support in respect of the application, with none against, and most of these representations are very positive about the design of the houseboat. The entire row of houseboats is an eclectic mix and while as such it could be considered that any view of design is subjective, it is evident that care has been taken to evolve the design and accordingly it is considered acceptable.

A car port, solar panels above, will be provided to the southern side of the footpath. This area in general has been tidied up since the completion of the Tidal Walls and with the addition of various steps up to the path, some public

and others private, has indicated respective curtilages to a greater extent than was previously the case. It is not considered there can be any objection to works in this location.

The application has been the subject of detailed discussion and is considered to be acceptable.

The Estates Team has raised concerns that part of the application site is owned by ADC and the development also relies on access over the Councils access road. Ideally this should have been included in the red edging and Notice served on the Council. There does seem some dispute over ownership of the Bank which surfaced with the Adur Tidal Walls scheme therefore an informative is proposed requiring that the applicant should make contact with the Councils Estate team to ensure all necessary agreements are in place with the District Council as landowner.

Recommendation

01 Approved Plans
02 Full Permission
03 Construction Management Plan
04 Additional boats and materials that are permanently stored on the intertidal zone (located in the houseboats' plot) should be removed in perpetuity. No boats/equipment to be stored in this zone in perpetuity.

Reason: Removal of all boats and material will ensure that the proposal results in a net increase in the area of saltmarsh and mudflat habitat. To ensure this net increase remains, no small boats should be stored on the intertidal zone after the development is complete. This will allow mudflat and saltmarsh to re-establish in those areas and ensure a net increase in habitat creation.

05 Saltmarsh habitat that is to be impacted is to be translocated to an unaffected area within the plot. 53m2 of current saltmarsh is be translocated to establish 106m2 which will be allowed to naturally regenerate. Transplantation methodology should be conducted as detailed within the Additional Ecology Mitigation Information document (15th October 2021).

Reason: An estimated area of ~53m2 of saltmarsh habitat will be disturbed during the construction phase. As saltmarsh is an 'interest' feature of the Adur Estuary SSSI and a Priority Habitat, it is a requirement that any disturbance is temporary and that full reinstatement of habitat can be demonstrated. Translocation of saltmarsh habitat allows for loss of saltmarsh habitat to be avoided. Establishing an area of saltmarsh habitat greater than the size of the affected is a required measure to address the risk that if re-establishment fails the proposal will lead to a net loss of saltmarsh habitat from the proposal.

06 Monitoring of the re-established saltmarsh must be conducted by a qualified ecologist after the completion of the construction works for a period of 5 years. Annual monitoring reports should be submitted to Natural England to discuss any remedial works if deemed required.

Reason: Saltmarsh is an 'interest' feature of the Adur Estuary SSSI and a Priority Habitat. It is a requirement that any disturbance is temporary and that full reinstatement of habitat is achieved. Annual monitoring will indicate if remedial works are required to ensure there is no net loss of saltmarsh habitat.

06 Construction activities likely to generate noise greater than 55dB should be avoided between October to March inclusive.

Reason: To prevent disturbance of interest features using the designated site for foraging and shelter.

07 Seasonal clearance of landside vegetation and features of the boat superstructure should take place outside of March to August inclusive. Unless birds are confirmed to be absent by an ecologist prior to works taking place.

Reason: To avoid disturbing birds during the nesting season.

08 A detailed Construction Environmental Management Plan (CEMP) should be submitted, outlining how any demolition/removal and construction impacts will be suitably mitigated for. We advise that the measured detailed in the Ecological Impact Statement (below) should be included in the CEMP in particular:

- Use of best working practice to minimise risk
- Follow the recommended code of practice for avoiding/containing fuel and oil spills, ensuring that there is no pathway for contaminants to affect the designated site. Best practice pollution prevention guidelines to be used.
- Use best working practice to reduce noise and vibration impacts, including using the quietest machinery and tools to be used for any given task
- All temporary and permanent site lighting during construction and operational phase must avoid illumination of the intertidal habitat. This includes directing lights away from the designated sites, using light fittings with downwards directional and low wattage luminaries to reduce light spillage and outward light pollution.
- Temporary screening to be installed around the demolition/construction site during the construction phase. In order to reduce pollution from construction phase activities including noise, dust, light and visual disturbance from construction operations.
- Construction phase activities to be avoided during the wintering bird period (October to March inclusive).

Reason: Due to the unique nature of this development. The demolition/removal and construction phase of this development could, if not managed appropriately, impact sensitive interest features and result in significant negative effects on the Adur Estuary SSSI.

09 No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm.

Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to policies 15 and 34 of the Adur Local Plan.

10 Approval of Materials

11 Landscaping (detailed condition)

INFORMATIVE

The applicant is advised to contact Adur District Council before carrying out any development to ensure that the necessary agreements are in place to secure access to the site and to build on land partly owned by the Local Authority.

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

Case Officer: Gary Peck Date: 25th November 2021

Authorised by: James Appleton Date: 13th December 2021