



ADUR DISTRICT  
C O U N C I L

15 January 2024

<b>Adur Planning Committee</b>	
<b>Date:</b>	<b>15 January 2024</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>QEII Room, Shoreham Centre, Shoreham-by-Sea</b>

**Committee Membership:** Councillors Carol Albury (Chair), Joe Pannell (Vice-Chair), Jeremy Gardner, Carol O'Neal, Vee Barton, Dan Flower, Jim Funnell, Gabe Crisp and Andy McGregor

**NOTE:**

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) before midday on Friday 12 January 2024.

**Agenda**

**Part A**

**8. Enforcement Report (Pages 3 - 6)**

To consider a report by the Director for Place, attached as item 8.

**9. Tree Preservation Order 2 of 2023 (Pages 7 - 8)**

To consider a Tree Preservation Order, attached as item 9.

**Recording of this meeting**

Please note that this meeting is being audio live streamed and a recording of the meeting will be available the Council's website. This meeting will be available on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221006 <a href="mailto:katy.mcmullan@adur-worthing.gov.uk">katy.mcmullan@adur-worthing.gov.uk</a>	David Jones Lawyer 01903 221093 <a href="mailto:david.jones@adur-worthing.gov.uk">david.jones@adur-worthing.gov.uk</a>

**Duration of the Meeting:** Three hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

## ADDENDUM

### ENFORCEMENT REPORT

<b>Original application Number:</b>	<b>AWDM/0501/12</b>	<b>Recommendation</b> i) To approve the submitted landscaping scheme and, ii) Serve a BCN if landscaping not undertaken during the current planting season.
<b>Site:</b>	<b>Mariner Point, 79-81 Brighton Road, Shoreham</b>	
<b>Proposal:</b>	<b>Update in respect of flood defences and landscaping at Mariner Point, 79-81 Brighton Road, Shoreham</b>	
<b>Applicant:</b>	WN Developments Ltd	Ward: St Mary's
<b>Agent:</b>	King Conroy Architects	
<b>Case Officer:</b>	Peter Barnett	

**Updated Information:**

The developer has provided the following information about the car park ramp (paragraph 3.7):

*“The works undertaken are substantially in compliance with the details furnished to you on 25<sup>th</sup> May 2022.*

*This resulted in increasing the height of the kerb between the existing road and the ramp by 100 mm. This would not have been practical to achieve by a “raised policeman”, given the 100 mm rise and also the gradient of the ramp had to be adjusted to prevent catching the underside of vehicles as they entered the car park.*

*You will note that this was also raised by our consultant engineers Muir Associates in their correspondence of 1<sup>st</sup> July 2021.*

*You might please advise when you expect to be in a position to approve the landscape drawing submitted in May 2023 as the contractor has raised a concern that he may not be in a position to carry out those works in this planting season.”*

Paragraph 3.21 - Mariner Point Residents Association have made the following comments:

### **Landscaping**

“Unfortunately, our scheduled January Mariner Point Residents Association general meeting has had to be postponed to February. However, we undertook a survey last month of all residents’ views about the revised landscaping plan in preparation for this meeting and have just reviewed the results.

In summary, there is overall support for the revised plan, moderated by some reasonable doubts and constructive suggestions. Naturally, we will not be able to present a full report until our next MPRA general meeting, but we anticipate that our recommendation to approve the Landscaping Plan (as revised in 22204-1-100-revC LMP) will be ratified.

On that basis, we would endorse any decision by the Adur Planning Committee at its forthcoming meeting on 15 January to approve the latest landscaping plan for Mariner Point.

However, we would be grateful if you could supplement the Enforcement Report by the Director of Place by verbally reporting these points on our behalf at the meeting:

1. We would like to forward the additional constructive comments and outstanding concerns that our survey has identified to the developer and their landscape designer for their reference and possible adoption.
2. We wholeheartedly support the recommendation to *“serve a further BCN if the approved landscaping is not implemented during the current planting season”*. To this end, we will ourselves closely monitor the progress of the implementation and flag up to the developer, their contractors and the Head of Planning and Development any irregularities as they may arise.
3. We hope that the Members of the Committee do not get the impression from paragraphs 3.18 to 3.21 of the Director’s Enforcement Report that the Mariner Point Residents Association has been neglectful in responding to their wish that we should be consulted on the landscaping plan. We have made every effort to be pro-actively engaged with the process, resulting in a revised plan, useful suggestions and greater awareness by Planning Officers of the drainage and flooding issues that bedevil this site.

## **Flood Defences**

For your information, we have requested to speak to item 8, the Enforcement Report, at the forthcoming Adur Planning Committee and believe that this has been agreed. Our brief focus will be on the flood defence works, rather than the landscaping, and the Director of Place's conclusion that "*no further action is required on this issue*".

We will draw the Planning Committee's attention to the fact that, irrespective of whether the repairs and corrective works "*have been completed in accordance with the requirements of the FRA and planning permission*", the original FRA itself and the subsequent revision, AWDM/0601/15, to the planning permission made 3 years later, are already proving to be woefully inadequate.

If "*no further action*" is taken, then not only will Mariner Point be under greater threat from flooding in future, so will the entire vicinity of Brighton Road, existing residential and business properties and the new developments at the former Civic Centre and Frosts.

Whose responsibility is it to address the ongoing and worsening problem of Surry Hard's vulnerability to serious flooding, arising from inadequate conditions imposed in the first place, is however another matter."

To highlight this matter two videos have been submitted showing the overtopping of Surry Hard in October and flooding of the lower section of the road (affecting both the boatyard and basement to Mariners Point). The videos will be shown at the meeting.

## **Updated Planning Assessment**

The Environment Agency (EA) did request that the height of Surry Hard stepped quay should be increased in height to address the increased risk of flooding and these works were completed following the construction of Mariners Point. However, these videos clearly demonstrate that the wall is still too low to cope with the increased risk of flooding, at certain times of the year, due to sea level rising and higher tides. As there is no breach of planning control with the stepped quay (as built) it will be up to the landowner of the stepped quay to make further changes to the height of the wall. Whilst the stepped quay was included within the red edged area of the Mariners Point planning application, Surry Hard is owned by the adjoining boat yard. The EA has been asked to see whether it can compel the landowner to alter the quay to reduce the flood risk and Members will be updated once a response has been received.

Given the comments of the developer it is considered that the alterations to the top of the ramp to the basement car park are acceptable given that the slight upturn was required to deflect surface water and not to address any risk of overtopping sea defences.

It is positive that the residents are now supportive of the revised landscaping scheme and this supports the need to approve the landscaping scheme as soon as possible to 'catch' the current planting scheme. As the residents indicate it would also be useful for the Planning Committee to authorise the service of a BCN if the landscaping scheme is not implemented in the next 3 months.

### **Revised Recommendation**

- i) To approve the submitted landscaping scheme and,**
- ii) To serve a BCN if the approved landscaping scheme is not undertaken during the current planting season.**

## ADDENDUM

<b>Application Number:</b>	TPO 2 of 2023	<b>Recommendation - Confirm</b>
<b>Site:</b>	47 Southwick Street	
<b>Proposal:</b>	Confirmation of Tree Preservation Order 2 of 2023	
		Ward: Southwick Green
<b>Case Officer:</b>	Jeremy Sergeant	

### Additional Supporting Information

The applicant has submitted two photographs indicating that 2 branches came down from tree T1 crossing the road and pavement as indicated below:



A tree survey has also been submitted which recommends that tree T1 should be reduced down in height to 7 metres and a lateral reduction of branches. The report indicates that this would reduce the impact to the property by removing branches away from the roof and allowing the building to dry out and would reduce the loading on the compromised parts of the lower trunk and provide clearance from the road. For T2 the report proposes a similar reduction to 7 metres and lateral branch reduction and provide similar benefits to T1. The report concludes that whilst the pruning operation is extensive the Holm Oaks have a strong resilience to pruning and would react well to the work. Furthermore it is submitted that this pruning would establish smaller crowns and reduce the potential for future pressure to remove the trees.

## **Planning Assessment**

As stated in the Committee report a Tree Preservation Order will not prevent works from being carried out, but instead ensures that the works are appropriate and not damaging to the trees. The submitted tree report supports this approach.

## **Recommendation**

As agenda