ADUR DISTRICT COUNCIL

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PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/2096/21

Details of Development
CONSTRUCTION OF FLOOD DEFENCE WALL AND FLOOD GATE ACROSS FORMER TARMOUNT HARD, PROVISION OF PEDESTRIAN AND CYCLE PATH AND PUBLIC REALM IMPROVEMENTS FOLLOWING DEMOLITION OF YACHT CLUB (SUBJECT OF SEPARATE APPLICATION). VARIATION OF CONDITIONS 3, 6, 7, 8 AND 9 OF APPROVED AWDM/1695/18; WORDING TO CONDITIONS TO BE CHANGED FROM 'PRIOR TO COMMENCEMENT' TO 'PRIOR TO THE CONSTRUCTION OF ANY PART OF THE FLOOD DEFENCE INSTALLATIONS (OTHER THAN PERCOLATION TESTS AND ENABLING SUBSTRUCTURE INSTALLATIONS (EXCLUDING DRAINAGE) FOR THE FLOOD DEFENCE WALL)'.

Location of Development
SUSSEX YACHT CLUB 85 - 89 BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6RF

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 17th November 2021.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

GPeck

Gary Peck
Planning Services Manager
09/02/2022

Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

SCHEDULE

Conditions

01. The development hereby permitted shall be begun before March 7th 2022

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

02. Prior to the construction of any part of the flood defence installations (other than percolation tests and enabling substructure installations (excluding drainage) for the flood defence wall) a schedule and samples of materials and finishes to be used for the wall shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule. Prior to the commencement of the flint panels a sample of flintwork indicating the colour, texture and pointing style of the mortar, shall be constructed on the site and inspected and approved in writing by the Local Planning Authority. Thereafter, the wall shall be constructed in accordance with the agreed sample panel which shall be retained on site until the development has been completed

Reason: *To safeguard the character and appearance of the Conservation Area and to comply with policies 15 and 17 of the Adur Local Plan.*

03. Vehicular access serving the yacht club shall be constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Visibility splays of 2.4 metres by 43 metres shall be provided at the vehicular access onto Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: *In the interests of road safety having regard to policy 28 of the Adur Local Plan.*

04. The existing vehicular access serving the yacht club onto Brighton Road shall be physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of road safety having regard to policy 28 of the Adur Local Plan.*

05. Prior to the construction of any part of the flood defence installations (other than percolation tests and enabling substructure installations (excluding drainage) for the flood defence wall) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: *In the interests of highway safety and the amenities of the area having regard to policies 15, 28 and 34 of the Adur Local Plan.*

06. The existing public rights of way to Stowes Gap Hard shall remain undisturbed unless and until legally stopped up or diverted prior to construction of the flood defence wall hereby permitted. The alignment of the public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development.

Reason: *To safeguard the rights of the public.*

07. Prior to the construction of any part of the flood defence installations (other than percolation tests and enabling substructure installations (excluding drainage) for the flood defence wall) details of the future ownership, maintenance, operation and management of the floodgates shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: *To ensure the operation and maintenance of the flood gates is properly managed having regard to policy 36 of the Adur Local Plan.*

08. Prior to the construction of any part of the flood defence installations (other than percolation tests and enabling substructure installations (excluding drainage) for the flood defence wall) precise details of surface water pollution control measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: *To prevent pollution of surface water having regard to policy 35 of the Adur Local Plan.*

09. Prior to the construction of any part of the flood defence installations (other than percolation tests and enabling substructure installations (excluding drainage) for the flood defence wall) plans and details of the pedestrian entrance gates to serve the yacht club shall be submitted to and approved by the Local Planning Authority. The gates shall be installed in accordance with the approved plans within one month of the completion of the flood defence wall.

Reason: *In the interest of amenity and access having regard to policy 15 of the Adur Local Plan.*

Informatives / Notes to Applicant

01. 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.

Ref: AWDM/2096/21

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).