ADUR DISTRICT COUNCIL

Howard and Sarah Carter
18 Kings Walk
Shoreham by Sea
BN43 5LG

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0554/21

Details of Development
CREATION OF NEW FOUR BEDROOM FLOATING HOME AND ASSOCIATED ACCESS AND ANCILLARY SOLAR ARRAY, BIKE STORAGE, PLANT ROOM, SHOWER AND WC ENCLOSURE.

Location of Development
HOUSEBOAT VALEUR 22 RIVERBANK SHOREHAM-BY-SEA WEST SUSSEX BN43 5YH

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 30th March 2021.

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

G Peck

Gary Peck
Planning Services Manager
13/12/2021

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 carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice:-

Reference/Drawing Number	Version	Date Rec
Greengage Ecology Mitigation		15.10.2021
BAT EMERGENCE & RE-ENTRY SURVEY	AE21.188	15.10.2021
LOCATION PLAN & BLOCK PLANS	GA/2005/1000/b	31.08.2021
FLOOR PLANS	GA/2005/1010/a	31.08.2021
WEST ELEVATION	GA/2005/1011/a	31.08.2021
EAST ELEVATION	GA/2005/1012/a	31.08.2021
NORTH ELEVATION	GA/2005/1013/a	31.08.2021
SOUTH ELEVATION	GA/2005/1014/a	31.08.2021
SECTIONS	GA/2005/1015/a	31.08.2021
SHORESIDE PLANS & ELEVATIONS	GA/2005/1016	31.08.2021
VIEWS	SK/2005/1200	31.08.2021
ECOLOGICAL IMPACT ASSESSMENT		31.08.2021
EXISTING HOUSEBOAT	GA/2005/1001	30.03.2021
FLOOR PLANS	GA/2005/1010	30.03.2021
EXISTING NORTH, EAST & SOUTH ELEVATIONS	GA/2005/1002	30.03.2021
EXISTING FLOOR PLANS	GA/2005/1003/01	30.03.2021
DESIGN & ACCESS STATEMENT	MARCH 2021	30.03.2021
DESIGN & ACCESS STATEMENT S2	MARCH 2021	30.03.2021
FLOOD APPRAISAL		30.03.2021

Reason: *For the avoidance of doubt and in the interests of proper planning.*

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02. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

03. 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.*

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 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.*

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07. There shall be no construction activities that generate noise greater than 55dB between October to March inclusive.

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

08. 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.*

09. 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.*

10. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roofs of the proposed houseboat and carport have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

Reason: *In the interests of visual amenity and to comply with policy 15 of the Adur Local Plan.*

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11. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include matters such as:-

    i) Proposed finished levels;
    ii) Means of enclosure;
    iii) Car parking layouts;
    iv) Hard surfacing materials.

    Soft landscape works shall include planting plans; written specifications; schedules of plants stating species, sizes and numbers/densities; and the implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be completed before any part of the development is occupied or in accordance with the implementation programme approved in writing by the Local Planning Authority.

    Reason: *In the interests of visual amenity and the environment and to comply with policies 15 and 30 of the Adur Local Plan.*

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. 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.

Ref: AWDM/0554/21

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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 in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

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Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).