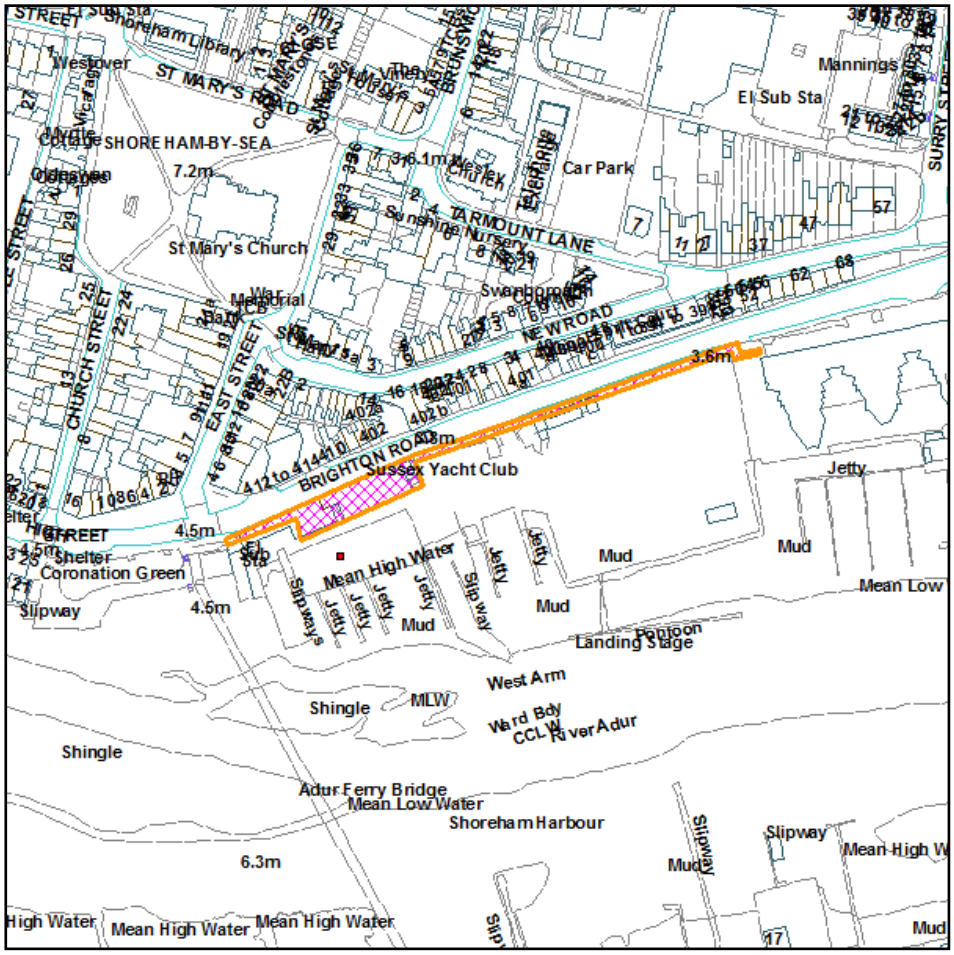
Application Number:	AWDM/0804/25	Recommendation - APPROVE
Site:	Sussex Yacht Club, 85 - 89 Brighton Road, Shoreham-by-Sea	
Proposal:	**Application to vary Condition 1 (approved plans) of AWDM/1695/18 to relocate position of main access gate to the entrance to the yacht club and replace previously proposed gates with flood wall. ORIGINAL DESCRIPTION: 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).**	
Applicant:	Adur District Council	Ward: St Mary's
Agent:	Mr Henry Cleveland - Henry Adams	
Case Officer:	Peter Barnett	



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Proposal, Site and Surroundings

The application site has a frontage of approximately 235m on the south side of Brighton Road and to the east of the Adur Ferry Bridge. It lies within the Shoreham Conservation Area. Mariner Point is to the east, a mixed residential and commercial development. Opposite the site to the north there are residential properties in New Road and Brighton Road, a petrol filling station and a mix of commercial and residential properties in East Street.

The site comprises predominantly the frontage of the Sussex Yacht Club but also includes the former Tarmount Hard to the east, which lies between the yacht club and Mariner Point.

Planning permission was granted in 2019 for the demolition and redevelopment of the Sussex Yacht Clubhouse (AWDM/0709/18) which has been completed. The original clubhouse had been positioned immediately adjacent to Brighton Road and it was demolished to facilitate the construction of a new flood wall and foot/cycle path along the site frontage, the subject of a separate application (AWDM/1695/18). Permission was granted for the new flood wall and work commenced on site in March 2022 but has not progressed.

The permission was amended by AWDM/0748/24 in the following ways: 12m wide double swing gate replaced with single 12m sliding gate, addition of 3m wide sliding pedestrian gate east of the sliding gate, flint panelling revised to accommodate new 3m gate, new pedestrian gate at the West End and gate for Tarmount Hard was reduced in width to 1.22m, increase in wall height from 2m to 2.2m and inclusion of railings above the 12m gate, increased thickness of the wall from 400mm to 500mm, verge to the north of the proposed wall increased to 3m in width.

This application seeks a further amendment to relocate the position of the main 12.2m wide access gate eastwards to align with the existing point of access to the yacht club and to remove a previously proposed 3m wide pedestrian gate. This follows a decision by West Sussex County Council, following an application by Sussex Yacht Club, to amend the Definitive Map as the right of way through the site (RB3157) was found to run through the existing entrance to the yacht club rather than further west as previously thought.

In addition, the following amendments are sought:

- Kerb slightly realigned to accommodate the new wider entrance
- Flint panel detailing repositioned to frame the repositioned gateway
- Wall thickness to remain at previously approved 400mm

Several amendments previously approved under AWDM/0748/24 are still included, namely:

- A new pedestrian gate is shown at the Western end of the wall to provide for access into Sussex Yacht Club.

- The gate for Tarmount Hard is reduced in width to 1.22m wide.

- The wall and railings overall height has been increased from 2m to 2.2m

- To the north of the proposed wall (roadside), the verge has been increased to 3m in width and will be left with a topsoil finish and will be kept free to allow for the delivery of the WSCC cycle path scheme in the future.

Relevant Planning History

AWDM/0709/18 - Demolition of existing clubhouse for Sussex Yacht Club and reconfiguration of site including the erection of new clubhouse on south-east part of site with car park to north-east part of site and boatyard and workshops/stores on west part of site. Realignment of vehicular access, new pedestrian entrance from west and associated landscaping and external works

AWDM/1695/18 - 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

AWDM/2096/21 - 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. 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)'.

AWDM/0748/24 - 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). Application to Vary Condition 1 (approved plans) of previously approved AWDM/1695/18. Amendment: 12m wide double swing gate replaced with single 12m sliding gate, addition of 3m wide sliding pedestrian gate east of the sliding gate, Flint panelling has been revised to accommodate new 3m gate. New pedestrian gate at the West End and gate for Tarmount Hard is reduced in width to 1.22m. Increase in wall height from 2m to 2.2m and inclusion of railings above the 12m gate, increased thickness of the wall from 400mm to 500mm. The verge to the north of the proposed wall has been increased to 3m in width.

Consultations

West Sussex County Council: The Highway Authority has no objection as the minor amendments being sought do not adversely affect the proposed cycle scheme.

Surface Water Drainage Consultant: No objection on surface water grounds

Environment Agency: . No objection.

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 11, 15, 17, 28, 29, 36
Shoreham Harbour Joint Area Action Plan 2019
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (December 2024)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 73 of the Town and Country Planning Act 1990 (as amended) ("the Act").
Section 73(2) of the Act provides that the LPA shall consider only the question of the conditions subject to which planning permission should be granted, and

a. if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
b. if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Section 70 of the Act requires that in making decisions, regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

There is no objection in principle to the construction of the flood wall as it will significantly reduce flood risk to homes and businesses in the locality as well as facilitating a new footpath and cycleway on the south side of the A259. Permission has already been granted for the wall and construction has started on site. This application is for amendments to its design only. The main considerations are assessed below.

Visual amenity and impact on Conservation Area

The proposed wall is considered to have an acceptable design which will be sympathetic to its location within the Conservation Area. The site is currently open following the demolition of the original yacht clubhouse and the new wall is needed to provide a secure boundary to the clubhouse, to improve flood defences and to enhance this part of the street.

While the flood gates are not particularly sympathetic in appearance they will generally be hidden behind the flood wall and only slid into position in a flood event. Their visual

impact should not be significant in the long term therefore.

The proposed changes to the approved design are not considered to result in a significant difference to the overall appearance of the development and the visual impact on the character and appearance of the area is acceptable.

Accessibility and parking

The yacht club applied for a Definitive Map Modification Order to West Sussex County Council to verify the correct legal line of the right of way 'Stowes Gap Hard' which runs through the site. The outcome was that the restricted byway has been confirmed as running through the existing site entrance which is further east than previously thought. As a result, the position of the flood gate is proposed to be relocated.

The definitive line of the byway and the new flood gate position enables the removal of a proposed 3m wide pedestrian gate adjacent to the main flood gate. A new pedestrian gate is shown at the Western end of the wall to provide for access into Sussex Yacht Club. Another flood gate is provided at the eastern end at the entrance to the right of way known as Tarmount Hard.

The proposal will facilitate the provision of a shared cycleway and footpath alongside Brighton Road. The development will not result in any encroachment on the previously agreed verge width of 3m from the edge of the kerb to the Northern face of the wall. No change to the alignment of the existing kerb line is proposed as part of this project and the new verge is to be left as grass only so as not to obstruct the route of the new cycleway.

There are no objections on highway safety grounds.

Flood risk

The proposal seeks to prevent flood risk to a significant number of homes and businesses within the locality. However, any development that impacts upon existing flood routes and the capacity of such flood routes must ensure that it would not give rise to flood risk elsewhere. The original FRA confirmed that the flood wall is to be constructed to a design level of 5.40m AOD which will mitigate the risk from tidal flooding from the 1 in 200 year flood event for the lifetime of the development.

The flood wall will link with the flood defence wall at the Mariner Point development to the east and will improve flood defences for this stretch of Brighton Road without increasing the risk elsewhere.

There is no objection from the Environment Agency to the height of the wall or method of flood defence.

The flood gates are to be the responsibility of Adur District Council who will maintain and operate them, however, discussions with the Yacht Club are ongoing and a separate agreement on the management of the gates in the future by the Club would be sensible given their on-site presence.

Residential amenity

The proposal is not considered to have an adverse impact on the amenity of those dwellings which face the site across Brighton Road or those at Mariner Point. The improved flood defences are considered to be a significant benefit.

Other Matter

A small part of the development will oversail land owned by the Sussex Yacht Club and, as a result, Notice of the application has been served on them. The decision on the application cannot be issued until the expiry of the statutory time period for representations to be made, which in this case is 14th August.

Recommendation: Subject to consideration of any representations received as a result of the serving of Notice to owners of land within the application site;

Approve

Subject to conditions:-

1. Approved Plans

2. 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

3. 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.

4. 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.

5. 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.

6. 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.