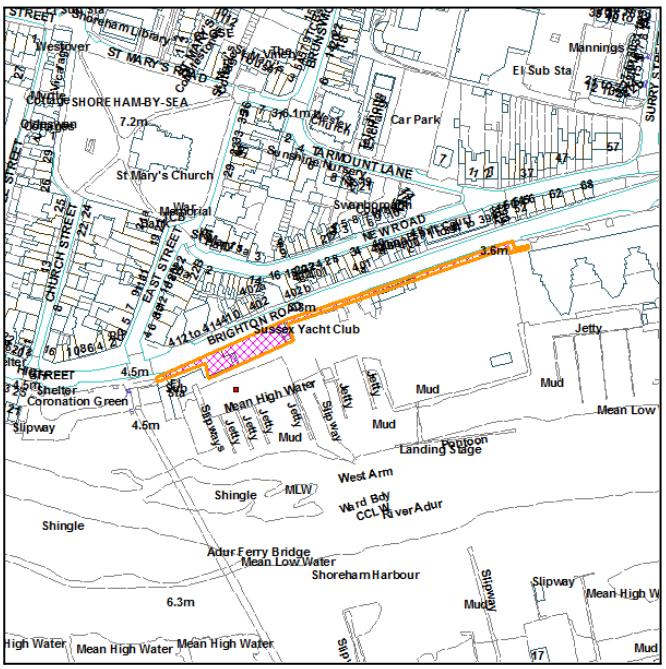
Application Number:	**AWDM/0748/24**	**Recommendation - APPROVE**
Site:	**Sussex Yacht Club, 85 - 89 Brighton Road, Shoreham-by-Sea**	
Proposal:	**Construction of flood defence wall, and flood gate across former Tarmount Hard, provision of pedestrian and cycle path and public realm improvements following 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 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 gates, 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.**	
Applicant:	Adur & Worthing Councils	Ward: St Mary's
Agent:	Mr Chris Locke - Henry Adams	
Case Officer:	Peter Barnett	



Not to Scale

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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. This application seeks permission for amendments to its design.

As approved, the proposed flood wall was to be 1.5m high with metal railings above to an overall height of 2m. The wall itself will be of concrete construction with facing brickwork, a weathered coping stone on top and flint panelling either side of the proposed new vehicular access into the yacht club, which is to be repositioned further west. The access is to be secured in a flood event by a pair of sliding steel gates of 1.5m height and 12m width overall. The flood wall will reduce in height at its western end as it adjoins higher ground close to the Ferry Bridge.

A second flood gate was proposed at the eastern end, in front of the former Tarmount Hard. At that point the wall returned to run southwards along the eastern boundary of the yacht club. The proposed flood gate would secure the former Hard area and tie in with the flood defence works at Mariner Point.

The proposal will also enable the provision of a new shared footpath and cycleway along Brighton Road as part of a wider proposal for a segregated cycle route along the A259 from Shoreham to Brighton.

This application seeks to vary the approved plans as follows:

- The 12m wide double swing gate is now shown as a single 12m sliding gate.

- In addition to the sliding gate, a 3m wide pedestrian gate to the immediate east of the sliding gate is proposed. The new pedestrian gate will maintain the existing byway RB3157 which passes through this location.

- The flint panelling has been revised to accommodate the new 3m gate.

- 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

- The thickness of the wall has been increased by 100mm to 500mm.

- 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.

- A new up and over ladder is shown next to the Tarmount Hard gate, to facilitate access from the Hard during a flood event. It will have a guard to prevent unauthorised use when the flood gate is open

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)'.

Consultations

West Sussex County Council: The Highway Authority has commented as follows:

In principle the LHA is satisfied with the drawings submitted. However it would be useful to clarify in writing that the space for the 3m wide future foot and cycleway will not involve adjusting the existing kerb line position such that this narrows the existing road width. The application suggests that the flood defence wall is being widened in width, but we assume this is being widened by adjusting the southern wall position to the south, and not by encroaching into the existing road width?

At a future date the WSCC cycle scheme will look at narrowing the road width to potentially provide a segregated cycle and footway in front of Sussex Yacht Club once parts of the wider scheme come forward, but this is based on the assumption

that the Sussex Yacht Club flood defence wall project provides at least 3m space available for the future cycle and pedestrian scheme set back from the existing kerb line position.

It would also be useful to clarify that the pump chamber to the eastern end of the site is being positioned underground, such that there will be a flush and open area suitable for future pedestrian and cycle path construction?

Finally, we believe the agreement is to leave a grass verge area in front of the site until the future cycle scheme comes forward so this will not provide a surfaced pedestrian path in the interim, albeit there are signal crossings in front of Mariners Point and Adur Ferry Bridge to access the footway on the north side.

Subsequent comments: No objection following clarification by applicant.

Surface Water Drainage Consultant: Recommends approval

Environment Agency: No objection.

Southern Water: There is an existing sewer and water main assets crossing/in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Representations

Objection received from Sussex Yacht Club:

Sussex Yacht Club objects to the provision of two entrances/exits immediately adjacent to one another, from the A259 Brighton Road. One entrance/exit is the new agreed main entrance to the club, is 12m in width and has adequate splay lines for safety in entry/egress to and from the site.

The other is an entrance/exit being provided for access to an incorrectly stated public bridleway, is 3m in width and lies directly opposite a busy private vessel launching slipway. Its splay lines will create confusion, potential accidents and traffic delays as vehicles stop, hesitate and manoeuvre whilst deciding which entrance is the correct one to use. Those who select the wrong entrance will then be reversing back onto the highway to correct their position.

At this time, an appeal to amend the incorrectly stated public bridleway is being considered by WSCC and we urge AWDC to await the result of this appeal (expected later this year) before amending their design to match an error in WSCC records of PRoW locations.

The 3m wide entrance/exit is unsuitable for loading, unloading, turning or parking within its natural constraints but attempts will be made to utilise this space for these purposes.

The Public may utilise the 3m wide entrance/exit and will find themselves atop a busy private slipway with heavy machinery being operated immediately in front of this area and many potential hazards. Sussex Yacht Club is very concerned that the health and safety of the public is not being considered and there is a high potential for injury from this access to a member of the public or to their chattels

Objection received from Mariner Point Residents Association:

The proposed increase in wall height at Sussex Yacht Club from 2 metres to 2.2 metres, along with the additional security railings, contrasts sharply with the flood defence measures at Surry Hard. The Surry Hard flood wall remains at a lower height, having been previously increased by only 0.3 meters, which has proven insufficient during recent high tide and storm events.

Historical data and recent events highlight severe flooding at Surry Hard. For instance, on 8 April 2024, tidal waters overtopped the Surry Hard flood wall, leading to significant water ingress into adjacent areas, including Mariner Point. Additionally, on 29 October 2023, water was observed overtopping the flood wall for the first time during another high tide event. Such events clearly demonstrate that the current flood defence measures at Surry Hard are inadequate.

Should the proposed works at Sussex Yacht Club proceed without addressing the height disparity and overall flood defence strategy at Surry Hard, it will likely lead to an increased flood risk. The higher wall at Sussex Yacht Club will channel and exacerbate floodwaters towards the lower, more vulnerable sections of Surry Hard, which will act as the new lowest point and fail point during high tides and severe weather conditions.

The inadequate flood defences at Surry Hard already pose a significant risk to several key areas. The proposed works will further exacerbate flooding risks to Mariner Point, Riverside Business Park, Frost Development, Civic Centre Development, and other surrounding houses and businesses. These areas have experienced considerable flooding issues, and any increase in floodwaters due to the disparity in flood wall heights will have devastating consequences for residents and local businesses.

It is evident that both the Council and WN Developments have failed to adequately protect the site from flooding. The reliance on sandbagging as a primary flood defence measure is neither sustainable nor suitable. A reliance on sandbagging has proven to be inadequate and negligent, as evidenced by recent flooding events. It is clear that more permanent and reliable flood defence measures are necessary to protect the area effectively.

Due to these failings, Mariner Point residents have suffered significant financial losses. The onsite flood defences are having to be closed on a regular basis, with the lowest closure being recorded with a high tide of 5.53 meters and heavy rain on (20/06/2023). Residents have been forced to pay for a contractor to manually close onsite flood defences during each flood event, incurring substantial costs. The Mariner Point Residents Association, along with the Mariner Point Management Company, will also be seeking to recover these undue costs, as the current situation

is unsustainable and places an undue financial burden on the residents.

We question whether the proposed 2.2 metre wall height is indeed sufficient, given that the last flood risk assessment for the area claimed that the current height of the Surry Hard flood wall would provide protection for a 1 in 200-year flood event. Recent flooding events have shown that these assessments were overly optimistic, and we are concerned that the proposed height increase may still be inadequate to provide the necessary protection.

It is imperative that any flood defence enhancements at Sussex Yacht Club are complemented by concurrent upgrades to the flood defences at Surry Hard. This includes raising the height of the Surry Hard flood wall to at least match the proposed heights at Sussex Yacht Club and ensuring robust flood barrier systems are in place and operational.

Given the above points, we urge Adur & Worthing District Council to reconsider the current proposal for the Sussex Yacht Club. A comprehensive flood defence plan that includes simultaneous improvements to Surry Hard is essential to prevent exacerbated flooding risks and protect the broader Shoreham-by-Sea area.

We must mandate that the Council:

- Increase the height of the Surry Hard flood wall to at least 2.2 metres (or higher) to match the proposed defence height at Sussex Yacht Club and that of the Riverside Business Park.

- Implement robust flood barrier systems at Surry Hard, ensuring they are properly installed, tested, and accessible for deployment during flood events.

- Conduct a thorough impact assessment to understand how the proposed works at Sussex Yacht Club will affect Surry Hard and adjacent areas.

Addressing these concerns is crucial for the safety and resilience of the community.

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 2023)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. 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.

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

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 original proposal was to extinguish the restricted byway (RB3157) known as ‘Stowes Gap Hard’ within the yacht club site. However, following objections, an alternative resolution has been sought and the current plans now show the public right of way maintained with the provision of the new 3m wide pedestrian access and flood gate. The outcome of the yacht club’s application for a Definitive Map Modification Order to West Sussex County Council to verify the correct legal line of the right of way is expected by the end of the year (subject to any further objection / appeal) .

The yacht club has objected to the introduction of the 3m wide gate, expressing concern that it will result in confusion for vehicles trying to access the yacht club, being so close to the 12m wide entrance. However, the Council has to adhere to the definitive legal line of the restricted byway and to ensure that the 3m access is not

blocked and is available as a public right of access. However, the Yacht Club is not agreeable to adjusting the position of the 12m wide entrance eastwards to incorporate the byway which would negate the need for two gates. To avoid confusion for drivers, it is proposed that a different surface (grasscrete blocks) is used in front of the 3m wide access to indicate that it is a secondary entrance.

The proposal will facilitate the provision of a shared cycleway and footpath alongside Brighton Road. It has been confirmed that the increased width of the wall from 400 to 500mm will be a projection on the southern face of the wall, and 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.

The objections of the Mariner Point Residents are noted. However, the flood wall at the yacht club has been previously approved and work has commenced. The proposed flood wall height is not increasing. The overall height is being increased to 2.2m through the raising of the height of the railings only. The proposed amendments subject of this application will not have any impact on flood risk to the adjoining flats. The issues raised by those residents are understood and Officers are seeking to arrange a meeting with the EA to discuss improvements to the flood defence at Surry Hard.

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.

Recommendation: 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.