ADUR DISTRICT COUNCIL

Mr Peter Cleveland
Henry Adams
Rowan House
Baffins Lane
Chichester
PO19 1UA

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1695/18

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).

Location of Development
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 20th November 2018.

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
07/03/2019

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
PROPOSED FLOODGATE & SECTION	DR-C0020 Rev P01	23.01.2019
SITE LAYOUT	14001/PLAO/002	23.01.2019
HOP	Highway Matters	23.01.2019
HOP	Foundation Arrangements	23.01.2019
FLOOD RISK ASSESSMENT	14896/HOP/RPT/05/RevB	20.11.2018
TOPOGRAPHIC & UTILITIES SURVEY	Appendices A - C	20.11.2018
HERITAGE STATEMENT	PLAN 1193/ May 2018	20.11.2018
DESIGN & ACCESS STATEMENT	PLAN 1193/ October 2018	20.11.2018
ECOLOGICAL APPRAISAL		20.11.2018
ROOST ASSESSMENT		20.11.2018
ROAD SAFETY AUDIT REPORT	April 2018 Ref.118.062	20.11.2018
LOCATION PLAN		20.11.2018
LANDSCAPE DETAIL GENERAL ARRANGE	0001-DC-SW-01-DR-L-0102	20.11.2018
BALUSTRADE AND HANDRAILS	0001-DC-SW-01-DR-L-0201	20.11.2018
EXISTING SITE LAYOUT	DR-S-0001 Rev P01	20.11.2018
PROPOSED SITE LAYOUT	DR-S-0002 Rev P01	20.11.2018
EXISTING ELEVATIONS	DR-S-0003 Rev P01	20.11.2018
PROPOSED ELEVATIONS AND SECTION	DR-S-0004 Rev P01	20.11.2018
SITE PLAN WITH VEHICLE ACCESS	DR-C-VA01 Rev P4	20.11.2018
SITE PLAN WITH VEHICLE ACCESS	DR-C-VA01 Rev P2	20.11.2018

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

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 development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the wall has been 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 and 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.*

04. 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.*

05. 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.*

06. No development shall take place, including any works of demolition, until a Construction Management Plan has been 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.*

07. The existing public rights of way to Stowes Gap Hard shall remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development 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.*

08. Prior to commencement of development precise details of the future ownership, maintenance, operation and management of the floodgates shall be submitted to and approved by the Local Planning Authority.

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

09. Prior to commencement of development precise details of surface water pollution control measures shall be submitted to and approved in writing by the Local Planning Authority.

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

10. Pedestrian entrance gates to serve the yacht club shall be provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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 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.

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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 you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000).

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.

7. 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.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. 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.

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).