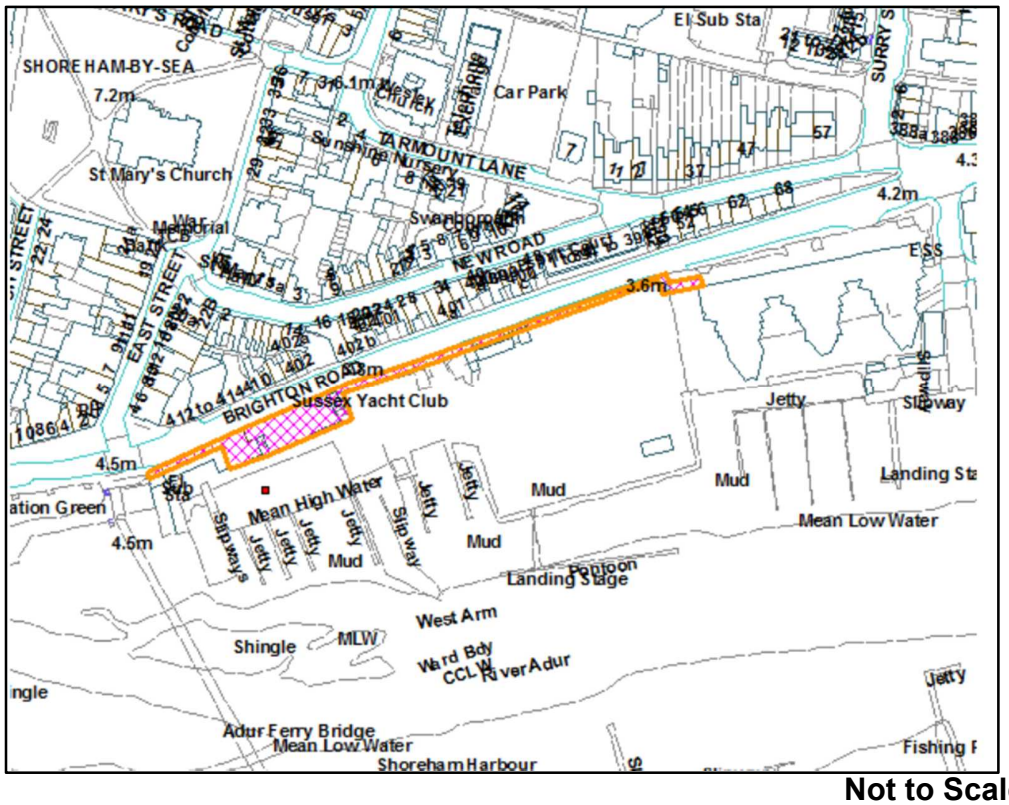
Application Number:	**AWDM/2096/21**	**Recommendation - Approve**
Site:	**Sussex Yacht Club, 85 - 89 Brighton Road, Shoreham-By-Sea**	
Proposal:	**Construction of flood defence wall and flood gate across former Tarmount Hard, provision of pedestrian and cycle path and public realm improvements following demolition of yacht club (subject of separate application). 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)'**	
Applicant:	Adur District Council	Ward: St Mary's
Agent:	Mr Alex Hall, Robinson Low Francis	
Case Officer:	Peter Barnett	



Not to Scale

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Proposal, Site and Surroundings

The application site occupies a site with 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. To the east is Mariner Point, a recent mixed residential/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 and which has been infilled to form a new stepped quay.

Permission was granted in March 2019 for the construction of a new flood wall and foot/cycle path along the site frontage (AWDM/1695/18). The proposal forms part of the wider flood defence works in Shoreham and is the last remaining section which is not addressed by either the development of 79-81 Brighton Road (Mariner Point) to the east or by the Environment Agency Tidal Walls project. The application is linked to a separate planning permission for the demolition and redevelopment of the Sussex Yacht Clubhouse (AWDM/0709/18). That development has now been completed.

The proposed flood wall will 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 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 is proposed at the eastern end, in front of the former Tarmount Hard. At that point the wall will return to run southwards along the eastern boundary of the yacht club. The proposed flood gate will secure the former Hard area and tie in with the flood defence works which will secure the new development at 79-81 Brighton Road.

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.

The permission issued in 2019 was subject to several pre-commencement conditions which the Council is not in a position to be able to discharge at the present time and, consequently, work on site is unable to commence before the expiry of the permission. In order to avoid the permission lapsping, this application seeks to vary the wording of the conditions to enable preliminary work to commence (such as percolation testing and digging of trenches). This would then constitute commencement of the development within the 3 year time limit, with details reserved by condition to be submitted for approval prior to construction of the flood defence wall itself.

Relevant Planning History

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 (subject of separate application).

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/0784/14 - Infilling of Tarmount Hard to form new stepped quay wall at southern end with pedestrian access and new fencing up to a maximum height of 2.2m.

Consultations

West Sussex County Council: No objection from a transport/highways aspect

Local Lead Flood Authority (LLFA): Clarification is sought on the rationale and meaning for this change together with details of any proposed demolition and enabling works which the applicant wishes to undertake, prior to discharging these conditions.

Response from applicant: ADC is seeking to undertake the demolition of the old Sussex Yacht Club buildings which are positioned over the planned flood defence wall to enable further ground investigation and percolation testing below the buildings. Further testing is required to inform the design for the flood defence solution and enable management of groundwater levels. Without demolition being completed this testing is unable to take place and the flood defence for Shoreham is unable to be constructed.

We consider that the proposed variation of the conditions will still retain the pre-requisite approvals, and intent of the original planning conditions, but will allow these essential works to progress.

LLFA have made no further comments

Adur & Worthing Councils: Technical Services: Please can the applicant provide details of the proposed demolition and enabling works which they would like to undertake prior to discharging these conditions.

Environment Agency: No comments received but previously had no objection to the height of the wall or method of flood defence.

Adur District Conservation Advisory Group: Approve

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 2, 8, 11, 15, 17, 28, 29, 30, 31, 34, 35, 36
Shoreham Harbour Joint Area Action Plan (JAAP) CA7, SH1, SH5, SH6, SH7, SH8, SH9
Shoreham-by-Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)
'A Strategy for Shoreham Renaissance' (ADC 2006)
National Planning Policy Framework (July 2021)

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. 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 was granted in 2019 and is still extant. The carrying out of preliminary work prior to the submission of final details is considered to be acceptable in the circumstances. There have been delays in the implementation of this project due to COVID and the time limit for implementation has almost expired. Minor investigatory works and substructures will not have a significant impact and can be carried out while final details of design, drainage and construction management are agreed and submitted for approval.

For clarity, the main considerations of the proposed flood defence, previously considered under AWDM/1695/18 are repeated below.

Visual amenity and impact on the Conservation Area

The proposed wall is considered to have an acceptable design which will be sympathetic to its location within the Conservation Area. The old yacht club has been demolished and the frontage cleared but it previously had a mixed boundary treatment on the road frontage comprising mainly curved top panel fencing at the eastern end and a low brick wall, sections of which are topped with picket fencing, along the majority of the frontage. The clubhouse itself formed the boundary at the western end.

The Heritage Statement submitted the previous application stated that:

"*whilst there is a loss of historic plan form, its replacement with a lower level wall, with open railings above would provide greater visibility between the public realm and yacht club site. Additionally, the replacement yacht club building would be of a high quality and provides a focal point within the site, when viewed from key viewpoints within the locality*."

The flood gates are not particularly sympathetic in appearance but 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 proposal, together with the re-siting of the clubhouse, is therefore considered to result in a more open and uniform appearance to the visual benefit of the street scene and to the quality, character and appearance of the Conservation Area.

Accessibility and parking

The proposed wall will incorporate a new vehicular access into the site which reflects the details submitted with the clubhouse application (AWDM/0709/18).

The existing vehicular access also accesses a right of way known as 'Stowes Gap Hard' within the yacht club site. This will need to be formally extinguished and the highway rights of the land within the site will need to be stopped up. This is a separate legal mechanism outside of the current application.

The proposal will facilitate the provision of a shared cycleway and footpath alongside Brighton Road. There is a policy and design standard for the cycle facility along the A259 and the redevelopment of the yacht club and new flood defence wall will not affect the delivery of the cycle facility.

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 previously submitted FRA confirms 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 to be constructed around the new development at 79-81 Brighton Road to the east and will improve flood defences for this stretch of Brighton Road without increasing the risk elsewhere.

There was previously 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.

Discussions were ongoing with the Council's Engineer about the surface water pollution control measures at the time of writing the report and any further comments from the Engineer will be provided at the meeting

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. The relocation of the clubhouse and improved flood defences are considered to be significant benefits.

Ecology and biodiversity

The wall and its foundations are to be constructed in an area above the level of the high water spring tide and therefore will not be on any former intertidal habitat.

Recommendation

Approve

Subject to conditions:-

1. Approved Plans.

2. The development hereby permitted shall be begun before 7 March 2022, being 3 years from the date of the original permission AWDM/1695/18.

3. 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.

4. 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.

5. 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.

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) 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.

7. 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.

8. 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.

9. 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.

10. 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