ADUR DISTRICT COUNCIL

Luke Carter
Lewis and Co Planning SE Ltd
Lewis & Co Planning
2 Port Hall Road
Brighton
BN1 5PD

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0709/18

Details of Development
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.

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 10th May 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
05/03/2019

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
PRELIMINARY ECOLOGICAL APPRAISAL	version 2	09.11.2018
HABITAT SURVEY MAP		07.11.2018
SITE PLAN	P-16-AB376-1100 Rev A	14.02.2019
RIVER MORPHOLOGY TEC NOTE	15 02 2019	18.02.2019
SITE ARRANGEMENT/SECTIONS	DR-C-0002 Rev P4	18.02.2019
RIVER MORPHOLOGY TECHNICAL NOTE		19.02.2019
PROP SITE ARRANGEMENT AND SECTION	HOP-03-XX-DR-C-002Rev P	19.02.2019
WATER FRAMEWORK ASSESSMENT	ref 14896/06/HOP/WFD/01	02.01.2019
LOCATION RATIONALE FOR CLUBHOUSE		02.01.2019
ENVIROLOK	Vegetated Env Solutions	14.01.2019
RIVER MORPHOLOGY TECH NOTE	Ref 14896/06/HOP/RPT/02	14.01.2019
CONSTRUCTION MANAGEMENT PLAN	14896/03/HOP/PCI/01	28.02.2019
CONSTRUCTION MANAGEMENT PLAN	Addendum	28.02.2019
VERIFIED CGI VIEW		27.07.2018
SLIPWAY INFILL	DR-C-0002 Rev P1	30.07.2018
SLIPWAY INFILL	DR-C-003 Rev P2	30.07.2018
SITE PLAN SHOWING VEHICLE ACCESS	DR-C-VA01 Rev P4	25.07.2018
ECOLOGICAL MITIGATION STATEMENT		25.07.2018
LANDSCAPE DETAIL PLANTING	DR-L00301 Rev T01	25.07.2018
SITE PLAN SHOWING VEHICLE ACCESS	DR-C-VA01 Rev P2	26.06.2018
PRELIMINARY ROOST ASSESSMENT		10.05.2018
BAT EMERGENCE SURVEY		10.05.2018

Reference/Drawing Number	Version	Date Rec
FLOOD RISK ASS/DRAINAGE STRATEGY	14896/HOP/RPT/01/Rev A	10.05.2018
BREEAM ASSESSMENT REPORT		10.05.2018
GROUND APPRAISAL REPORT		10.05.2018
DESIGN & ACCESS STATEMENT	APRIL 2018	10.05.2018
PLANNING & HERITAGE STATEMENT	May 2018	10.05.2018
SUSTAINABILITY REPORT	APRIL 2018	10.05.2018
ROAD SAFETY AUDIT REPORT	118.062	10.05.2018
UTILITY REPORT	2017/2243272	10.05.2018
EXISTING SITE LOCATION	P-16-AB376-1000 Rev A	10.05.2018
EXISTING SITE PLAN	P-16-AB376-1001 Rev A	10.05.2018
EXISTING FLOOR PLANS	P-16-AB376-1010 Rev A	10.05.2018
EXISTING ELEVATIONS	P-16-AB376-1020 Rev A	10.05.2018
PROPOSED SITE PLAN	P-16-AB376-1100	10.05.2018
PROPOSED GROUND FLOOR PLAN	P-16-AB376-1150	10.05.2018
PROP FIRST FLR & ROOF PLAN	P-16-AB376-1151	10.05.2018
PROP EXTERNAL WORKSHOP/STORES	P-16-AB376-1152	10.05.2018
PROP ELEVATIONS EAST & NORTH	P-16-AB376-1250 Rev B	10.05.2018
PROP ELEVATIONS WEST & SOUTH	P-16-AB376-1251 Rev B	10.05.2018
PROP RENDERED ELEVS NTH & EST	P-16-AB376-1255	10.05.2018
PROP RENEDERED ELEVS STH & WST	P-16-AB376-1256	10.05.2018
PROP ELEVS - EXTERNAL WORKSHOPS	P-16-AB376-1260 Rev B	10.05.2018
PROPOSED SITE SECTION	P-16-AB376-1261 Rev A	10.05.2018
PROPOSED SECTIONS	P-16-AB376-1300 Rev A	10.05.2018
EX/PROP VEHICULAR ENTRANCE	0001-DC-SW-01-DR-L-0009	24.05.2018

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. The development hereby permitted shall be carried out in full accordance with the recommendations of sections 4.22 to 4.23 of the Preliminary Ecological Appraisal prepared by The Ecology Consultancy version 2 dated 5th November 2018 together with the Morphology Report prepared by Hemsley Orrell Partnership dated 7th January 2019 and the River Morphology Technical Note dated 15th February 2019 which combined detail the measures to compensate for the loss of intertidal mud and saltmarsh habitat resulting from this development. Such measures shall be fully implemented in accordance with the approved details prior to the first occupation of the clubhouse hereby approved. The former slipway upon which mud is to accumulate shall not thereafter be used at any time in the future to ensure that the land remains as compensatory habitat. Any changes to the plans submitted shall only be agreed in consultation with Adur & Worthing Councils and the Environment Agency.

Reason: *In order to safeguard protected species and to enhance biodiversity having regard to policy 31 of the Adur Local Plan and paragraph 170 of the National Planning Policy Framework.*

04. The development shall be carried out in accordance with the advice and recommendations of the Geo-Environmental Ground Appraisal Report dated March 2016.

If, during development, any visibly contaminated or odorous material (for example asbestos-containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified is found to be present at the site, then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination is proposed to be dealt with shall be submitted to and approved in writing by the Local Planning Authority and shall then be implemented as approved within an approved time period contained in the method statement.

Reason: *To prevent pollution of groundwater and in the interests of environmental protection and public health and safety, in compliance with the National Planning Policy Framework and policies 34 and 35 of the Adur Local Plan.*

05. No development above slab level shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls (including windows and doors) and roofs of the proposed buildings and external walkways and steps 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.*

06. The development (including demolition) shall take place in full accordance with the approved Construction Method Statement which shall be adhered to throughout the construction period.

Reason: *In the interests of highway safety and amenity having regard to policies 15, 28 and 34 of the Adur Local Plan.*

07. No development, including works of demolition, shall take place other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays, with no working on Sundays and Public Holidays, unless working outside of these times has been agreed in advance in writing with the Local Planning Authority.

Reason: *To safeguard residential amenity having regard to policy 15 of the Adur Local Plan.*

08. The new vehicular access must be constructed in accordance with the approved plans.

Reason: *In the interests of road safety having regard to policy 28 of the Adur Local Plan.*

09. The existing vehicular access onto Brighton Road shall be physically closed, in accordance with details first submitted to and approved in writing by the Local Planning Authority, within one month of the first use of the new vehicular access hereby approved.

Reason: *In the interests of road safety having regard to Policy 28 of the Adur Local Plan.*

10. Covered and secure cycle parking spaces shall be provided, in accordance with plans and details to be submitted to and approved by the Local Planning Authority within three months of the completion of the flood defence wall approved under application reference AWDM/1695/18. Until such time, temporary covered and secure cycle parking shall be provided and made available to use in accordance with details first submitted to and approved by the LPA prior to the first occupation of the new clubhouse hereby approved. The spaces shall thereafter be retained for their designated use.

Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies having regard to policy 28 of the Adur Local Plan.*

11. Vehicle parking and turning spaces shall be provided, in accordance with plans and details to be submitted to and approved by the Local Planning Authority within three months of the completion of the flood defence wall approved under application reference AWDM/1695/18. Until such time, temporary parking and turning space shall be provided in accordance with details first submitted to and approved by the LPA prior to the first occupation of the new clubhouse hereby approved. The spaces shall thereafter be retained for their designated use.

    Reason: *To provide adequate on-site car parking and turning space for the development having regard to policy 28 of the Adur Local Plan.*

12. The refuse and recycling store shall be provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority within three months of the completion of the flood defence wall approved under application reference AWDM/1695/18. Until such time, temporary refuse and recycling storage facilities shall be provided and made available to use in accordance with details first submitted to and approved by the LPA prior to the first occupation of the new clubhouse hereby approved. The facilities shall thereafter be retained for their designated use.

    Reason: *In the interest of amenity having regard to policy 15 of the Adur Local Plan.*

13. The development hereby approved shall be constructed to maximise the efficiency of the use of energy, water and materials and to meet the equivalent of the BREEAM Very Good rating in accordance with the BREEAM Pre-Assessment and Sustainability Report submitted with the application.

    Reason: *To ensure that the development is sustainable and makes efficient use of energy, water and materials having regard to the National Planning Policy Framework' and policies 1, 15, 18, 20, 31 of the Adur Local Plan.*

14. The development hereby permitted shall not be commenced until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority and the building shall not be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. There shall be no discharge of contaminated drainage into either ground water or any surface waters whether direct or via soakaways.

    Reason: *To ensure adequate drainage and to comply with the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

15. Temporary boundary treatment for the site frontage adjacent to the A259 Brighton Road shall be provided in accordance with details first submitted to and approved in writing by the Local Planning Authority before occupation of the clubhouse hereby approved.

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

16. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2018) and the following mitigation measures detailed within the FRA:

    Finished floor levels are set no lower than 4.95 metres above Ordnance Datum (AOD).

    The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

    Reason: *To reduce the risk of flooding to the proposed development and future occupants in accordance with policy 36 of the Adur Local Plan and paragraph 160 of the National Planning Policy Framework.*

17. A detailed scheme for the provision of compensatory salt marsh habitat shall be submitted and approved by the planning authority. Such measures shall be fully implemented in accordance with the approved details prior to the first occupation of the clubhouse hereby approved. Any changes to the plans submitted shall only be agreed in consultation with Adur & Worthing Council and the Environment Agency.

    Reason: *In order to safeguard priority habitats and to enhance biodiversity having regard to policy 31 of the Adur Local Plan and paragraph 170 of the National Planning Policy Framework.*

18. No development within the intertidal zone shall commence until a detailed method statement, setting out reasonable measures to minimise sediment disturbance and sediment resuspension into the water column in order to protect marine water quality during construction in the intertidal zone, has been submitted by the applicant and agreed in writing with the Local Planning Authority. The development must be carried out in full accordance with the approved method statement.

    Reason: *In order to safeguard priority habitats and to enhance biodiversity having regard to policy 31 of the Adur Local Plan and paragraph 170 of the National Planning Policy Framework.*

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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 enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Highway Agreements Team Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

03. The applicant is advised to enter into Temporary Path Closure/Diversion Order with WSCC Public Rights of Way (01243 642105) to mitigate the impact of the development upon Restricted Byways 3156 and 3157.

04. The applicant would be advised to contact the DFT National Transport Casework Team in order to commence the 'Stopping Up' process.

National Transport Casework team
Tyneside House
Skinnerburn Road
Newcastle Business Park

05. The applicant is advised that a demolition notice should be submitted to the local authority prior to the commencement of any demolition works.

06. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

07. Any works within the Marine area require a licence from the Marine Management Organisation.

Ref: AWDM/0709/18

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

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).