Application to Vary Condition 1 of Planning Permission WSCC/068/12/SU

New Wharf, Brighton Road, Shoreham-by-Sea, West Sussex BN43 6RN

Prepared by

Integrated Skills

For

Kendall Bros (Portsmouth) Ltd

ADUR & WORTHING
PLANNING SERVICES

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1. INTRODUCTION

1.1 This statement supports a planning application to vary condition 1 of planning permission WSCC/68/2013/SU at New Wharf, Brighton Road, Shoreham, BN43 6RN.

1.2 The site is leased to Kendall Bros (Portsmouth) Limited and the term of the lease expires on the 27 September 2020. For long term business planning, the applicant is seeking to synchronise the planning consent with the remaining term of the lease.

The Applicant

1.3 Kendall Bros (Portsmouth) Limited is a family-owned business. It has operated at the application site in Shoreham since 2000. The company employs up to 6 staff to manage the operations at the Shoreham site, with 5 drivers employed to deliver products.

Planning History

1.4 Planning permission was granted in 2000 (SU/112/98) for the temporary use of the site for the unloading, preparation and storage of mineral aggregates, and concrete batching.

1.5 The permission was renewed in 2006 (SU/233/04) and again in 2009 (WSCC/079/09/SU).

1.6 In 2012, a further application was submitted to WSCC to allow operations to continue until 2015 (WSCC/068/2013/SU). This was approved but with a reduced timescale until 31 December 2014. This was against officer's recommendation and was subsequently appealed. The Planning Inspectorate upheld the appeal and the current consent requires all operations to cease on the 31 December 2015.

Design and Access Statement

1.7 Design and Access Statements are required under the Department for Communities and Local Government Circular 01/2006, "*Guidance on changes to the development control system*".

1.8 This requirement came into effect in August 2006 with the aim of explaining the design principles and concepts of the proposed development. A design and access statement is defined as a short report accompanying and supporting a planning application to illustrate the process that has led to the development proposal.

Design

1.9 The design of the facility was established during the original planning application. There are no alterations to the operational layout proposed.

Access

1.10 There are no plans to change the current parking or access arrangements.

2. THE SITE

Location

2.1 The site is located at New Wharf, Brighton Road, Shoreham-By-Sea, as shown on Drawing No. KBPL/NW/APP/01. The site is located within the western arm of Shoreham Port.

Access

2.2 Vehicular access to the application area will continue to be from Brighton Road. The site is gated and fenced from the other users, and the gates and fences are kept in a good state of repair.

2.3 Marine aggregates are delivered to the wharf front by ship and this will continue during the term of the remaining lease.

Proposed Use

2.4 Condition 1 of the current consent states "*the use of the land, buildings and structures hereby permitted shall cease and the site be cleared of all buildings, structures and works erected pursuant to this permission on or before 31 December 2015*".

2.5 Planning permission is sought to synchronise the planning consent with the remaining term of the lease and therefore it is proposed to vary condition 1 to state "*the use of the land, buildings and structures hereby permitted shall cease and the site be cleared of all buildings, structures and works erected pursuant to this permission on or before 27 September 2020".*

2.6 There will be no changes to the operational hours or to any other aspects of the development.

Surrounding Land Use

2.7 The site lies within the western arm of Shoreham Harbour, in between the A259 Brighton Road to the north and the River Adur to the south. The site is located adjacent to other similar port/wharf industrial operations. To the immediate east, is a fishmongers.

2.8 There is another industrial unit immediately adjoining the site to the west, beyond which the land is currently unoccupied. Planning permission has recently been granted to redevelop this area for a mixed retail and residential use.

2.9 The nearest residential properties are located approximately 95m south, across the River Adur. The properties comprise mainly of 3-storey blocks of flats.

2.10 This section of the A259 is occupied by large retail outlets such as B&Q and Halfords.

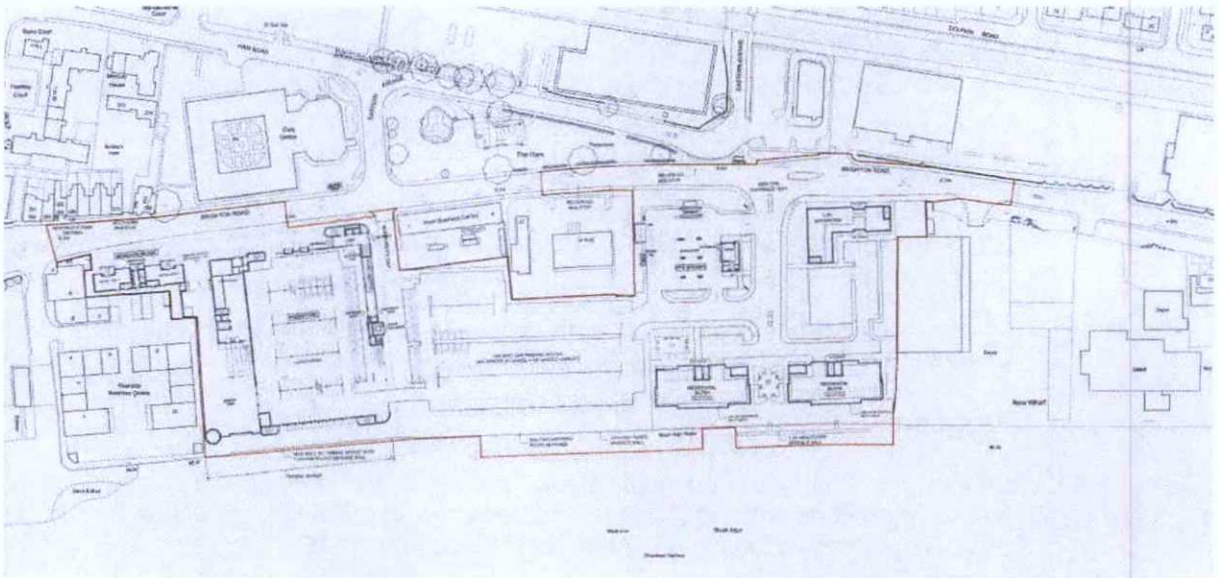
2.11 The site is not located within any statutory landscape, ecological, historic or other such designations.

2.12 The site is located within an area identified as being at risk from flooding, and this is addressed in Chapter 4.

Recent Planning Consent

2.13 Adur District Council granted planning permission in December 2013 for a food store (Morrison's), leisure, residential, a petrol filling station and car wash on land to the west of the application site. The same application included outline consent for a further residential development and a car show room.

2.14 The planning permission was granted subject to a Section 106 Agreement and a number of planning conditions.



2.15 The principle phase of the redevelopment is the construction of a new supermarket. The provision of residential units adjacent to the applicant's land has only received outline consent and therefore full details will need to be submitted and approved.

2.16 With reference to the consultation response to this application and subsequent committee report, the delivery of this development seems contrary to the Western Arm Development brief in that fewer houses will be delivered and a large retail unit is being provided. Instead the land was to be re-developed to provide a residential / high value added businesses mix.

2.17 It is also noted that the Shoreham Harbour Planning Policy team were concerned about the loss of a safeguarded wharf with this application and that the proposal did not consultant or consider the impact on the existing businesses in the locality.

2.18 That said, it is considered that the position of an aggregate supplier adjacent to the redevelopment site would be beneficial for the construction phase.

3. POLICY

3.1 The following documents form the development plan:

- The West Sussex Minerals Local Plan 2003
- The Adur District Local 1996

3.2 In addition the National Planning Policy Framework (NPPF) has been considered. Policy 143 of the NPPF advises planning authorities to safeguard existing and planned wharves, handling and processing facilities for the bulk transport by sea of marine dredged materials. The NPPF states that minerals are essential to support sustainable economic growth. It therefore seems entirely appropriate that there is a mineral supply chain to support the planned economic growth of Shoreham within the regeneration area.

3.3 The WSCC Minerals Local Plan is currently being reviewed and is expected to be adopted in March 2016. Until that time, the 2003 Minerals Local Plan remains part of the Development Plan. Policy 40 states "*wharves with current or potential mineral use will be safeguarded from inappropriate development*".

3.4 The County will need to address the safeguarding of wharves in consultation with the Joint Area Action Plan which is currently being prepared. Until this has been adopted, a Development Brief for the Western Harbour Arm provides planning guidance, which is relevant to the application site.

3.5 Adur District Council is currently in the process of producing a Local Plan[1] which will set out the future planning policies up to 2031.

3.6 The expected time for adopting the Joint Area Action Plan is June 2015.The Adur Local Plan is also due to be adopted in June 2015.

3.7 The Draft Adur Local Plan identifies Shoreham Harbour as a "*broad location for change*". It will be the focus of a significant level of development to facilitate the regeneration of the harbour. This includes the delivery of 1200-1600 new dwellings with the Shoreham Harbour Regeneration Area. Specifically in relation to the redevelopment of the Western Arm, the council identifies a need to "*facilitate the strategic relocation of appropriate industrial uses to elsewhere in the Port or local area to free up waterfront opportunity sites.*"

3.8 Draft Policy 4 identifies Shoreham Harbour as a regeneration area.

3.9 The application site lies within an area identified for a phased release of land for residential development with new employment floor space. It is recognised that the phased release of land is a long term process. It goes on to state "*many of the industrial activities are relatively low intensity uses and although some of them make direct use of the water, a number have no direct relationship with the harbour setting and could be better suited in alternative locations that better suit their modern business needs.*"

3.10 The nature of the operation relies on a wharf front to off load the marine-won aggregates and it is therefore a direct user of the waterfront. This reduces the options for relocation when compared to other non direct water front users.

[1] Revised Draft Adur Local Plan 2013

3.11 Draft Policy 8 states that the Council "*will work closely with existing site owners and businesses to identify their needs, support their future aspirations and facilitate relocations to suitable sites either within the consolidated harbour or elsewhere in the local area*". Considering that this policy is not due to be adopted until June 2015, there will be insufficient time within the current permitted consent to secure alterative premises. The applicant is therefore seeking to secure the planning consent for the medium term in order to provide a business plan that will provide security and will be deliverable.

3.12 With reference to policy WH12 of the Western Arm Development Brief, it is recognised that the development of the Western Arm is a long term ambition. In the short to medium term (5-10 years), it is essential to ensure that the initial phases of development do not compromise the operations of businesses on sites which are unlikely to come forward until later in the process. It goes on to state "*prior to sites coming forward for redevelopment to alternative uses, planning permission for continuation of current employment uses may be granted for temporary periods on a case by case basis.*"

3.13 The Development Brief seeks to maintain flexibility to enable a phased approach, which enables certain sites to remain in their existing use in the medium term (10 years). It refers to a WSCC report which outlined the county's position in that active wharves at Shoreham will be safeguarded until alternative capacity is provided and safeguarded through the Joint Area Action Plan.

3.14 Given that the application site has been leased until 2020, provides some indication on the likely timescale that this land would potentially become available for redevelopment opportunities. Currently there are no plans to redevelop this site, and no application is forthcoming. The timing of the lease agreement would coincide with the district's timetable for a phased release of land and therefore on a case by case basis, the application is consistent with the emerging policy documents.

4. FLOOD RISK

4.1 With reference to the previous application, it is understood that the application site is within an area that has a low risk of flooding.

4.2 Since Kendalls operations commenced in 2000, there has been no new hardstanding or changes to the site drainage.

4.3 As operatives responsible for the off loading of ships mooring on the wharf, Kendalls are well informed of tide levels.

4.4 Prior to Kendalls occupation of the site, the high water levels were recorded at 2.59. The wharf level is at an average of 4.2 and the highest point on the site is 4.75. Portacbins are raised a further 0.35 off the ground level.

4.5 In the unlikely event of a flood incident, there would be sufficient time to ensure that all site staff were evacuated to a safe refuge.

5. KEY CONSIDERATIONS

5.1 With reference to the previous planning committee report, the main considerations were:

- Need
- Location
- Impact on amenity and highway safety/capacity

5.2 As there are no proposed changes to the operation. It is considered that these remain the most relevant points.

Need

5.3 The supply of marine-won aggregates makes a significant contribution to the construction industry. The BGS reports that marine-won aggregates account for about 20% of the total sand and gravel supply in England and Wales. The BGS goes on to state that marine aggregate accounts for 32% of the total primary aggregates consumed in London and the South East[2].

5.4 The applicant provides a service to the construction industry and has an existing, established customer base in West Sussex, and adjoining counties along the south coast. Shoreham is identified as a regeneration area and therefore the applicant is well located to serve that growth and regeneration.

5.5 In addition to Shoreham, there are other growth areas within the county which will require significant construction and supply of aggregates.

5.6 The BGS report recognises that the marine aggregate industry is highly capital intensive and therefore the ability to continue to operate at this site provides business security for the next 6 years, and enables the company to set out its business plan to cover the lease period.

5.7 The application would allow the continued use of the site for the unloading and supply of marine-won aggregates and concrete batching. The ability to undertake both activities on the same site is considered to be sustainable as it reduces unnecessary traffic movements.

Location of Use

5.8 The application site is located within an industrial site with an existing wharf. It has good access to the A259. The council acknowledged during the previous application that the site is "*ideally located in transport terms to accept the delivery of material by sea, according with sustainable transportation objectives, and to make delivery of materials using major transport links*". There are no changes proposed to the landing of aggregates, processing operation or export of materials.

5.9 The location of the site within the Shoreham Harbour Regeneration Area needs to be considered in the context of the realistic timescales for delivery. The application site is located within Phase 2 and in any event requires landowner approval. There is an existing lease in place on this land until 2020. The Development Brief recognises that the regeneration is a long term project and identifies that sites should be able to remain in their current use in the medium term (which could be up to 10 years).

[2] The Strategic Importance of the Marine Aggregate Industry to the UK; BGS 2007

5.10 It is considered that the continuing use of the site would not result in any adverse impacts on the highway network as the A259 is a principal route and the delivery of aggregates by sea is considered to be sustainable, reducing the need to travel by road. In addition, the ability to use the aggregates on site for concrete batching is also considered sustainable as it avoids unnecessary vehicle movements to other batching plants. It allows the applicant to store and process the aggregates to meet the customer's requirements before exporting from the site. The site is well located to serve the construction industry, and specifically it is ideally locate to serve the regeneration proposals in Shoreham.

Impact on Amenity

5.11 With reference to the previous application, the main concerns raised by residents and Adur District Council related to noise and dust.

5.12 At the time of that application, West Sussex County Council had only received 6 complaints over a 10-11 year period.

5.13 In terms of dust, the process of delivering aggregates and processing is entirely wet and therefore any incidents of dust were unlikely to be related to this specific use.

5.14 There is an approved Environmental Management Plan, and the operational hours are conditioned. As set out in the recent Appeal decision, the inspector noted that "together these conditions are designed to minimise any noise, particularly the unsocial hours and weekends and to minimise any possible dust generation or vibration."

5.15 The inspector also noted that "*if the current business vacated the site prior to the redevelopment of the site, the site could be occupied by other general industrial businesses without the need for further permissions. Such uses could generate similar or greater levels of noise, activity and dust and would not be subject to the operating conditions imposed on the current occupiers.*"

5.16 There are no changes proposed to the operations at this site. The applicant seeks only to extend the time for operations to coincide with the lease agreement. The Environmental Management Plan will continue to be effective, and if considered necessary an Annual Review of this plan could be undertaken.

5.17 It is noted that planning permission has been granted on land to the west of the site, including a retail supermarket, with outline permission granted for residential development. It is considered that the application for those developments should take into account the presence of existing businesses within their own applications. This was raised by the Shoreham Harbour Planning Policy team during the planning application. In any event, the timetable for delivering the residential units is uncertain. It is recommended that a condition be attached to any consent which requires a review of the Environmental Management Plan once the residential development has been constructed. It is also recommended that the application for the detailed residential development considers any potential impact from other adjoining businesses, which may not be released for development for some time.

6. CONCLUSION

6.1 This Planning Statement has been prepared to support an application to extend the timescale for operations until 27 September 2020 to coincide with the lease agreement for the site.

6.2 The use of the site in planning terms is considered to be appropriate for the following reasons:

- It is consistent with the NPPF and the Minerals Local Plan
- It is suitably located to the main road network for transporting materials.
- It serves the construction industry within the county and avoids the need to import aggregates by road into the county.
- It does not have any unacceptable locational or environmental constraints.

6.3 Although the site is located within a regeneration area, the district council acknowledges that it is a long term project and that existing uses may continue to be appropriate in the medium term. The location of an aggregate producing company within a regeneration area should be considered favourably in terms of sustainability, as well as the economic and employment opportunities for a local employer.

6.4 The fact that there is a lease agreement in place on this land until 2020 gives some indication about the realistic timetable for releasing this land for redevelopment. The expiry of the lease agreement appears to be consistent with the district's phased release of land and therefore the proposal does not prejudice any future development proposals. It does however enable a local company, who employs local people to contribute to the provision of aggregates to the construction industry involved in the redevelopment, which is considered to meet the sustainable objectives of the NPPF.

PLANNING SERVICES
ADUR & WORTHING

PLAN: MWDM\0808\1#

VALID DATE: 16 FEB 2017

Client – Kendall Bros (Portsmouth) Ltd

Project – Shoreham-by-Sea

Site Location

Drawing No KBPLMWL0010

Scale NTS @ A4

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