Application Number: AWDM/1618/17 Recommendation – Objection

Site: Kendall Bros Concrete Batching Plant New Wharf, Brighton Road, Shoreham-By-Sea, West Sussex, BN43 6RN

Proposal: Consultation by West Sussex County Council on Amendment of Condition 1 attached to Appeal Decision APP/P3800/A/14/2224956 to allow for the unloading, preparation and storage of mineral aggregates with concrete batching plant to continue until 27th September 2020. Amendment condition 1 to read: 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

Proposal, Site and Surroundings

The application will be determined by West Sussex County Council as a 'County Matter' and is referred to this Council for consultation purposes only.

The application site (0.4 hectare) comprises the western part of New Wharf which historically was a coal-handling wharf. In1983 it became used for handling fish on the east part and for various temporary storage uses on the west part.

The use of the west part of the wharf for the handling, processing and storage of sea-dredged aggregates and concrete-batching with associated plant was originally granted temporary planning permission by WSCC in September 2000 (SU/112/98), after this Council had objected. This permission was subsequently renewed in 2006 (SU/233/04), 2009 (ADC/0427/09) and 2013 (AWDM/1382/12). The latter consent was initially granted for a temporary period of 2 years only by Members of West Sussex CC Planning Committee, contrary to the Officers' recommendation that a 3 year consent be granted. A subsequent appeal by the owners against the condition restricting permission to a 2 year period only was allowed in December 2013.

A further extension was granted on appeal in 2014 enabling continued use of the site until 31 March 2018. The applicants had sought an extension until 27 September 2020.

This latest application is seeking once again to extend the use of the site until 27 September 2020, which would coincide with the term of the current lease held by Kendall Bros.

The company employs up to 6 staff to manage the operations at the site, plus 7 drivers to deliver products.

Consultations

Under the relevant Regulations, all consultations and publicity are carried out by WSCC.

Adur & Worthing Councils: The **Environmental Health Officer** has advised that his comments would be based on whether the Free Wharf development had commenced and been occupied, or not, before 27th September 2020.

Relevant Planning Policies and Guidance

West Sussex Minerals Local Plan 2003 (WSCC) (saved policies): 29, 36, 40
Submission Draft Joint Minerals Local Plan 2017 policy M10
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE7-9, AT4
Submission Adur Local Plan Policy 8
Proposed Submission Shoreham Harbour Joint Area Action Plan (JAAP) 2017
Western Harbour Arm Development Brief 2013 Policy WH12
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

The use of the site for the port-related purposes to which the application relates accords in principle with the adopted Adur District Local Plan because the site is within an area of wharves on the north side of the river which are identified for port-related use under adopted Local Plan policies AE7-9 and AT4. These policies are subject to the environmental effects, including the effects of HGV traffic, being judged to be acceptable and do allow for non-port related use where wider benefits may be secured provided the operation of the Port is not adversely affected.

The draft JAAP identifies this area, the Western Harbour Arm, for residential led mixed use schemes, to include employment uses. The long-term aim is to relocate the existing large industrial and open storage premises, such as this site. This is reflected in Policy 8 of the Submission Adur Local Plan which identifies this site as falling within Character Area 7 (Western Harbour Arm) where the priorities are, among others, to facilitate the strategic relocation of industrial uses to elsewhere in the Port or local area to free up waterfront opportunity sites. The Submission Adur Local Plan has been through the examination process, and has been found sound subject to Main Modifications. It is anticipated to be adopted in December 2017. This gives policy 8 a considerable amount of weight.

The site is temporarily safeguarded in the draft Minerals Plan for the purpose of mineral transportation. However, paragraph 6.10.11 of the Plan states that “These wharves are safeguarded whilst they have planning permission, and further permissions may be granted for further mineral related development at

these sites if there is not a conflict with other development plan policies and objectives."

Whether the development is prejudicial to Shoreham Harbour Regeneration project

The proposed Joint Area Action Plan for the Shoreham Harbour area is an emerging plan. It is important to consider whether developments within the JAAP area, including the renewal of permission in the present case, could hinder the delivery and implementation of a holistic regeneration strategy for Shoreham Harbour as outlined in the JAAP and Policy 8 of the Submission Adur Local Plan.

The development forming the subject of the present application is clearly wholly at odds with the type of mixed use largely residential type of development identified in the JAAP. Importantly, there is a current planning application for the redevelopment of the adjacent site to the west known as Free Wharf to provide 540 new homes and 2,707sqm of commercial floorspace (AWDM/1497/17 refers). There is possibility of this development coming forward and being completed by September/October 2020 and the continuation of the mineral operations on this site are likely to have a significant adverse impact on the living conditions of those future residents.

The present application seeks renewal of permission until September 2020, an additional two and a half years on the existing consent. With residential development coming forward on the adjacent site and others nearby, the potential exists for increasing conflict with the redevelopment aims for the Western Arm. Granting a further extension of the period of use until the end of September 2020 is not therefore considered to be appropriate or desirable. However, it is unlikely that the Free Wharf development will be sufficiently progressed on site during 2018 to result in direct conflict and, in order to give the applicants more time to find an alternative site for their use, it is considered that an extension until 31 March 2019 only could be considered acceptable without causing conflict with regeneration aims.

Residential amenity

There has previously been concern about the effect of site operations on the flats and houses to the south at Anchor Close and Waters Edge on the opposite side of the river, given that the type of use to which the application relates is unsuitable close to dwellings. The nearest of these are 95m away but it is still highly desirable that operations of this type are relocated away from residential areas. The expected redevelopment of Free Wharf makes it likely that additional residential units will be affected by the activities at the Kendall Bros site, at a much closer proximity. The Inspector, in allowing the 2014 appeal, agreed that "remaining at the present site could result in the minerals operation becoming an incompatible use in relation to the proposed residential one next door, significantly closer than the existing residential development." He went on to state that "there is a risk of the continued use of the appeal site having a dampening effect on the success of the redevelopment of the neighbouring site and hence the regeneration of the area." He considered, on balance, that an

extension until March 2018 was appropriate as there would not be any likely harm to regeneration aims in the period up to that date. Taking into account the likely timescale for the redevelopment of Free Wharf, it is considered that there is likelihood that the development will be completed by September 2020 and that well before the completion the developers are likely to begin marketing the residential units. It is therefore desirable that the use ceases and the site is vacated well in advance of the completion of the development. It is considered that an extension until 31 March 2019 could be acceptable without causing harm to residential amenity of future occupiers.

Recommendation

That West Sussex County Council be informed that this Council is opposed to the continued use of this site for the purposes to which the application relates because of its adverse environmental effects and conflict with the objectives of the Shoreham Harbour Regeneration Project, proposed Joint Area Action Plan and Policy 8 of the Submission Adur Local Plan. The Council therefore OBJECTS to a further renewal of the temporary permission until 27 September 2020.

However, if West Sussex County Council considers that a further extension is appropriate then this Council would like to suggest that a maximum 12 month extension until 31 March 2019 only may be acceptable.

Case Officer: Peter Barnett Date: 14 November 2017

Authorised by: Gary Peck Date: 14 November 2017