From: Keith Morgan
Sent: 19 November 2009 11:15
To: 'Sam.Dumbrell@westsussex.gov.uk'
Subject: WSCC/079/09/SU Kendall Bros, New Wharf, Shoreham
Attachments: adc427.09.doc; WSCCCountyDevelopmentsamdumbrell.doc

Sam,

Further to yr email of 12 November, please find letter and report attached.

Regards, Keith

Keith Morgan - Planning Services Manager | Planning, Regeneration & Wellbeing, Adur District Council
Location: Civic Centre, Ham Road, Shoreham-by-Sea BN43 6PR
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Please think before you print this and save paper

Consultation Number: ADC/0427/09 Recommendation – see below
Application No. WSCC/079/09/SU

Site: **Kendall Bros Concrete Batching Plant, New Wharf Brighton Road, Shoreham-by-Sea BN43 6RE**

Proposal: **Consultation by WSCC on variation of condition 1 of SU/233/04 to extend the temporary permission for unloading, preparation and storage of mineral aggregates with concrete batching plant**

The Application

The application will be determined by West Sussex County Council as a 'County matter' and is referred to this Council for consultation purposes only. Planning applications relating to minerals and waste are dealt with by County Councils, not District Councils. The County Council has only given this Council 21 days to make comments, which expired on 20 November. Consequently, a provisional reply has already been sent which the Committee is now asked to ratify.

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) until 31 December 2009 and the present application seeks a renewal for a further 5 years.

Employment on the site comprises 5 to 6 staff and, additionally, there are 5 lorry drivers.

Consultation and Representations

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

ADC Environmental Health: No adverse comments to make on the present application for renewal of the previous permission.

[NB. at the time of the previous application for renewal in 2004, letters were received from 7 residents of Anchor Close and Waters Edge flats on the opposite side of the river and one from the warehouse to the west objecting to renewal mainly on grounds of excessive dust and noise, mainly from a

mechanical shovel scraping the wharf surface and from unloading ships sometimes at unsocial hours]

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1-7, RE6, H1-2, M1, M3, M5
West Sussex Minerals Local Plan 2003 (WSCC) (saved policies): 40
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE7-9, AT4, AT10
Shoreham Maritime – Vision to Reality (for ADC & Ptnrs 1999)
Shoreham Waterside North Interim Planning Guidance (for ADC & Ptnrs 2000)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG4 'Industrial and Commercial Development and Small Firms' (DoE1992)
Consultation Paper on proposed new PPS4 'Planning for Prosperous Economies' (DCLG 2009)
PPG13 'Transport' (DTLR 2001)
PPG24 'Planning and Noise' (DoE 1994)
National & Regional Guidelines for Aggregates Provision in England 2005-2020 (DCLG 2009)
Minerals Planning Guidance MPG2 "Applications, permissions and conditions" (DETR 1998)

Planning Assessment

Policies

The use of the site for the port-related purposes to which the application relates accords in principle with the 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 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 site is not a 'safeguarded' mineral site, unlike Fordamin to the west and the disused Pioneer aggregates site further east. South East Plan policy M5 requires safeguarding of mineral reserves, wharves and rail depots. 'Saved' policy 40 of the West Sussex Minerals Local Plan 2003 states:-

40 'Wharves with current or potential mineral use will be safeguarded from inappropriate development. The improvement, modernisation and increase in capacity of aggregates wharves will be encouraged provided such operations would not have an unacceptable impact on the environment and would not cause a significant increase in disturbance due to factors including increases in noise, dust and traffic.'

The latest Government guidelines for aggregates provision in England (in 2009 as compared to 2003) and policy M3 of the South East Plan identify an increase in the contribution of marine-dredged aggregates and recycled materials within a background of declining overall demand.

Shoreham Harbour Regeneration Project and proposed Joint Area Action Plan

Shoreham Harbour is identified as a 'Strategic Development Area' (ie. a regionally-significant growth point) in the South East Plan. During 2007, SEEDA commenced to work with Shoreham Port Authority and Adur District Council, Brighton & Hove City Council and West Sussex County Council to develop a new set of proposals for Shoreham Harbour with a view to producing a deliverable redevelopment programme (the Shoreham Maritime Vision of 1999 having been regarded as undeliverable by Brighton & Hove). This approach was endorsed by the Councils in September 2007 and it was agreed that a joint Area Action Plan (JAAP) be prepared for the wider harbour area as far north as the railway. The timing of the JAAP and the target housing and employment figures are under detailed consideration and options will be put forward. SEEDA propose that a 'special delivery vehicle' be set up in order to implement the JAAP.

Shoreham Maritime Regeneration Strategy

The Shoreham Maritime Vision (adopted as supplementary planning guidance in 1999) has been regarded, since 2003, as an economically unfeasible strategy by Brighton & Hove Council owing to lack of central Government support to fund the proposed consolidated Port (which depends upon substantial land reclamation from the sea) and a new link road from the port to the A270. However, Adur has not made a decision to abandon the Vision and its basic objectives remain highly relevant.

Within the Vision, the present application site lies within the area identified as 'Shoreham Waterside North'. This is an area in particular need of economic and environmental regeneration where the Vision is that the existing uses (largely port-related or low quality storage premises) would be replaced with high density contemporary mixed use development. The intention is to relocate the port uses to the consolidated Port zone on the south side of the Canal/eastern arm of the harbour, thereby releasing the north side of the river for redevelopment. However, as stated above, the development of the Port zone is dependent on land reclamation from the sea and provision of a new access road to the Port zone, neither of which have yet been progressed (and are now dependent upon the outcome of the proposed JAAP).

The more detailed Interim Planning Guidance (IPG) for 'Shoreham Waterside North' (adopted in 2000), puts the present application site in an area identified for mixed development of business and offices, residential and informal leisure and recreation, with the A259 incorporating landscaped pedestrian and cycle routes. Most significantly, it is intended that there would also be a continuous pedestrian walkway and cycle route along the riverside (present

wharf edge), with links to the A259 at regular intervals. The latter is consistent with Local Plan policy AT10 which seeks extension of public rights of way alongside the river Adur when development proposals are submitted.

Whether the development is prejudicial to Shoreham Harbour Regeneration project

The proposed Joint Area Action Plan for the Shoreham Harbour area is only in its very earliest stages as an emerging plan and not expected to be adopted until June 2012. However, it is still 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 or subsequent more detailed guidance (whether within the JAAP itself or a subsequent masterplan). Government policy in PPS12 is that AAPs should provide a planning framework for areas where planned growth will be delivered, including resolving conflicting objectives. "Further guidance such as the layout of uses and design requirements etc may be provided in the relevant area action plan or in one or more supplementary planning documents in the form of a master 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 Shoreham Maritime Strategy and Waterside North IPG and likely to be included in the proposed Area Action Plan. It would perpetuate the existing very poor environmental quality of the area.

However, it is recognised that the redevelopment of the area is not a short-term process and that this site and the adjoining ones are unlikely to be suitable for any potential "quick wins". This was the reason WSCC granted a temporary 5 year permission (augmented by a section 106 Agreement) in 2000 and renewed it again until 31 December 2009.

The present application seeks renewal of permission for a further 5 years, expiring at the end of 2014. This is later than the programmed June 2012 date of adoption of the proposed Area Action Plan. Consequently, renewal of permission for a further 3 years, rather than 5 years, would be more appropriate although it has to be recognised that actual redevelopment proposals may take longer to achieve and are likely to depend upon the 'special delivery vehicle' proposed by SEEDA.

Residential amenity

There is concern about the effect of site operations on the flats and houses 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 97m away but it is still highly desirable that operations of this type are moved to the proposed new consolidated Port zone, well away from residential areas.

The view has previously been that conditions can be imposed to deal with noise and dust from operations on the site itself which, together with separate authorisation control over the concrete-batching plant under Part 1 of the Environmental Protection Act 1990, should provide control. The conditions include a requirement to adhere to the Environmental Management Scheme approved by WSCC on 2 February 2006.

Control over unloading of ships is problematic because of the historic use as a wharf and the constraints imposed by the tides, factors which previously led the Secretary of State on another site to the east to remove a condition imposed by the Council preventing unloading of ships at night on grounds of unreasonableness. However, in this particular case, WSCC have negotiated a section 106 Agreement with the applicant which undertakes not to unload any vessels except between the hours of 7am-11pm unless WSCC have given written notice in advance to any exception.

Traffic

The environmental effect of HGV traffic on sensitive areas such as the High Street (which is an air quality management area) and north-south links to the A270 and A27 is a concern. On the original application 26 loads per day were estimated. Whilst not a high level of traffic, the type of vehicles are prone to cause noise and vibration. This is a further reason justifying only a temporary permission.

Recommendation

That West Sussex County Council be informed that this Council remains opposed to the 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 and proposed Joint Area Action Plan.

However, because the redevelopment of this area of the harbour is unlikely to take place prior to the adoption of the proposed Joint Area Action Plan and the setting up of the associated ‘special delivery vehicle’, no objection is raised to a further temporary permission (and any necessary deed of variation to the section 106 Agreement) but with the period expiring on ***31 December 2012 (not 2014 as sought)***, with the previous conditions 2-11 also re-imposed.

……..

Adur District Council

Planning, Regeneration and Wellbeing

Sam Dumbrell, County Development
West Sussex County Council
County Hall
CHICHESTER
PO19 1RG

Our Ref: ADC/0427/09
Your Ref: WSCC/079/09/L Date: 19 November 2009

Dear Mr Dumbrell,

Re: Kendall Bros, New Wharf, Brighton Road, Shoreham-by-Sea:
'County matter' application WSCC/079/09/L (for renewal of previous permission SU/233/04)

I refer to your letter of 30 October 2009 and subsequent email of 12 November.

The application is due to be considered by the Council's Development Control Committee on 7 December 2009 with the recommendation as set out on the attached report.

However, because of your 'deadline' of tomorrow's date, I am sending you these representations as the Council's comments (subject to ratification by the Committee on 7 December):-

That West Sussex County Council be informed that this Council remains opposed to the 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 and proposed Joint Area Action Plan.

However, because the redevelopment of this area of the harbour is unlikely to take place prior to the adoption of the proposed Joint Area Action Plan and the setting up of the associated 'special delivery vehicle', no objection is raised to a further temporary permission (and any necessary deed of variation to the section 106 Agreement) but with the period expiring on ***31 December 2012 (not 2014 as sought)***, with the previous conditions 2-11 also re-imposed.

I trust that you will take these representations into account before reaching a decision. You will note from the attached a copy of the Committee report that the Environmental Health Officer has no comments to make.

Yours sincerely,

Keith Morgan
Planning Services Manager

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e-mail: keith.morgan@adur.gov.uk