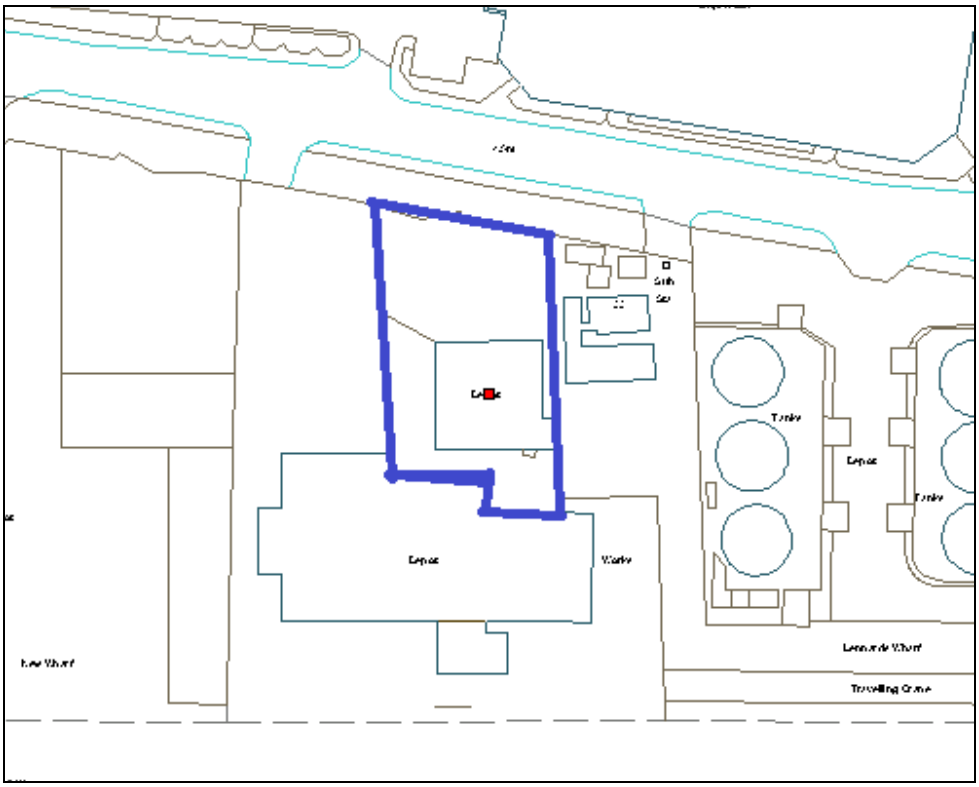
Application Number: AWDM/0741/14 **Recommendation – APPROVE (temporary until 2018)**

Site: **Edgars Cool Water, New Wharf, Brighton Road Shoreham-By-Sea, West Sussex**

Proposal: **Change of use from distribution centre and ancillary offices (B8) to a mixed use of warehouse, retail shop and ancillary offices (B8/A1)**

Applicant: Mr J Malpass Ward: St Mary's
Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

The application relates to a site at New Wharf, on the south side of Brighton Road which is currently occupied by Edgars Cool Water as a warehouse/distribution centre with ancillary offices (ClassesB8/B1). It is proposed to change the use of the premises to a mixed use comprising a warehouse/retail shop and ancillary offices (B8/A1/B1) for

Malpass Direct, a butcher who sells meat primarily to trade and in bulk to retail customers.

The site comprises a building used as a warehouse with ancillary offices. There are portacabins and a temporary smaller storage building which are to be removed as part of this application. The main warehouse building is to be converted into a retail area, with cold store, production area and an office on an existing mezzanine.

In support of the application, the agent has advised that about 25% of the total floor area will be used as a shop. Within this area, there is anticipated to be a 50/50 split between retail and wholesale sales. They will serve wholesale quantities to both trade and public, rather than small quantities, as they do not wish to compete with the trade of the High Street butchers. There will be no preparation of carcasses on site. The meat arrives already butchered in larger quantities and it is then split into smaller packs for sale. Preparation includes processes such as marinading for different flavours (i.e. garlic, barbeque, chinese 5 spice).

The applicant currently runs a similar business in Brighton but the site is too small to accommodate the increased demand for his products. This site is larger and will enable more storage provision (including an in-built cold store). The shop is proposed to be open 7 days a week during normal trading hours.

The site is within an area of mixed industrial and retail warehousing, with B&Q and Halfords directly opposite, and Kendalls concrete processing plant to the west. To the south there is La Poissonnerie, a fishmongers, and a conservatory company.

The applicant is aware of the aim of redeveloping this part of Shoreham Harbour and is agreeable to a temporary permission.

Consultations

West Sussex County Council: No objection from a transport/highways aspect. Comments that it is not considered that the proposal will materially alter or intensify traffic that could be generated through the existing use.

Adur & Worthing Councils: The ***Environmental Health*** officer advises that no deliveries or collections should take place outside the hours of 07.00hrs – 20.00hrs Mon – Sat and 09.00hrs -18.00hrs Sundays and bank holidays

The ***Policy Officer*** comments that this site occupies an area within the Western Harbour Arm character area of the emerging Joint Area Action Plan (JAAP). As supported by the Shoreham Port Authority's Port Masterplan (2010), the draft JAAP proposes that port-related uses in the Western Harbour Arm are re-sited within the commercial port area (South Quayside / North Quayside). The JAAP notes that marine related uses that positively contribute to the character of the harbour could remain.

Large warehouse storage and retail facilities on the A259 would not be compatible with the long term vision for the harbour.

The long term strategy for this particular site is for residential-led mixed-use development. This is a longstanding commitment and it is therefore considered inappropriate to permit the application on a permanent basis. A temporary permission however may be appropriate, consistent with the approach taken on other Western Harbour Arm waterfront sites. If temporary permission is granted, it would be prudent to ensure that time limitations are consistent with other temporary permissions granted in the Port.

Shoreham Port Authority: No objection to the proposal and agree with suggested temporary consent until 2018

Representations

None received

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE7-9, AT4
Draft Adur Local Plan (2012)
Shoreham Harbour Interim Planning Guidance (2011)
Shoreham Harbour Joint Area Action Plan (JAAP) (2014)
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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; and

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.

Planning Assessment

Principle

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 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. Temporary planning permission may be appropriate, to be consistent with other uses within the area.

The Kendall Bros concrete processing plant immediately to the west has consent until December 2015 only, following the refusal of a recent application to extend their temporary permission until 2020 (reference AWDM/0208/14 and WSCC/068/12/SU). The nature of that use is likely to lead to considerably more noise disturbance than the proposal subject of this application. On balance, it is considered that a temporary consent for the proposal until August 2018 would not be inappropriate and will not conflict with the long term aim of redeveloping the site as envisaged in the JAAP. Any shorter period of consent is likely to make the venture unviable.

Retail Assessment

The application was accompanied by a sequential test to see whether there are any suitable sites available for such a use. The applicant concluded that none of the sites identified in the test were suitable primarily due to lack of parking. The test tended to focus on industrial premises rather than retail premises but the applicant considers the trade and wholesale nature of the business to be better suited to an industrial building than a shop.

There are retail uses in the area, as well as business uses with trade counters. The presence of La Poissonnerie, which sells fish to the wholesale and retail market, is considered to complement the proposed use, it is argued.

The proposed use will have an even wholesale/retail split in terms of sales but the nature of the retail sales appears to be predominantly bulk purchases rather than individual items. There would be no easy way to prevent the sale of a single pack of sausages, for example, but it is not considered that the proposed retail use in this location, being part of a larger warehouse/industrial/wholesale use, would cause harm to the area or threaten the viability of the shopping function of the High Street.

Visual amenity

The proposal does not involve any external alterations to the retained building. The removal of the portacabins and temporary store will be a visual improvement.

Residential amenity

The proposed use is not anticipated to have an increase in the number of lorry movements compared with the existing use. It is anticipated that there would be 1-2 deliveries per day. The use is not expected to result in harm to residential amenity. The Environmental Health Officer has recommended a restriction on the hours of deliveries by road and this can be controlled by planning condition.

The recent permission for mixed residential/retail development at the Frosts site to the west will bring more residential properties closer to the site than existing. However, it is unlikely that those dwellings will be constructed and occupied in the short term. The nature of the use is not considered to result in harm to residential amenity in any event.

Accessibility and parking

The current use generates a number of daily lorry movements. The proposed use is likely to generate up to 2 deliveries each day, plus an unspecified number of customer vehicle movements. The Highway Authority has not objected to the proposal as they do not anticipate that there will be a material increase in the amount of traffic compared with the existing use.

The applicant has stated that there is a possibility of some deliveries being brought in by ship as meat is currently shipped to Tilbury docks and then continues its journey by road. The meat containers could be brought to Shoreham via the canal and discussions with the port are continuing on this point.

Recommendation

APPROVE

Subject to Conditions:-

1. Temporary consent until 31 August 2018
2. Use as warehouse, retail shop and ancillary offices in connection with the storage and distribution and sale of meat and meat-related products only (Use Classes B1/B8/A1)
3. Hours of delivery and collection restricted to 7.00 am and 8.00 pm on Mondays to Saturdays inclusive and 9.00 am and 6.00 pm on Sundays or Public Holidays.
4. Parking spaces retained
5. Approved plans