FIRSTPLAN
Bramah House, 65-71 Bermondsey Street
London SE1 3XF
T: 020 3096 7000 **W**: www.firstplan.co.uk

Our Ref: 10017/VW/ta
Your Ref: PP-05340558 and PP-05340631
Email: vwalsh@firstplan.co.uk
Date: 05 August 2016

West Sussex County Council
County Hall
West Street
Chichester
West Sussex
PO19 1RQ

Dear Sir/Madam,

APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION REF: WSCC/073/14/SU AND CONDITION 2 OF PLANNING PERMISSION: WSCC/081/13/SU KINGSTON RAILWAY WHARF, BRIGHTON ROAD, SHOREHAM BY SEA, BN43 6RN

We have been instructed by our clients, the Day Group Ltd (Days), to submit the two enclosed section 73 planning applications relating to adjoining sites currently operated by Days at Kingston Railway Wharf, Shoreham by Sea. The proposals are as follows:

> **Variation of Condition 2 of planning permission ref: WSCC/081/13/SU to extend the temporary period of use for a further two years (to end date 15 October 2018).**
>
> **Variation of Condition 2 of planning permission ref: WSCC/073/14/SU, to extend the temporary period of use for a further two years (to end date 15 October 2018).**

Both applications have been submitted online via Planning Portal (PP-05340558 and PP-05340631). A joint covering letter, detailing the relevant planning considerations, has been prepared given that the sites are jointly operated and the proposals give rise to the same considerations. For clarity within this letter, the site covered by planning permission ref: WSCC/081/13/SU is referred to as Kingston Wharf (East); and the site covered by planning permission ref: WSCC/073/14/SU is referred to as Kingston Wharf (West). The application submissions have each been accompanied by:

Kingston Wharf (East)

- Application forms
- Site Location Plan (Firstplan, dated 30/09/14)
- Existing Site Layout Plan (Ref 2569/05 Rev A)
- Existing Elevations (Ref 2569/06 Rev A)
- Copy of decision notice: WSCC/081/13/SU

Kingston Wharf (West)

- Application forms
- Site Location Plan (Firstplan, dated 30/09/2014)

- Existing Site layout plan (drawing no. 2569/09 Rev B)
- Existing Block Plan (drawing no. 2569/08 Rev C)
- Existing Elevations (drawing no. 2569/10 Rev A)
- Copy of decision notice: WSCC/073/14/SU

The requisite fee of £195 for each application has been sent by cheque.

Background Information

Both sites are located on the north side of Shoreham Harbour and accessed from Brighton Road (A259) which forms the northern boundary. The River Adur forms the southern boundary.

The sites form part of the operational land of Shoreham Port and are located within an area of predominantly industrial and commercial uses. To the east is a builders merchants. European Metal Recycling Ltd (EMR) are situated in close proximity to the west of the sites.

To the south of the sites, on the opposite side of the River Adur, is a narrow spit of land known as Shoreham Beach. This area is predominantly residential in character. The site is located at a relatively wide point on the river and the nearest residential properties are approximately 150 - 200 metres away.

Planning History and Operative Consents

The relevant planning history for the two sites is outlined below and confirmation provided of the operative consent for each site and the details of the two respective conditions which it is now proposed to amend.

Kingston Railway Wharf (East)

In September 2010 temporary planning permission was granted for the erection of a building and associated facilities in connection with the use of the site for the purposes of bagging aggregate (ref: WSCC/074/10/SU) (decision corrected in October 2010). This allowed for the temporary use of the site for three years.

In January 2012 planning permission was granted for the variation of Condition 7 to allow HGV's to leave the site between 6.00 and 7.00 on Mondays to Saturdays inclusive (ref: WSCC/061/11/SU). This consent repeated all of the conditions on the September 2010 decision notice.

Planning was granted in February 2014 for the variation of conditions 1 and 2 of planning permission ref: WSCC/061/11/SU to regularise design changes and extend the temporary period of use for a further three years (ref: WSCC/081/13/SU). This decision notice again repeated all of the conditions on both the 2012 permission and the 2010 permission. On this basis the latest 2014 planning permission comprises the operative consent for this site.

The facility and operation of this site comprises:

- A bagging plant and feed hoppers enclosed within a materials processing building with composite cladding
- Loose aggregate storage bays
- Open 25kg bag storage and bulk bag storage areas
- Portable site offices and staff facilities

Condition 2 of the operative consent, WSCC/081/13/SU, requires that:

> ***"The use hereby permitted shall cease and all operations associated with the approved plans and documents shall cease, and all associated buildings shall be removed from the site and the land restored to its former condition, or a condition agreed by the County Planning Authority, by 29 September 2016".***

The reason given for the imposition of this condition is stated as:

> ***"To ensure the development does not prejudice the objectives of the emerging Shoreham Harbour regeneration plans".***

Kingston Railway Wharf (West)

Planning permission was granted in September 2015 for the use of this site in connection with permitted aggregate bagging operation on the adjacent site (Kingston Railway Wharf (East)) for a temporary period until September 2016 (ref: WSCC/073/14/SU). This permission comprises the operative consent for this site.

The activities taking place on this part of the Wharf comprise:

- Unloading of water borne material from barges and storage of this material
- Loose aggregate storage bays
- A bulk bag storage area and a 25kg bag storage area
- Storage within a container
- Mobile bulk bagging plant used on ad-hoc basis
- 16 car parking spaces
- HGV overnight parking area

Condition 2 of the operative consent, WSCC/073/14/SU, requires that:

> ***"The use hereby permitted shall cease and all operations associated with the approved plans and documents shall cease, and all associated buildings shall be removed from the site and the land restored to its former condition, or a condition agreed by the County Planning Authority, by 29 September 2016".***

The reason given for the imposition of this condition is stated as:

> ***"To ensure the development does not prejudice the objectives of the emerging Shoreham Harbour regeneration plans".***

As was the case when the original planning application was made for this part of Kingston Railway Wharf (the western part), it is confirmed that as the site comprises a wharf which is leased from the Port of Shoreham. As such it is considered that the operations applied for could take place under Part 17 class B of the General Permitted Development Order (1995). As was the case previously, this application is made without prejudice to these permitted development rights.

Application Proposals

The applications proposes a 2 year extension of the two temporary consents, running to an end date of 15 October 2018. This date accords with the end date of the respective leases which Day's hold for each half of the wharf. The operative consent for each site would be amended to read as follows:

> ***"The use hereby permitted shall cease and all operations associated with the approved plans and documents shall cease, and all associated buildings shall be removed from***

> ***the site and the land restored to its former condition, or a condition agreed by the County Planning Authority, by 15th October 2018".***

In terms of considering the application proposals, given the reason for the imposition of the conditions, the key issue is whether the proposals would prejudice the emerging Shoreham Harbour regeneration plans. Provided they do not then the application proposals should, subject to other material considerations, be considered as acceptable. This issue has been addressed fully in the context of the following policy considerations and analysis sections of this letter.

The other issue to consider is if there are any new or emerging policy provisions in place since the last grant of permission on the two sites which would have a bearing on the acceptability of the proposals. Largely the policy position remains unchanged – given that the matter was most recently considered in April 2015 (in respect of the grant of permission for Kingston Railway Wharf (West). Notwithstanding this, this point has also been addressed below.

The use, operations and structures currently in place on the two sites and all associated highways and environmental/amenity considerations were comprehensively considered as part of the original planning applications and consents which granted the uses/operations now on-going and structures/buildings in place. The sites are appropriately located along the advisory lorry route, are subject to an s106 agreement controlling HGV movements and routing, and to conditions controlling operating hours, HGV movements, wheel washing, lighting noise and dust, which have ensured that the sites operate without unacceptable impacts on neighbouring amenity or highway safety or capacity. These application proposals do not propose any change to the means in which the sites currently operate or any alteration to the built structures in place. As such further assessment of these issues is not considered necessary.

Similarly, the issue of need for the proposals has previously been comprehensively considered and reference is made below to the continuing need for the development proposed (even if it can only be provided on a temporary basis).

Relevant Planning Policy Considerations

National Planning Policy Framework (2012)

The NPPF outlines the Government's planning policies for England. The Framework sets out the Core Planning Principles which should underpin both plan-making and decision-taking. This includes proactively driving and supporting sustainable economic development and encouraging the effective use of land by utilising brownfield land.

Of particular relevance to the application proposals is the guidance provided in terms of the importance of minerals and safeguarding of sites.

The NPPF acknowledges the important role minerals play in the economy stating that:

> ***"minerals are essential to support sustainable economic growth and our quality of life"*** **and that it is** ***"important that there is sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs"*** (para 14).

The NPPF provides for specific safeguarding requirements for sites such as the application sites. Para 143 emphasises the importance of retaining wharves with current potential mineral use.

In more general terms the NPPF is clear in the context of decision taking that local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve

applications for sustainable development wherever possible. Local planning authorities are charged with working proactively with applicants (para 187). In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (para 197).

West Sussex Minerals Local Plan (2003 saved 2007)

The West Sussex Minerals Local Plan identifies Kingston Wharf as a "Safeguarded Wharf".

Of particular relevance to the application proposals is **Policy 40** which confirms that:

> ***"Wharves with current or potential mineral use will be safeguarded from inappropriate development. The improvement, modernisation and increase in capacity of aggregate wharves will be encouraged provided that 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."***

Draft West Sussex Joint Mineral Local Plan – Consultation Draft (14 April - 17 June 2016)

The County Council are preparing a new Minerals Local Plan, which was open for consultation from 14 April-17 June 2016. The document is at an early stages and as such only limited weight can be given to it.

The Draft Joint Minerals Local Plan does not propose the continued safeguarding of Kingston Railway Wharf. Whilst not stated in the draft Plan this is predicated on the regeneration objectives for this part of Shoreham Harbour (the Western Harbour Arm).

Duly made objections were submitted by Firstplan, on behalf of Days, to the consultation seeking the continued safeguarding of Kingston Railway Wharf for minerals related development for a temporary period to ensure that it does not prejudice the objectives of the emerging Shoreham Harbour regeneration proposals.

In summary the representations highlighted that:

- where continued use can be made of the wharf facilities (even for a temporary period) then it is clearly good planning practice to ensure that this is supported and facilitated;
- that there is no pressing need for the existing port-related uses on Kingston Wharf to relocate in the short or even medium term;
- that existing and emerging policies in respect of regeneration proposal for Shoreham Harbour are all consistent in confirming that the regeneration objectives are long term and could take some time to achieve;
- that the same existing and emerging policies are also clear in supporting the approach that planning permission on sites for continuation of current employment uses may be granted for temporary periods on a case-by-case basis.

As part of the next step in progressing the Joint Minerals Local Plan, West Sussex County Council held a Minerals Safeguarding Workshop on the 29 June, 2016 for key stakeholders. Firstplan were invited to attend on behalf of Day Group. Initial discussions at that Workshop with Policy Offices from the County Council appeared to indicate their acknowledgement that there was a better means of dealing with the safeguarding of the Kingston Railway Wharf site than currently proposed by the draft Joint Minerals Plan. On this basis it appears that County Council have accepted that Kingston Wharf should retain its safeguarding for a temporary period until such time as the site is required to secure wider regeneration objectives. It is anticipated that on this basis alterations will be made at the next Minerals Plan consultation stage to reflect this approach.

Adur District Local Plan 1996 (Saved Policies)

It is acknowledged that the saved policies of the Adopted District Local Plan are now quite dated and do not reflect Shoreham Harbour redevelopment proposals. Nonetheless, until the plan is fully superseded it is still of some relevance.

The Local Plan Proposals Map designates the site as being located within an area of Business, Industry and Warehousing. Relevant supporting text notes that the Port is a major importer of aggregates to serve the south-east region (para 10.45).

Adur Local Plan Submission Draft (2016)

The new Local Plan is now at a relatively advanced stage with a Submission Draft having been published in April 2016. This publication is since the consideration of the last planning application in Kingston Wharf (West) in 2015.

Consistent with earlier consultation drafts, and reflecting the Joint Area Action Plan (see references below), the draft Plan prioritises facilitating the comprehensive redevelopment of the waterfront area within Shoreham Harbour, and facilitating the relocation of appropriate industrial uses to elsewhere in the Port or local area to free up waterfront opportunity sites. This includes the two application sites.

Policy 8, Shoreham Harbour Regeneration Area, identifies the regeneration proposal for the Shoreham Harbour Regeneration Area that will be delivered over the plan period. The Policy confirms 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.

It is key that supporting text to the policy is clear in confirming that:

> ***"2.96 The release of sites at the harbour for redevelopment is a long term process which requires careful management. The successful delivery of the JAAP proposals will be dependent upon the ability of the local authorities to work positively with existing site owners and businesses during this period of transition. There is a strong commitment from the Partnership to ensure that any release of sites is backed up by an accompanying strategy which minimises impact on existing businesses operations and retains local firms and associated jobs in areas."***
>
> ***2.97 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. In accordance with the Shoreham Harbour Interim Planning Guidance, and the Western Harbour Arm Development Brief prior to sites coming forward for redevelopment to alternative uses, planning permissions for the continuation of current employment uses may be granted for temporary periods on a case by case basis."***

Shoreham Port Masterplan (2010), Interim Planning Guidance (IPG) for Shoreham Harbour (2011), Western Harbour Arm Development Brief (2013) and Shoreham Joint Area Action Plan (2014)

The Shoreham Port Masterplan (2010), Interim Planning Guidance (IPG) for Shoreham Harbour (2011), Western Harbour Arm Development Brief (2013) and Shoreham Joint Area Action Plan (2014) jointly provide a range of supplementary guidance for the future regeneration of Shoreham Harbour. All of these documents

pre-date the last consideration of a temporary permission at Kingston Railway Wharf (West) – and were taken into account in the determination of that planning application.

Of specific relevance to the consideration of the further temporary period of consent are the various references made in these Shoreham specific guidance documents to the timings of the regeneration proposals.

The Shoreham Port Masterplan acknowledges at paragraph 6.50 that:

> ***"The redevelopment of the Wester Arm from the current uses is a relatively long term proposal that is likely to require significant public investment."***

The Western Harbour Arm Development Brief recognises, amongst other things, that the existing uses at the Western Harbour Arm make a significant contribution to the local economy and their needs should be taken into account when planning for the area. **Guiding principle WH12 'Impact on existing business operations**' states that:

> ***"The development of the Western Arm is a long term ambition. In the short to medium term (5-10yrs), 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. The Partnership including the SPA is committed to continuing the process of dialogue to ensure a mutually appropriate scenario as sites come forward."***
>
> ***In accordance with the Shoreham Harbour Interim Planning Guidance, prior to sites coming forward for redevelopment to alternative uses, planning permissions for continuation of current employment uses may be granted for temporary periods on a case by case basis."***

Support for Proposed Applications

Principle of the Development

The acceptability in principle in terms of the uses and operations of the two sites (as described above) have been accepted by virtue of the two respective operative consents. For the development on the Eastern half the Committee Report confirmed that Officers considered that the development would make temporary use of a vacant site, unsuitable for many other uses. The proximity of other processing plants in the area would provide sustainability benefits in reducing minerals transportation for bagging further afield. In respect of the more recently granted development on the western half of the wharf, the Committee Report acknowledged the range of policy and guidance documents that allow for temporary permissions to be granted on sites such as this without prejudicing the regeneration objectives.

Indeed, the Western Harbour Arm Development Brief, Shoreham Joint Area Action Plan and the Draft Adur Local Plan, are consistent in confirming regeneration objectives for Shoreham Harbour are long term and will take time to achieve. There is no pressing need for the existing port-related uses to relocate in the short term, which supports such uses continuing until the redevelopment of the area comes forward. The NPPF requires safeguarding of mineral and wharf related activities such as this – and it must be good planning practice to ensure their continued use and protection even if this is only for a temporary period.

The applications propose a two year temporary permission which will not prohibit the long term regeneration objectives of the area. What it will do is allow for a highly sustainable form of development to continue (with associated HGV road mile and emissions savings). It will also allow for a mineral wharf to continue in active

use and for a local business to continue to be accommodated whilst relocation proposals are further progressed.

The acceptability in principle of a temporary consent was only recently considered in respect of the western half of the Wharf (April 2015). At that stage, due to the fact that the application site operated in conjunction with the eastern half it was appropriate to grant a permission which tied in with the same time period as the existing operation. I.e. through to September 2016. The two permissions now tie in together – but it does mean that these issues have only recently been considered and there was nothing to suggest that a further period of operation should not be granted. Largely the same policy context and material considerations remain in place which allowed the County Council to grant planning permission last year.

Issues of in principle acceptability of temporary permissions have also relatively recently been considered at appeal in respect of the nearby New Wharf. This serves to under pin the arguments in support of these application proposals.

On this basis the proposed continued use of Kingston Railway Wharf for a temporary period of two years should be considered as acceptable in principle, subject to consideration of any other material considerations.

Identified Need

Jointly the two sites currently allow for a total throughput of 135,000 tpa of aggregates necessary for use within the construction and other industries. The application proposals would allow for this level of activity to continue for a temporary period without compromising the redevelopment of the port area. As was concluded by the CC in their consideration of the earlier proposals only last year, the proposed development would contribute to meeting a need for aggregates in the County and that there is a need for the retention of the sites for aggregates use for a temporary period until such time as they are required to meet the long term redevelopment proposals for the area.

Environmental, Amenity, Highway Safety and Capacity Considerations

As previously confirmed, the use, operations and structures currently in place on the two sites and all associated highways and environmental/amenity considerations were comprehensively considered as part of the original planning applications and consents which granted the uses/operations now on-going and structures/buildings in place. The sites are appropriately located along the advisory lorry route, are subject to an s106 agreement controlling HGV movements and routing, and to conditions controlling operating hours, HGV movements, wheel washing, lighting noise and dust, which have ensured that the sites operate without unacceptable impacts on neighbouring amenity or highway safety or capacity. These application proposals do not propose any change to the means in which the sites currently operate or any alteration to the built structures in place, or the controls in place under the relevant conditions and S106 Agreement. On this basis the proposals cannot be considered to give rise to any issue in this context.

Overall Conclusion

Planning permission is sought to further extend the respective permissions for Kingston Railway Wharf to allow them to be used for a further temporary period of two years, to the period ending 15 October 2018.

The proposed development is considered to be in accordance with the policies of the existing adopted and emerging Development Plan. Critically they will not prejudice the objectives of the emerging Shoreham Harbour Regeneration plans. Indeed the Shoreham Harbour Joint Area Action Plan allows for temporary, port-related uses for a further 10-15 years whilst the redevelopment comes forward. There are no other material considerations which suggest that planning permission should not be granted. Moreover, there are key benefits arising from the proposals which include the further active use of a minerals wharf for a

temporary period; the ability to meet identified need for such development within the area; the continued contribution of the site to the local construction market; the continued accommodation of a local business; sustainability benefits as a result of the importation of mineral by barge and associated HGV road mile and emission savings.

On this basis we trust that the further temporary period of operation for two years on each site will be supported. This is particularly in the context of the positive contribution the proposals make to the local enconomy, support of the local construction industry and the sustainable transport of mineral without prejudicing the longer term Shoreham Harbour regeneration proposals and will enable the operations to tie in with the leasehold of the land.

We trust the information attached is sufficient for you to register the application. In the meantime, should you require any further information or clarification on any point, please do not hesitate to get in contact.

Yours faithfully,



VILNA WALSH
Director

Enc.