Firstplan

ADUR & WORTHING
PLANNING SERVICES

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KINGSTON RAILWAY WHARF, BRIGHTON ROAD, SHOREHAM, WEST SUSSEX, BN43 6RH

APPLICATION TO VARY CONDITIONS 1 AND 2 OF PLANNING PERMISSION WSCC/061/11/SU

PLANNING, DESIGN AND ACCESS STATEMENT

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SECTION 1: INTRODUCTION

1.1 This planning statement has been prepared by Firstplan on behalf of Day Group Ltd in support of a planning application for variation of conditions 1 and 2 of planning permission WSCC/061/11/SU in respect of the aggregates bagging plant at Kingston Railway Wharf, Brighton Road, Shoreham.

1.2 Condition 1 lists the approved plans and documents. A retrospective minor material amendment is sought to the plans including alterations to the final design of the bagging building, the detailed layout of the bays, changes to the site offices and a slight increase in height of the boundary fence to provide enhanced screening.

1.3 Condition 2 limits the use to a temporary period ending 29 September 2013. A further period of three years is sought ending 29 September 2016. Whilst it is recognised that, in the long term, the aim is for the site to come forward for redevelopment in line with the vision for the Western Harbour Arm, this is unlikely to be achieved in the next three years given the need to relocate a number of neighbouring industrial uses to create an acceptable residential environment. In the meantime an extension to the current use as an aggregates bagging plant with make efficient use of land and will complement the Shoreham Port Uses.

1.4 The bagging plant complements the Shoreham Port uses and the majority of aggregates bagged are marine dredged sands and gravels, processed at existing wharves in Shoreham. Other aggregates are land-won in the area.

1.5 The bagging plant is operated by Day Aggregates, a long established aggregate handling and processing company with a proven track record in the design, construction and operation of such facilities. The use has operated successfully since February 2011 and there have been no complaints about the operation.

1.6 The following sections of this report provide background information in terms of the site and surrounding area and relevant planning history (Section 2) and description of the application proposals (Section 3). The relevant national, strategic and local plan policies are considered at Sections 4. The key planning considerations raised by the application proposals are considered at Section 5 and our conclusions are set out at Section 6.

SECTION 2: BACKGROUND INFORMATION

a) Site and Surrounding Area

2.1 The site is located on the north side of Shoreham Harbour and is accessed from Brighton Road (A259) which forms its northern boundary. The River Adur forms its southern boundary.

2.2 The site has been used as an aggregates bagging plant since February 2011. The site comprises a bagging building, storage areas, site offices and storage bays.

2.3 The site forms part of the operational land of Shoreham Port and is located within an area of predominantly industrial and commercial uses. To the east of the site is a builders merchants. European Metal Recycling Ltd (EMR) are situated in close proximity to the west of the site and operate a relatively noisy and visually intrusive scrap metal recycling site.

2.4 To the south of the site, 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.

2.5 Photographs of the site are provided as appendix 1.

APPENDIX 1

b) Planning History

i) The Site

2.6 Kingston Railway Wharf and Kingston Wharf (which include the application site) have been subject to various applications over the years which extend over differing parts of the site. It is understood that Kingston Wharf is a long established wharf in the operational area of Shoreham Port. Once used for coal traffic and the transfer of goods from ship to railway; a change of use to the landing of aggregates commenced in 1981.

2.7 Planning permission was granted at appeal in 1981 for the erection of an aggregate processing plant and concrete batching plant (SU/197/80). It appears that the plant

was in operation until 1996, and that buildings, the plant and facilities, albeit in poor condition, remained on site until at least 2004.

2.8 In 1995 an application for a modified access and new layout to the depot was approved but never implemented (SU/70.95).

2.9 In May 2004 an application was refused for the replacement of the existing batching plant for the production and supply of ready mixed concrete and screed, despite the fact that it had an officer recommendation for approval (SU/222/03).

2.10 In July 2008, West Sussex refused a planning application for a: recycling centre (skip waste) with erection of three ancillary buildings (main building, wood chipping building and workshop), portacabin units to provide office accommodation and car parking (ADC/621/07/SU). This was for a permanent use and lacked information about noise, dust, flood risk and transport. It is therefore significantly different to the current application proposed.

2.11 In September 2010 temporary planning permission was granted for erection of a building and associated facilities in connection with use of the site for the purposes of bagging aggregates (WSCC/074/10/SU) (decision corrected in October 2010). The consent covers a three year period.

2.12 In April 2011 West Sussex approved a non-material amendment to replace the approved gabion bag screening along the southern boundary of the site with an acoustic wooden fence.

2.13 In January 2012 planning permission was granted for the variation of condition 7 to allow HGVs to leave the site between 06.00 and 07.00 on Mondays to Saturdays inclusive (WSCC/061/11/SU). This consent repeated all of the conditions on the September 2010 decision notice and is the current operative consent for the site.

(ii) The Surrounding Area

2.14 Planning permission at New Wharf was recently granted in January 2013 for amendment of Condition 1 attached to WSCC/079/09/SU to allow the extension of temporary permission for unloading, preparation and storage of mineral aggregates with concrete batching plant for a further 3 years (WSCC/068/12/SU). This site is situated close by, on Brighton Road.

2.15 The committee report for this application sets out that a further three years was considered to be acceptable given the lack of alternative uses coming forward in the immediate future.

c) Day Group Ltd.

2.16 The Day Group operate a number of aggregate bagging facilities at Tolworth, Crawley and Lydd. However, Shoreham allows them to service local contracts, reducing long distance deliveries which otherwise would take place.

SECTION 3: APPLICATION PROPOSALS

3.1 The application seeks approval for a further temporary period for the aggregates bagging facility. The facility 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

3.2 An additional temporary planning permission for a three year period is sought. The use of the site is suited to a temporary consent because it involves mainly open storage areas, portable offices and a shed type building which are capable of being relocated.

3.3 Access to the site is from the existing eastern access point and egress is from the existing western access. This one way system ensures a smooth operation of the site and highway safety. A lorry wheel wash is installed at the exit of the site in accordance with condition 4 of the 2010 planning permission.

3.4 Screening is provided along the southern boundary of the site in the form of a timber screen. To the north of the site the existing brick wall is retained.

3.5 When the scheme was built out in 2010/11, a number of small alterations were made during construction. These are minor and include:

- Setting the building further back from the harbour edge with an additional section of fencing to screen the building.
- Changes to the design of the bagging building, including reduced length, increased height, additional acoustic cladding, hopper, door and conveyor.
- Changes to the detailed layout of the loose aggregate storage bays including alignment of bays and provision of bay next to bagging building instead of to south of site.

- 2.4 metre high fence instead of 2 metre high fence.
- Additional site office and change detailed design of offices including slight increase in height.
- Relocation of cycle spaces.

3.6 These alterations do not affect how the site operates or the amount of material processed. They have a very limited visual impact because the existing wall along Brighton Road has been retained, and the close boarded fence along the harbour boundary provides screening. The bay walls are the same height as previously approved and do not have a greater impact. The bagging plant is only fractionally higher, and with the setting back of this building from the harbour wall, the difference is not perceptible.

SECTION 4: PLANNING POLICY CONSIDERATIONS

a) National Planning Policy Framework (NPPF) (2012)

4.1 The NPPF was adopted in March 2012 and sets out the Government's planning policies for England. It supersedes the Government's Planning Policy Statements and Guidance documents.

4.2 The NPPF 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.

4.3 Section 1 concerns building a strong, competitive economy. The Government is committed to securing economic growth and the planning system should support this. Investment in business should not be over burdened by the combined requirements of planning policy expectations.

4.4 Section 4 on promoting sustainable transport states that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Paragraph 32 sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.5 The proposals promote high levels of sustainability and the design of all plant has been carefully considered with great consideration given to the surrounding context of the site.

4.6 Section 10, meeting the challenge of climate change, flooding and coastal change, sets out that in order to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which will reduce greenhouse gas emissions.

4.7 With specific regard to flooding, Paragraph 100 states that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

4.8 Paragraph 103 goes on to say that when determining planning applications, local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

4.9 Paragraph 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

4.10 In terms of noise generation, paragraph 123 outlines that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

4.11 Section 13 recognises that minerals are essential to support sustainable economic growth and our quality of life. In granting permission for mineral development should ensure that there are no unacceptable adverse impacts in terms of the natural and historic environment, human health or aviation safety and should take into account the cumulative effect of multiple sites.

4.12 The application meets the aims of the NPPF by utilising brownfield land, supporting an existing business and locating the bagging process close to where the aggregates are landed. There will be no adverse effects on the natural or historic environment as permission is only sought for the continuation of an existing operation which is well managed and controlled by conditions.

i) Technical Guidance to the National Planning Policy Framework (March 2012)

4.13 The Technical Guidance was published at the same time as the National Planning Policy Framework and provides guidance on minerals, with specific reference to issues relating to dust and noise emissions, as well as guidance on flood risk assessment. The development has previously been considered to be acceptable in flood risk terms and there will be no change to the impact.

b) Regional Planning Policy

i) West Sussex Structure Plan (Adopted 2005 as saved 2007)

4.14 Although the Structure Plan is no longer part of the statutory development plan, it remains the County Council's strategic policy statement on the development and use of land.

4.15 Policy NE6, Coastal Regeneration, makes reference to the Shoreham Maritime Vision. This states that development proposals put forward at the Harbour in the short and medium-term for both port-related and other uses should be permitted provided they are consistent with the Vision and with the continued operation of the port in accordance with statute, and that they do not exacerbate traffic problems and environmental conditions in adjoining urban areas.

4.16 The scheme has previously been considered to be acceptable in terms of the Structure Plan. The current position is that the site will not come forward in the immediate future and therefore the temporary use of the site is in accordance with Policy NE 6.

ii) West Sussex Minerals Local Plan (2003 as saved 2007)

4.17 The West Sussex Minerals Local Plan identifies Kingston Wharf as a "Safeguarded Wharf". Under the safeguarding procedure, District Councils are required to consult the County Council about any planning applications they receive to give the County Council an opportunity to comment.

4.18 Policy 40 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."**

4.19 Policy 47 sets out that where planning applications are considered, account will be taken of the numbers, type and routing of vehicles likely to be generated.

4.20 Policy 48 states requires adequate access to mineral sites from the highway and adequate manoeuvring around the site. Wheel cleaning facilities may be required.

4.21 The scheme has previously been considered to be acceptable in terms of the Minerals local plan. The minerals use of the site is proposed to continue for a further three years and the number of HGVs, manoeuvring around the site and wheel cleaning will remain as existing.

c) Local Planning Policy

i) Adur District Local Plan (1996 as saved 2007)

4.22 The Local Plan is now somewhat outdated and a number of the policies are no longer saved. However, it is the statutory development plan and therefore the saved policies must carry significant weight.

4.23 The Local Plan Proposals Map designates the site as being located within an area of "Business, Industry and Warehousing".

4.24 Policy AT4 sets out that planning permission for business or warehousing development on the north side of the Harbour will be granted provided that it would not significantly add to the environmental disadvantages suffered as a result of heavy goods vehicle traffic in the area and neither will it exacerbate existing traffic conditions.

4.25 Policy AE7 confirms the primary function of Shoreham Harbour as a commercial port. Development within the Port area will be approved if it does not affect the operation of the Port or prejudice its economic viability, subject to Policy AT4.

4.26 Policy AE8 confirms that permanent development unrelated to the commercial Port of Shoreham-by-Sea will be permitted where port-related use is impracticable without unacceptable impact, or where wider benefits may be secured as a result.

4.27 Policy AE9 confirms that where there is no berthing or wharfing facilities and, where the provision of such facilities is not practicable, the following will be required:

- that the land or buildings on it are used in conjunction with adjoining land that has berthing and wharfage space, or

- that any new development does not prohibit future use in conjunction with adjoining facilities with such uses.

4.28 Policy AP3 concerns flood risk and requires new development in areas at potential risk from flooding to be appropriately designed.

4.29 Policy AP7 seeks to control planning permissions by conditions to deal with air, water and land pollutants, and minimise disturbance from dust, vibration, heat, light or noise. Proposals that are likely to have unacceptable environmental effects will be refused.

4.30 Policy AG1 sets out that within the built-up area as shown on the proposals map, development will normally be permitted, subject to other policies in this Local Plan and to it not detracting from the existing local urban environment.

4.31 The scheme has previously been considered to be acceptable in terms of the Local Plan. The site complements the operations at Shoreham Port and a continuation of the use for a further temporary period is simply proposed. The consent will continue to be conditioned and will therefore have no greater impact on residential amenity. It therefore complies with the saved policies.

ii) Draft Adur Local Plan

4.32 Adur is at a relatively early stage of preparing a new local plan and an initial consultation took place in September – October 2012. The next consultation is expected later this year. The current draft of the plan carries little weight but has been reviewed for comprehensiveness.

4.33 The draft Local Plan Policy 8: Shoreham Harbour Regeneration Area sets out that the area is identified as a broad area for change within the draft plan. The aim is to deliver 1200 – 1600 new dwellings (approximately 1050 during the plan period). The draft policy sets out that Adur will work with Brighton and Hove City Council, West Sussex County Council, Shoreham Port Authority and other partners. The council will also work closely with existing landowners and businesses to identify their needs and support their aspirations. A joint area action plan will be prepared.

4.34 The draft Local Plan goes on to set out that the priorities for Character Area 7: Western Harbour Area are:

"Facilitate the strategic relocation of appropriate industrial uses to elsewhere in the Port or local area to free up waterfront opportunity sites.

Comprehensive redevelopment of the waterfront area as a residential, mixed-use area with improved linkages to the town centre, in accordance with the development brief

Provide a publicly accessible riverside walk/ cycle way as part of a improved flood defence network"

4.35 The proposals for the Western Harbour Arm are long term and the temporary period proposed will therefore not conflict with the policies in the emerging draft plan.

d) Shoreham Specific Guidance

i) Shoreham Port Masterplan (2010)

4.36 The Port Masterplan sets out that the Port will be central to the regeneration of the area. The masterplan identifies the Western Harbour Arm as a development opportunity for a mix of residential, business and leisure uses. However, it recognises that this area will come forward in the long term, stating at paragraph 6.50:

"The redevelopment of the Western Arm from the current uses is a relatively long term proposal that is likely to require significant public sector investment"

4.37 The proposals will not conflict with the Masterplan's vision as only a further temporary period of three years is proposed and therefore the long term plans will be unaffected.

ii) Interim Planning Guidance for Shoreham Harbour (2011)

4.38 The Interim Planning Guidance (IPG) has been produced to provide a tool to aid decision making with regard to planning applications which are submitted within the Shoreham Harbour area prior to the adoption of the Joint Area Action Plan for the area. Although the IPG is not a formal Supplementary Planning Document forming part of the LDF, it is a material consideration.

4.39 The document confirms that the long term aim for the area is to create a high-quality exemplar sustainable development at Shoreham Harbour potentially comprising a mix of residential, employment, community, education, leisure and ancillary retail development; to support the regeneration objectives of increasing housing and employment opportunities and skills in the area, whilst also raising environmental quality.

4.40 The interim policy guidance sets out that development may not be supported if it is likely to prejudice the emerging Shoreham Harbour policies and the regeneration objectives set out in section 3 and/or is inconsistent with the Port Masterplan and relevant national and local policies.

4.41 The guidance goes on to explain that B2 and B8 uses not requiring a port-side location will not normally be supported, unless it is for a temporary period which will not prejudice future redevelopment plans.

4.42 In considering proposals for development in the harbour area, the impact of development on safeguarded wharves and existing waste facilities and the extent to which the development contributes to meeting future needs for minerals imports and waste management will be taken into account.

iii) Draft Western Harbour Arm Development Brief

4.43 The Western Harbour Arm Development Brief has been subject to a period of public consultation and was approved by Adur Planning Committee on 1st July. It has also been approved by the Cabinet Member for Regeneration. The introduction explains that the brief is one of a series of planning documents being prepared to underpin the Shoreham Harbour Joint Area Action Plan (JAAP). It has been prepared by the Allies and Morrison Urban Practitioners and the Shoreham Harbour Regeneration Partnership.

4.44 The Development Brief sets out a vision for the area including residential led mixed use development. The brief explains that the Western Harbour Arm is a valuable waterfront site and has potential for a vibrant mix of new uses. It is envisaged that new residential development will be instrumental in delivering the sustainable transformation of the Western Harbour Arm, enabling the creation of an attractive and distinctive new setting and creating a greater sense of vibrancy and activity along the waterfront

4.45 However, the brief also recognises 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 this 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"**

4.46 In this case, consent is sought for an existing business to continue to operate from the site for an additional three years. The proposals therefore do not conflict with the principles of the draft development brief.

SECTION 5: PLANNING CONSIDERATIONS

a) Acceptability in Principle of the Development

5.1 The principle of the proposed development was accepted in September 2010. 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.

5.2 These considerations continue to apply. The application is for a further temporary period of three years, ensuring that there is no conflict with the regeneration proposals for the area. In the meantime the proposals will make efficient use of a brownfield site in accordance with the aims of the NPPF.

5.3 The bagging use will continue to complement other port uses and will handle materials processed by whaves in the port, minimising transportation of the aggregates. It is a suitable use given the current industrial character of the area.

b) Visual Amenity and Design Considerations

5.4 The visual impact of the development has previously been considered to be acceptable. Whilst the consent seeks to regularise minor amendments which have taken place during construction the site continues to be well screened and does not result in any material harm in terms of visual amenity. Design issues are considered in the Design and Access Statement provided at Section 6 of this report.

c) Dust and Noise Considerations

5.5 In general terms all activities on the site are designed to minimise the potential for noise and dust emissions to ensure that the amenity of occupiers of properties in the vicinity of the site are not materially affected by the operation of the site.

5.6 Dust and Noise management schemes were approved as part of the previous application. These have been implemented and will continue to apply. The minor retrospective changes do not alter the content of these management schemes and Day Group Ltd. are unaware of any noise or dust related complaints since the operation began in February 2011.

5.7 The 2010 consent was subject to a condition imposing a maximum noise level of 55dB(A) with a 5dB correction. It is proposed that this noise condition should continue to apply. Walker Beak Mason undertook a noise impact assessment as part of the 2010 consent and a noise monitoring report was subsequently submitted and approved following operations commencing on the site. This follow up study found that the development was in accordance with the noise requirements.

d) Hours of Operation

5.8 As per the current consent, operations are proposed between the hours of 7am and 6pm Monday to Friday and between 7am and 1pm on Saturdays. No machinery or plant shall operate on Sundays or Bank Holidays.

5.9 A maximum of 3 HGVs are also proposed to leave the site between 6am and 7am Mondays to Saturdays inclusive. This arrangement was permitted in January 2012 and does not alter the overall number of HGV movements. It was also subject to a noise report which concluded that there would be an acceptable impact.

e) Highways and Transportation

5.10 A Transport Assessment was submitted in support of the original application and a condition was imposed restricting the HGV movements to a daily average of 34 vehicles (17 entering and 17 leaving the site) calculated over 91 days with no particular day exceeding 44 vehicles (22 entering and 22 leaving the site). It is proposed that this condition will continue to apply.

5.11 It is worth reiterating that Days have a contract for supplying bagged aggregate in the area. Prior to the 2010 consent, this contract was met by transporting bagged aggregates from their existing operations at Tolworth, Crawley and Lydd. By locating locally this reduced the length of journeys and therefore vehicular emissions and the extension of time will enable the continuation of this. The proposal is therefore sustainable.

f) Flood Risk

5.12 A Flood Risk Assessment (FRA) was previously submitted in support of the application. This confirmed that the site is located within Flood Risk Zone 3a. The materials bagging and handling use is classified as 'less vulnerable' by the NPPF and is appropriate in this area of flood risk. To mitigate against the effect of possible

flooding, the office FFL was built at 4.5m AOD. Site users will have the means to evacuate to areas outside the predicted flood zone with a few metres of the site.

5.13 The site is currently hardstanding and the continuation of the use does not increase the risk of flooding elsewhere.

SECTION 6: DESIGN AND ACCESS STATEMENT

6.1 This application proposes variation of conditions 1 and 2 of planning permission WSCC/061/11/SU in respect of the aggregates bagging plant at Kingston Railway Wharf, Brighton Road, Shoreham. This relates to extending the time of the temporary use and seeks retrospective consent for a number of minor design amendments which were made during the construction process in 2010/11.

a) Use

6.2 The aggregates bagging plant is a Sui Generis use.

b) Amount and Scale

6.3 The site is 0.5 ha and therefore allows effective operation of the bagging plant. The scale of operation means that the site can deal with the processing of both 25kg bags and bulk bags.

6.4 The bagging building as built has a smaller footprint than previously approved (approximately 200sqm compared with 296.5sqm previously approved) but has a slightly higher maximum height of 5.6 metres compared with the 4.8 previously approved, there is also additional screening for the three hoppers. The site also includes two portable site offices which have a footprint of approximately 50sqm, previously only one was proposed.

6.5 The remainder of the site includes loose aggregate storage bays, bulk bag and 25kg bag storage areas, vehicle turning areas and car and cycle parking.

c) Layout

6.6 The layout of the site has been determined by the nature of the process. For example the loose aggregate storage bays are located close to the entrance where vehicles bringing in the material will arrive; and to the bag processing building. The bag storage areas are located in the other side of the bag processing building and close to the exit.

6.7 The changes which have taken place during construction have not affected the overall layout of the site but slight amendments have been made including setting the

bagging building further from the harbour wall, and the alignment of the loose aggregate storage bays.

d) Appearance

6.8 The proposed appearance has been established for the last two and a half years and no changes are proposed to what is currently on site at the moment

6.9 The existing fencing and wall on Brighton Road will be retained.

6.10 The screening on the harbour side comprises a wooden fence and it is proposed that this is retained. This measures 2.4 metres high and provides screening from the south so that only the top of the aggregates bagging plant is visible.

6.11 The bagging plant is enclosed within a building to prevent potential dust and noise issues. The bagging plant building has been designed with an angled roof, as a full height roof is not required across the length of the building. The bagging plant's appearance is broadly as previously approved although minor changes were made to its dimensions during the course of construction in 2010/11.

6.12 The storage bays are contained on three sides and are mounted with sprays to ensure that dust can be suppressed more effectively. The bays are in the same locations as previously approved but there is one less bay on the harbour side and one additional bay next to the bagging building. The bays on the Brighton Road boundary also have a straighter alignment.

g) Landscaping

6.13 There is no landscaping currently on the site and given the temporary nature of the proposal it would be inappropriate to provide any.

f) Access

6.14 The site is accessible by a variety of modes of transport including car, bus, cycling, and walking. A separate access and egress is used to minimise the impact on the Brighton Road traffic, and to ensure a smooth flow of vehicles around the site. This is proposed to continue.

SECTION 7: CONCLUSIONS

7.1 This planning application is for the variation of conditions 1 and 2 of planning permission WSCC/061/11/SU in respect of the aggregates bagging plant at Kingston Railway Wharf, Brighton Road, Shoreham.

7.2 The variation of condition 2 seeks to allow for the plant to operate for a further three years. This additional time period does not conflict with the regeneration aims for Shoreham Harbour and will make efficient use of the site in the meantime.

7.3 The variation of condition 1 seeks to regularise a number of minor design changes which took place in 2010/11 during construction. These amendments do not have a significant visual impact as the site is well screened and the overall layout remains the same.

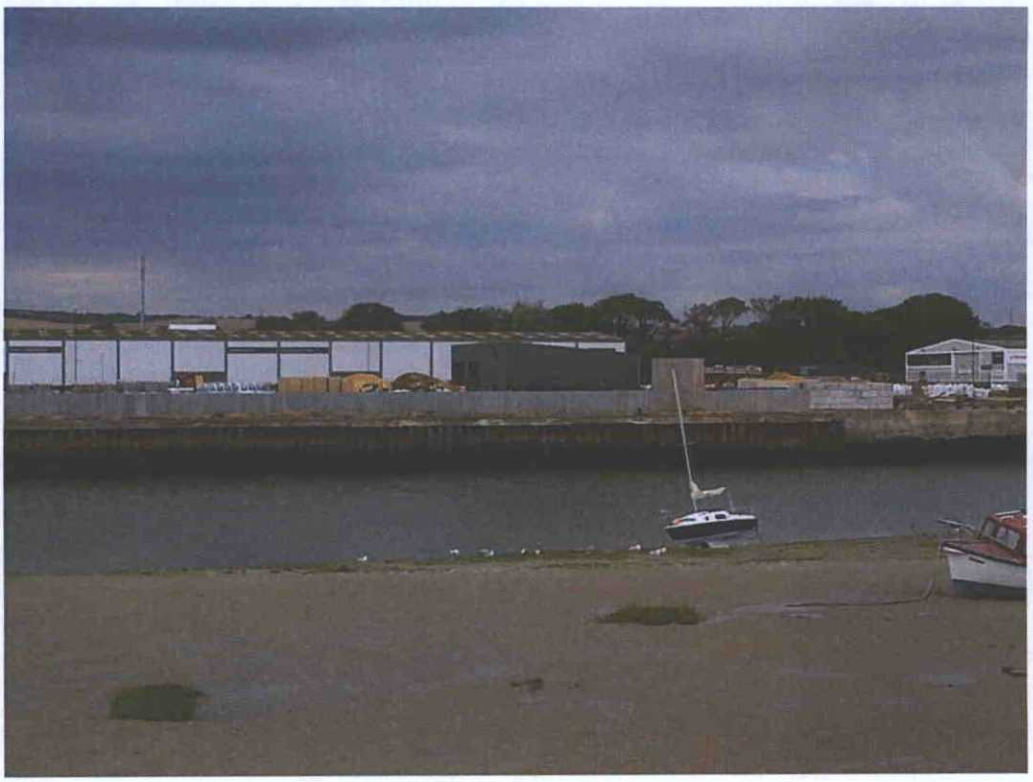
7.4 It is proposed that the amended consent will continue to condition operating hours, noise limits, HGV movements, vehicle cleaning, lighting and availability of approved documents. The proposed operation will therefore have no greater impact on the residential amenity than the existing operation.

7.5 We therefore respectfully request that planning permission is granted.

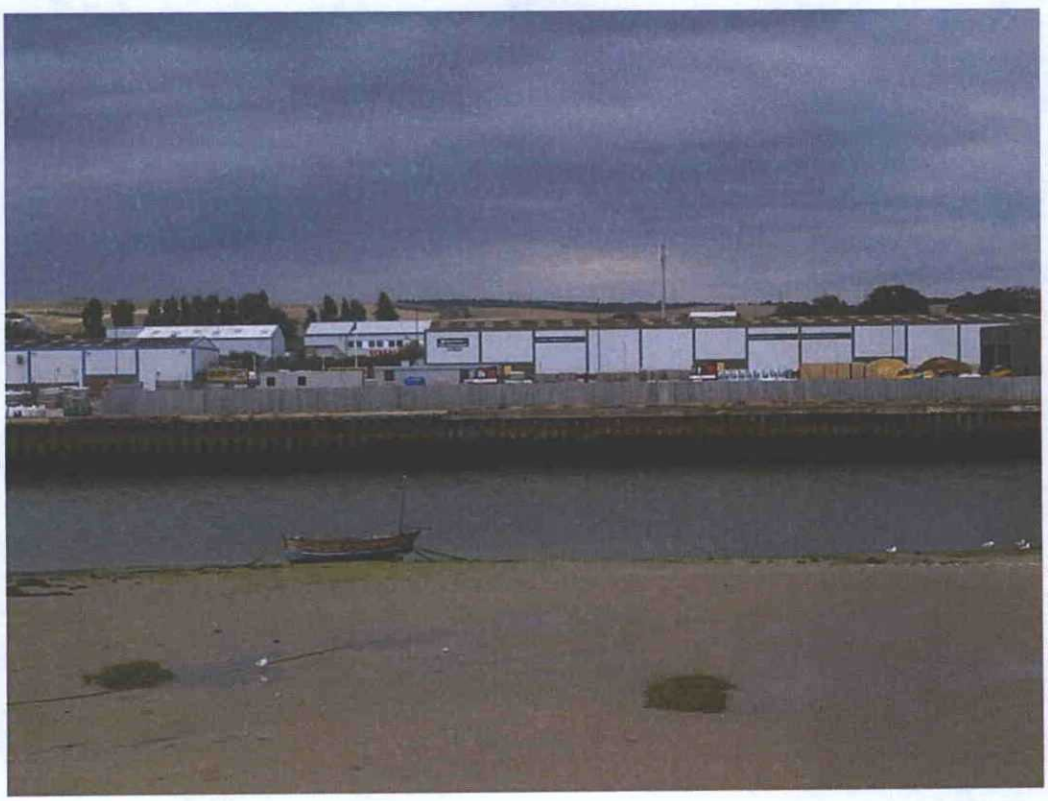
APPENDIX 1

Photographs August 2013

Photograph 1: View from the south of site



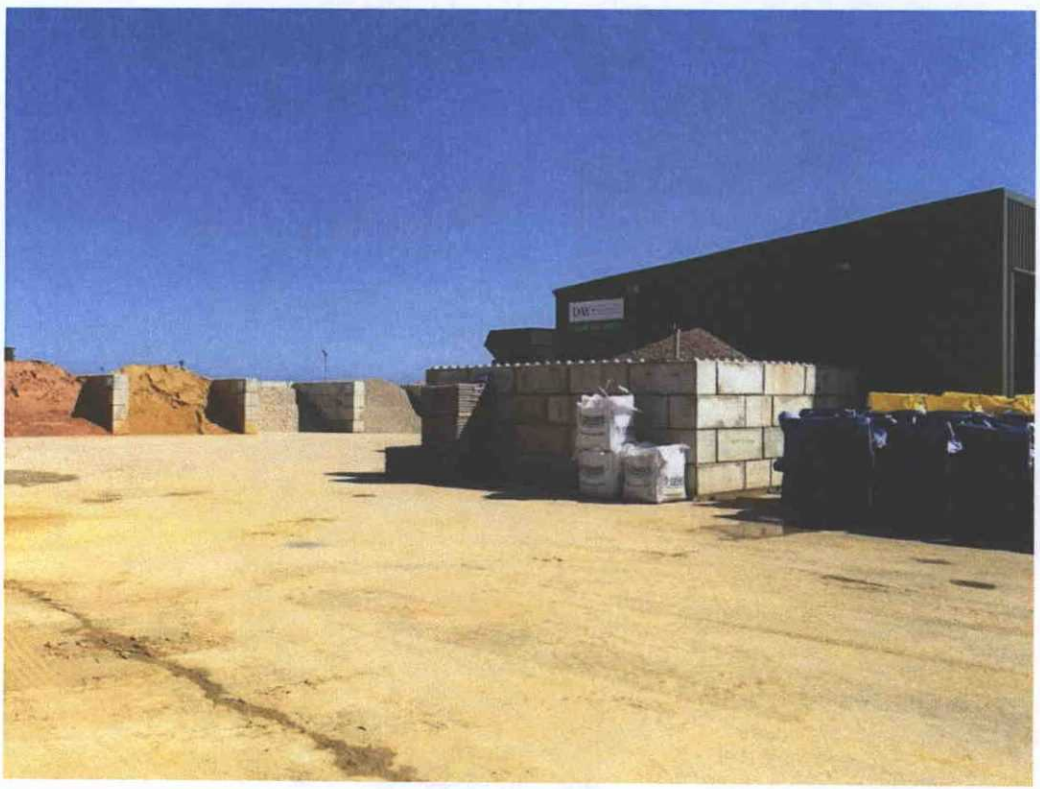
Photograph 2: View from the south of site



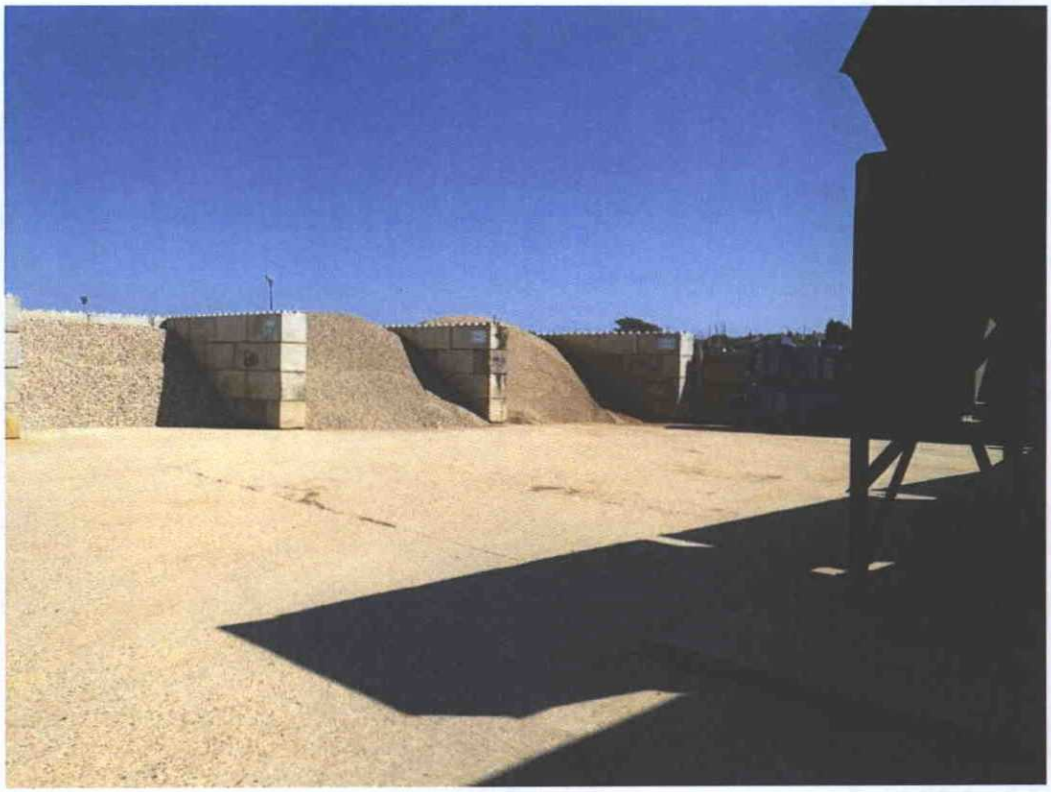
Photograph 3: Bagging Building



Photograph 4: Bagging building and loose aggregate bay



Photograph 5: Loose aggregate bays



APPENDIX 2

County Planning
County Hall
Chichester
West Sussex PO19 1RH

Tel: 01243 642118

west sussex county council

Application No: WSCC/061/11/SU
COUNTY MATTER

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

To Day Group Ltd
c/o Firstplan Ltd
25 Floral Street
London
W2CE 9DS

In pursuance of their powers under the above mentioned Act and Orders, West Sussex County Council hereby notify you that they **PERMIT** the following development, that is to say:-

Variation of Condition 7 to allow HGV's to leave the site between 06.00 and 07.00 on Mondays to Saturdays inclusive at Kingston Railway Wharf, Brighton Road, Shoreham by Sea, West Sussex BN43 6RN

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions if any) submitted to this Council on 23 September 2011 (and in accordance with the relevant correspondence a copy of which is attached *) and subject to the conditions specified hereunder:-

Approved Plans and Documents

1. The temporary development shall not take place other than in accordance with the plans and particulars of application WSCC/074/10/SU; project No. 12276 Drawing Nos. 02 Rev E, 03 Rev D, 04 Rev C, Noise management Scheme 200810 (8)0 prepared in June2010 (amended 20/08/10), Dust Management Scheme 280510 prepared June 2010, Desktop Transport Statement Prepared June 2010, and Flood Risk Assessment Report No. 12276/04/FRA prepared june 2010, except where varied by the plans and particulars of application WSCC/061/11/SU; Site Location Plan SLP01, Supporting Planning Statement/letter dated 22 September 2011 (stamped 23 Sep 2011), Site Parking Plan 2569/04 Rev A, Noise Minimisation Strategy (stamped 29 Nov 2011).

Reason: To secure a satisfactory development.

Date 24/01/12 Signed
Strategic Planning Manager .....

***N.B.** The reasons for imposing the above conditions are as specified after the conditions.
The words in brackets do not apply unless a copy of the relevant correspondence is attached.
Your copy of the application, determined as above, is returned herewith for your records.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES AT APPENDIX A OF THIS FORM

Duration of Permission

2. 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 to be agreed by the County Planning Authority, on or before 29 September 2013.

Reason: To ensure the development does not prejudice the objectives of the emerging Shoreham Harbour regeneration plans.

Vehicle Cleaning

3. The development hereby approved shall be carried out in full compliance with the approved vehicle cleaning scheme (dated 21 September 2010), submitted under application reference WSCC/074/10/SU for the duration of the permitted operations.

Reason: In the interests of highway safety.

OPERATIONAL CONDITIONS

Availability of Approved Documents

4. A copy of the decision notice with the approved plans and any subsequently approved documents shall be kept at the site office at all times and the terms and contents of them shall be made known to the supervising staff on site. These documents shall be made available to the County Planning Authority upon request.

Reason: To ensure that the site operatives are conversant with the terms of the planning permission.

Hours of Operation

5. All activities associated with the development hereby permitted, with the exception of those specifically permitted by Condition 6, shall take place only between the hours of:

07.00 and 18.00 on Mondays to Fridays inclusive;

07.00 and 13.00 on Saturdays; and

not at any time on Sundays, Bank or Public Holidays, unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: In the interests of residential amenity.

HGV Movements out of site 6am-7am

6. A maximum of 3 HGVs may leave the site between 6am and 7am, Mondays to Saturdays inclusive, and not at all on Sundays, Bank or Public Holidays. There shall be no return to the site before 7am. Vehicles which are to leave the site between 6am and 7am shall not be stored other than as indicated on plan 2569/04 Rev A and shall exit the site in a forward gear only from this position. All activity on site between the hours of 6am and 7am shall be in full compliance with the approved Noise Minimisation Strategy. No other activities may take place on site except in accordance with condition 5 of this permission. No amendments shall be made to the approved Noise Minimisation Strategy without prior approval in writing from the County Planning Authority.

Reason: To allow for reasonable adjustment of the condition according to market demands, whilst ensuring the protection of residential amenity.

Date 24/01/12 Signed
Strategic Planning Manager .....

Maximum Noise Levels

7. Other than where in accordance with the approved Noise Management Scheme 280510 (dated June 2010), the corrected noise level* for operational noise from the site shall not exceed 55dB(A) (free field as a L(A) eq over a time period of 60 minutes) during the hours of operation; and noise levels shall be determined at the nearest residential premises.

*A 5 dB correction shall be added if one or more of the following features occur:

- the noise contains a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.);
- the noise contains distinct impulses (bangs, clicks, clatters, or thumps);
- the noise is irregular enough to attract attention.

Reason: In the interests of residential amenity.

Lighting

8. All external lighting shall be kept to the minimum luminance level required to achieve safe working operations and only operated during the hours of operation approved in this consent. Light sources shall be of a design to ensure no light spillage or direct view of the lighting elements arises beyond the boundaries of the site, and no light pollution upward to the sky occurs.

Reason: In the interests of local amenity and the avoidance of light pollution.

Heavy Goods Vehicle Movements

9. HGV movements shall not exceed a daily average of 34 vehicles (17 entering and 17 leaving the site) calculated over 91 days. On any particular day HGV movements shall not exceed 44 vehicles (22 entering and 22 leaving the site). A record of HGV movements are to be kept on site and made available for the inspection of the County Planning Authority upon request.

Reason: In the interest of highway safety and capacity.

INFORMATIVES

A. The reasons for granting planning permission are that the proposal accords with National Policy Guidance and complies with Development Plan Policies requiring that the proposed development:

- meets an identified need;
- has an acceptable impact on neighbouring amenity;
- is acceptable with regard to highway capacity and road safety; and
- would not prejudice the objectives of the Shoreham Harbour Joint Area Action Plan.

Date 24/01/12 Signed
Strategic Planning Manager .....

B. In determining the application the following planning policies were considered:

West Sussex Minerals Local Plan 2003 (saved policies):

- Policy 40- Safeguarding wharfs with current or potential minerals use.
- Policy 47- Consideration of number type and routeing of vehicles likely to be generated.
- Policy 48- Consideration of access.

Adur District Local Plan 1996 (saved policies):

- Policy AG1- The assumption in favour of development in the built up area subject to compliance with other development plan policies.
- Policy AP7- seeks to control air quality and pollution associated with development.
- Policy AP3- Regard given to the risk of flooding.
- Policy AE7- Considers impacts of development on the operational port.
- Policy AE8- considers port related use.
- Policy AE9- considers the use of the site in conjunction with other port related uses.
- Policy AT4- gives regard to the consideration of heavy goods vehicles and the potential for environmental disadvantages.

South East Plan (2009)

Minerals Policy Statement 1 (MPS1) - Planning and Minerals (November 2006)

Minerals Policy Statement 2 (MPS2) - Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (March 2005)

Planning Policy Statement 4 (PPS4) - Planning for Sustainable Economic Growth

Planning Policy Guidance 24 (PPG24) - Planning and Noise

This information is only intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the report by contacting County Planning, West Sussex County Council or visiting the website at http://www.westsussex.gov.uk/ePlanning

Date 24/01/12 Signed
Strategic Planning Manager .....

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES.

THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT.

TOWN AND COUNTRY PLANNING ACT 1990

1 Appeals to the Secretary of State

(a) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

(b) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get online at www.planning-inspectorate.gov.uk or by writing to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

(c) The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

(d) The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

(e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2

(a) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

(b) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3

In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and County Planning Act 1990.

4

Further correspondence about this application should quote the reference number at the top right hand corner of the form.