County Planning
County Hall
Chichester
West Sussex PO19 1RH

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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 .....

Continuation Sheet

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 .....

Appendix A

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.