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Date: **22nd September 2011**

County Development
The Grange
Tower Street
Chichester
West Sussex, PO19 1RG

FAO: Sam Dumbrell

Dear Sir,

APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION WSCC/074/10/SU, TO EXTEND HOURS OF OPERATION

On behalf of our clients, the Day Group, we enclose a planning application under section 73 of the Town and Country Planning Act (1990) to vary condition 7 of planning permission WSCC/074/10/SU to allow for a small number of vehicle movements between the hours of 06.00 and 07.00.

The application has been submitted on line via the Planning Portal and is supported by the following information:

- Completed Planning Application Form
- Completed Certificate B
- Covering Letter/Supporting Statement by Firstplan Ltd
- Noise Report by Walker Beak Mason
- Site Location Plan

A cheque for the requisite planning fee (£170.00) has been sent separately in the post today.

Description of Site and Surrounding Area:

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.

The site comprises a bagging plant within a processing building, loose aggregate storage bays, open storage areas, site facilities and parking. It has separate access and egress points, providing for a one way system to ensure a smooth operation of the site.

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. To the west of the site the land is currently vacant but we understand that it is likely to come

forward for recycling uses in the longer term. European Metal Recycling Ltd (EMR) are situated in close proximity to the west of the site.

To the south of the site, on the opposite side of the River Adur, is a narrow spit of land known as Shoreham Beach. The nearest residential properties to the site are located in this area.

Relevant Planning History:

Planning permission for the erection of a building and associated facilities in connection with use of the site for the purposes of bagging aggregates was granted in October 2010 (WSCC/074/10/SU).

This permission is subject to the following condition:-

> Condition 7:
>
> *"All activities associated with the development hereby permitted 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."*

Application Proposal:

The application seeks to vary the condition to allow for a small number of vehicle movements between the hours of 06.00 and 07.00.

There is no proposal for any other activity to be undertaken on the site in that additional hour. The bagging plant will not operate, no other mobile plant will operate and there will be no loading of HGVs in that period. Any vehicles leaving the site to make deliveries will have been pre-loaded the day before within the existing permitted hours of operation (i.e. before 18.00 on a weekday and before 13.00 on a Saturday – for early deliveries on the following Monday).

Pre-loaded vehicles would be left positioned the day before to leave the site with minimal disturbance.

It is proposed that a maximum of 3 vehicles will operate in the proposed additional hour. This would result in 3 HGV movements (the 3 vehicles leaving the site) during this period. The HGVs would not be expected to return to the site before 08.30/09.00 (within the currently approved operating hours). These proposed vehicle movements are not additional movements, but are simply movements that would otherwise take place later in the day.

Notably, the applicant is not seeking to vary Condition 11 which sets a daily average permissible number of HGV movements. The proposals will therefore have no impact in terms of traffic, but will simply result in the permitted number of vehicle movements being spread over a longer period.

The approved hours of operation for the application site derived from the original application submission and were as suggested by the Day Group. The suggested hours of operation were based on their understanding and knowledge of the market at the time the application was made. However, having now operated the bagging facility for some months it has become evident that there is demand from certain customers for early morning deliveries which avoid the peak traffic times locally and at the destination.

The reason given for the condition on the decision notice was that it was "*in the interests of residential amenity*'. The main issue is whether, having regard to the Circular 11/95 "The Use of Conditions in Planning Permissions", Condition 7 is reasonable and necessary to protect the living conditions of the nearby residents with regard to noise and disturbance.

As already outlined above, all that is proposed are 3 HGV movements in the 06.00-07.00 period. No other activity or operations on the site are proposed and all three vehicles departing the site in that time period will be pre-loaded.

A noise monitoring assessment has been undertaken by Walker Beak Mason and is attached to this letter. This has assessed the proposed movements between 06.00-07.00. This concludes that, pre-loaded HGVs leaving the Day Group site during the proposed additional hour of operation represent a negligible noise impact for the nearest dwellings on Harbour Way.

Environmental issues such as air quality were previously considered as part of the original application. The use will remain bound by the planning conditions of the existing planning permission and these will continue to ensure that there is an acceptable impact on the residential amenity of surrounding occupiers.

Prior to this application, pre-application advice has been sought from West Sussex CC and Adur District Council. Adur EHO, Michael Lavender, has confirmed that there would be no environmental health objections for up to three vehicle movements leaving the site an hour early.

We trust the information attached is sufficient for you to register the application. In the meantime, should you require any further information, please do not hesitate to contact me.

Yours faithfully,

VILNA WALSH
Director

Cc:
James Day - The Day Group Ltd.
Michael Woodward - The Day Group Ltd.