

<u>No:</u>	BH2019/01422	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Cemex Brighton Plant And Wharf Basin Road North Portslade BN41 1WA		
<u>Proposal:</u>	Alterations to layout at existing wharf, incorporating demolition of existing office building and erection of two storey office/welfare buildings, installation of new feed conveyor, hopper and storage bays, repositioning of weighbridge and erection of new weighbridge office and alterations to car parking, boundary wall and access.		
<u>Officer:</u>	Henrietta Ashun, tel:	<u>Valid Date:</u>	05.06.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.09.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Cemex 188 High Street Egham TW20 9ED		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	1904/P2/SHRHAM/ 2 EX-SITE		14 May 2019
Block Plan	TD18029 SHEET 1	REV H	3 June 2019
Proposed Drawing	TD18029 SHEET 2	REV H	3 June 2019
Proposed Drawing	TD18029 SHEET 4	REV H	3 June 2019
Proposed Drawing	TD19005 SHEET 3	REV B	3 June 2019

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. With the exception of the unloading from dredgers of marine dredged aggregates, no operations authorised or required under this permission shall take place except between the hours of:

- 0700 and 1900 Mondays to Fridays; and
- 0700 and 1300 on Saturdays.

No operations, including the use of the workshops, shall take place on Sundays or Public/Bank Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. Deliveries of aggregates to the site shall only be by sea unless agreed in advance and in writing by the Local Planning Authority.

Reason: To ensure the site is used primarily for the handling of materials delivered by sea and to minimise traffic movements on and off the site in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

5. Notwithstanding the provisions of Schedule 3, Part 8 of the Town and Country Planning (General Permitted Development)(England) Order 2015, no further plant or machinery shall be erected on the site without the prior approval of the Local Planning Authority.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6. No lighting shall be operated so that the source of light is directly visible from the A259 road or residential properties adjacent to the site.

Reason: To minimise the impact of site operations on residents and highway safety in accordance with policies SU10, QD25 and QD27 of the Brighton & Hove Local Plan.

7. All plant, equipment, machinery and vehicles that are operated on the site shall use white noise alarms (as opposed to single tone 'bleeping' alarms); and shall be fitted with silencing or noise reduction equipment to a standard not less than the manufacturer's UK standard specification for the equipment. All chutes and hoppers shall be lined with rubber or similar noise-absorbent material.

Reason: To safeguard the neighbourhood amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

8. No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.

Reason: To safeguard the neighbourhood amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

9. Any facilities for the storage of oil, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is a multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the

greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan

10. If during construction, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

Informatives:

11. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
12. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Environmental Protection department from carrying out an investigation in line with the provisions Environmental Protection Act 1990, should any complaints be received with regards to noise from the premises
13. The applicant is minded that, under the Wildlife and Country Side Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting birds activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
14. Planning permission is no defence against a statutory noise or dust nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate.
15. Any external lighting should comply with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking

Environmental Lighting Impact Assessments, or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehl@brightonhove.gov.uk website: www.brighton-hove.gov.uk).

16. The existing site is controlled by conditions imposed via planning permissions SW/80/87 (West Sussex) and 3/87/660 (East Sussex), and as such it is not considered that the majority of these conditions would have to change as a result of this proposal.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site is within the eastern area of Shoreham Harbour and forms part of a wharf and processing site, measuring 1.17 ha. The site contains stockbays, an office block, container office, weighbridge and storage areas. Within the site to the north, is a processing plant which is unaffected by the application(s).
- 2.2. The site is located on the southern side of Wellington Road (A259) and is accessed from Basin Road North to the north. The site is boarded by Shoreham Harbour to the south and is surrounded by industrial and commercial uses. Directly west of the site is a concrete plant, also operated by Cemex UK Operations.
- 2.3. The nearest residential occupiers on Brambledean Road, Fishersgate Terrace and St Peters Road are 100 metres north of the site.
- 2.4. The site is located within an Archaeological Notification Area.
- 2.5. The site is located within flood zone 2/3.

Context:

- 2.6. The applicant, Cemex UK Operations is a producer and marketer of cement, concrete and other building materials.
- 2.7. The application site is within both Brighton & Hove and West Sussex County/Adur District Council areas. The larger part of the site (6489 m² approx.) falls within Brighton and Hove Council area and 5263 m² approx. within the West Sussex County/Adur District Council boundary.
- 2.8. Where an application site crosses the administrative boundary between two local planning authorities (LPAs), two identical applications should be submitted, one to each LPA, seeking planning permission for the

development of land falling within each LPA's administrative area and identifying the relevant area on a site plan. As such an identical application has been submitted to both authorities.

- 2.9. Within Brighton & Hove, planning permission is sought to alter the layout of Brighton Wharf to upgrade facilities and provide better separation of vehicle movements from office and storage areas, and to provide facilities for a new dredger to deposit aggregate material on the wharf.
- 2.10. The proposal is for a new stockbay on the south-eastern part of the site, to accommodate a new dredger. The stockbay would measure the 20 metres deep x 78 metres wide, and would extend 3.25 metres high to its maximum extent. There is no internal floor area proposed, however the area occupied by the stockbay would be 1560 m².
- 2.11. The stockbay would consolidate the existing stockbays in this location and on the western part of the site.
- 2.12. The proposed development would form part of a wider comprehensive scheme on the western part of the site, within West Sussex County Council which comprises the following:
 - bring car parking within the site by relocating a boundary wall, to 2.1 metres in height, north, alongside the road;
 - relocate HGV entrance to the west to separate from access for cars;
 - replace an existing two-storey office/welfare buildings with modular buildings of two storey height;
 - erect internal fences to separate HGV movements from pit/drying bays and car park;
 - remove stockbays from the west of the site (and re-provide them at the eastern end of the site within Brighton & Hove City Council);
 - relocate weighbridge, and install new, single storey weighbridge office alongside;
 - install a new feed conveyor to 1.8m in height, and feed hopper to 3.8 metres in height (on boundary with Brighton & Hove City Council)
- 2.13. Planning permission has already been granted for the above elements by West Sussex County Council on the 8 August 2019, application reference WSCC/044/19.
- 2.14. This report refers to the development on the western part of the wider site.
- 2.15. The main site opening hours will be as existing:
 - Monday to Friday 0700-1900
 - Saturday 0700-1300
- 2.16. 7 full time members of staff will continue to be employed on the site.

- 2.17. 15 additional parking spaces are proposed (outside of Brighton & Hove City Council) totalling 29 parking spaces on site.

3. RELEVANT HISTORY

- 3.1. The applicant has stated that historically, the site has previously been known as Esso Wharf and as Halls Wharf, and Cemex also operated Lennards Wharf, Roadstone Wharf and Kingston Wharf in the vicinity. Lennards Wharf was amalgamated with Esso Wharf on this site in the 1980s.

Pre-Application History:

- 3.2. The applicant entered pre-application discussions with West Sussex County Council on the 20th March 2019 on the proposed scheme. The principle of the development was considered acceptable.

Previous planning applications:

- 3.3. There are a number of applications relating to the use of the site as follows:
- 3/86/002 – planning permission was granted by East Sussex in June 1986 for the processing and storage of marine dredged aggregate and the distribution of graded material, and the processing, batching and distribution of ready-mix concrete.
 - SW/10/85 – planning permission was granted in May 1986 by West Sussex for the same development including the relocation of Lennards Wharf.
 - Planning permission SW/22/87 was granted by West Sussex in July 1987 for the retention of the access.
 - SW/80/87- planning permission was granted by West Sussex in February 1988 for the use of the wharf for the landing, processing and distribution of marine dredged aggregates and the manufacture of ready mixed concrete including the use of existing buildings and erection of plant and machinery.
 - 3/87/660 – planning permission was also granted in February 1988 for the same development by East Sussex.
 - SW/36/88- planning permission was granted in May 1988 by West Sussex for the retention of a container building adjacent to the existing workshops.

4. REPRESENTATIONS

None.

5. CONSULTATIONS

- 5.1. **Brighton and Hove Archaeological Society:** Comment.
The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development.

However, it is possible that The County Archaeologist has information not available to this Society. The Society would suggest that you contact him for his recommendations.

5.2. **County Archaeologist:** Comment.

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance

5.3. **Environment Agency:** No objection subject to conditions.

5.4. **Planning Policy:** Comment.

This is to make the layout more modern and efficient, to improve safety and vehicle flow throughout the site, and so the site can accommodate receiving aggregate from a new dredger. It is important to note the minerals planning area (i.e. the geographical area of East Sussex and Brighton & Hove) is particularly reliant on marine-won aggregates (those dredged from the seabed and landed at wharves) to support construction activities and the delivery of new development due to an absence of suitable of land-based resources, and this situation is expected continue for the foreseeable future. Investment in minerals infrastructure at Shoreham is therefore strongly welcomed

5.5. The site falls within Character Area 3 (North Quayside and South Portslade) as set out in Policy CA3 of the Shoreham Harbour Joint Area Action Plan. The JAAP is not adopted, however it is at a late stage of preparation and significant weight can be given to its policies. It will be considered for adoption by Full Council on 24 October 2019.

5.6. The proposal would result in the loss of the existing office building on site and the provision of a replacement office/welfare building. The Planning Statement asserts that the replacement of the old offices with new 'modern' buildings will benefit the appearance of the site, however elsewhere at paragraph 5.3 it is stated that the new offices will be portacabins. It should be explained why the demolition of a permanent structure with the associated demolition waste generation and replacement with a temporary equivalent is necessary.

5.7. Policy CA3 of the Shoreham Harbour Joint Area Action Plan safeguards North Quayside as a new and improved port operational area and the proposal under consideration is in conformity with this aim. The existing wharf is also safeguarded under Waste and Minerals Plan Policy WMP15 and the retention and enhancement of the minerals operations is welcomed.

5.8. Policy SH2 of the Shoreham Harbour Joint Area Action Plan relates to specifically to Shoreham Port, and, inter alia, states that new development proposals within the port area will be assessed against the objectives of the

Port Masterplan, acceptable uses will need to demonstrate the requirement for a port-side location. No concerns are raised from a planning policy perspective with these or other criteria in this policy.

- 5.9. Policy WMP18 relates to the transportation of minerals and states that proposals which will enable waste and/or minerals to be carried on the rail network or by water will be permitted, subject to other policies of the Plan where relevant, and where it is demonstrated that this would achieve overall environmental benefits.
- 5.10. City Plan Policy CP8 relates to sustainability. Part 2f of the policy requires development proposals to reuse existing buildings and part k states the need to minimise waste development proposals to reuse existing buildings and part k states the need to minimise waste.
- 5.11. The proposal would result in the loss of the existing office building on site and the provision of a replacement office/welfare building. The Planning Statement asserts that the replacement of the old offices with new 'modern' buildings will benefit the appearance of the site, however elsewhere at paragraph 5.3 it is stated that the new offices will be portacabins. It should be explained why the demolition of a permanent structure with the associated demolition waste generation and replacement with a temporary equivalent is necessary.
- 5.12. No objection subject to further information where noted above.
- 5.13. **Environmental Health Team: Comment.**
The applicant states: The existing site is controlled by conditions imposed via planning permissions SW/80/87 (West Sussex) and 3/87/660 (East Sussex), and as such it is not considered that the majority of these conditions would have to change as a result of this proposal. The Environment Agency should also be asked to comment.
- 5.14. **Sustainability team: Comment.**
There is insufficient information provided to assess whether the applicant will meet the Brighton and Hove City Plan Part One Policy CP8 Sustainable Buildings. There is no information on the BREEAM rating that the development expects to achieve.
- 5.15. **Sustainable Transport: Comment.**
- 5.16. Revised comments following additional information: No objection.
- 5.17. Initial comments on original scheme: Comment.
At present the information provided is insufficient for the impacts of the development to be assessed, noting that this is a requirement of NPPF paragraph 111. Detailed is required in a Transport Note and must be provided.

- 5.18. East Sussex County Council: Comment
In its role as an adjoining Minerals and Waste Planning Authority and co-authors of the adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMLP), which is currently under review, the Council wishes to make the following comments:
- 5.19. As you will be aware, the adopted strategy within the WMLP is that the local need for aggregates will be met through existing land-won aggregate permissions, marine landings and through production of secondary aggregates. In particular the Plan Area is very dependent on aggregate imports including those received through marine wharves.
- 5.20. Policy WMP15 of the Waste and Minerals Plan and Policy SP9 of the Waste and Minerals Sites Plan safeguards facilities to land minerals and their consequential capacity at Shoreham Port, as well as the Ports of Rye and Newhaven. The capacity for landing, processing and handling and associated storage of minerals is safeguarded. Sustaining imports of marine-borne aggregates through local wharves is particularly important in the Plan Area because of the scarcity of viable land based mineral resources.
- 5.21. It is noted that the proposal would include rearrangements to the site including new stockbays to accommodate aggregates received from a new dredger; a new feed-conveyor and hopper and further reconfiguration of the parking area and site access. Further, modernisation of the site is also proposed including replacement of the existing site office and welfare facilities. The applicant states that the proposal would make the site more efficient and improve the safety and vehicle flow through the site. The proposal would aid the contribution to the overall supply of aggregates by improvements to aggregates infrastructure facilities, including for a new dredger. Given that the proposal could improve the workability and efficiency of the site and therefore its continuing use as an aggregate wharf, the Council supports the proposal.
- 5.22. **City Clean:** No comment.
- 5.23. **UK Power Networks:** Detailed comments on location of access to sub-station.
- 5.24. **Southern Water:** Detailed comments on the location of public water distribution crossing the site.
- 5.25. **Sussex police:** Comment.
Additional security measures have been recommended.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage
DA8	Shoreham Harbour

Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites
EM7	Warehouses
HE12	Archaeology

Shoreham Harbour Joint Area Action Plan (Submission May 2018)

SH1:	Climate change, energy and sustainable building
SH2:	Shoreham Port
SH3:	Economy and employment

- SH5: Sustainable travel
SH6: Flood risk and sustainable drainage.
SH7: Natural environment, biodiversity and green infrastructure
CA3: South Portslade & North Quayside

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (2013)

- WMP15: Safeguarding Wharves and Railheads
WMP18: Transport - Road, Rail and Water

East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)

Policy SP9: Safeguarding wharves and railheads within the Plan Area

Supplementary Planning Guidance:

SPD14 Parking Standards

8. CONSIDERATION & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, impact of the development on the character and appearance of the area, sustainable transport impacts and contribution to other objectives of the development plan.

Planning Policy Context and Principle of Development:

- 8.2. The site falls within Character Area 3 (North Quayside and South Portslade) as set out in Policy CA3 of the Shoreham Harbour Joint Area Action Plan. The application site itself is within an area identified on the 'regeneration proposals map' as being retained as an operational port.
- 8.3. Policy CA3 of the Shoreham Harbour Joint Area Action Plan safeguards North Quayside as a new and improved port operational area and the proposal under consideration is in conformity with this aim. The existing wharf is also safeguarded under Waste and Minerals Plan Policy WMP15 and the retention and enhancement of the minerals operations is welcomed.
- 8.4. On this basis, the principle of the application site being retained for mineral transportation, as is proposed in this application, is considered to be acceptable and accords with development plan policy.
- 8.5. Policy SH2 of the Shoreham Harbour Joint Area Action Plan relates specifically to Shoreham Port, and states that new development proposals within the port area will be assessed against the objectives of the Port Masterplan and acceptable uses will need to demonstrate the requirement for a port-side location.

- 8.6. The applicant has demonstrated that there is a need for the upgrade given the dilapidated condition of existing facilities and the provision of a new dredger to deposit aggregate materials by sea. In terms of the capacity and operations of the site, the new dredger will have additional capacity but will not serve the site any more frequently. The new stockbay does not provide additional capacity but this is for operational flexibility to allow more storage on site as and when required. The new feed conveyor and ready-mix hopper will not increase the potential output of the site. The established use of the wharf and associated facilities would not change.
- 8.7. Policy WMP15 in the WMP states that the Authorities will safeguard existing, planned and potential railhead and minerals wharf facilities and their consequential capacity.
- 8.8. Paragraph 80 of the NPPF requires planning decisions to help create the conditions in which businesses can invest, expand and adapt. Paragraph 203 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Furthermore, the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80). Making effective and efficient use of a brownfield site is also supported by national planning policy (NPPF paragraph 117).
- 8.9. It is acknowledged that the minerals planning area is particularly reliant on marine-won aggregates (those dredged from the seabed and landed at wharves) to support construction activities and the delivery of new development due to an absence suitable of land-based resources, and this situation is expected continue for the foreseeable future. This site is therefore crucial to the future of mineral supply and as such the development to upgrade, modernise and improve health and safety and parking on the site is supported in policy terms.

Design and Appearance:

- 8.10. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.
- 8.11. Policy CP12 on urban design states that development should comply with certain criteria. The keys points are set out below:
- High quality design
 - Create a sense of place
 - Conserve and enhance the city's built archaeological heritage and settings
 - Achieve excellence in sustainable building design and construction

- 8.12. No new floor area would be created as the stockbay would not be fully enclosed. The height of the walls at 3.25 metres are necessary to safely contain the dredged aggregate materials and to clearly demarcate the area from the other wharf related functions. It is considered that the walls which form the stockbay would be in keeping with the character of the immediate locality, and would have a negligible impact on the surrounding area. The stockbay would not be visible from Wellington Road or residential properties to the north, and as such would not affect the visual amenity of the streetscene.
- 8.13. The existing office is not fit for purpose, it is dated, dilapidated and energy inefficient. It currently provides a poor working environment for the employees on the site. Although the portacabins are not a permanent building they are modern and efficient and will serve the needs of the site in terms of its function and aesthetically. It should be noted that this element of the development lies outside of Brighton & Hove City Council.
- 8.14. The site is located within a harbour which is characterised by commercial, industrial and wharf related activity. The development pattern and layout and siting would respect the urban grain within the immediate and wider locality.

Impact on Amenity:

- 8.15. Policy QD27 of the Brighton & Hove City Council Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.16. Policy SH7 of the Shoreham Harbour Joint Area Action Plan states that proposals will be required to demonstrate that appropriate mitigation measures are introduced to ensure that residents are not exposed to poor air quality, and that noise should be controlled at source.
- 8.17. The nearest residential properties to the site are located on Fishersgate Terrace (the A259), approximately 100m north-west of the application site boundary (albeit 50m from the Cemex site boundary) and elevated circa 5 metres above the application site.
- 8.18. The use would not be intensified, and conditions securing hours of operation and noise would remain in place to protect residential amenity. The stockbay is proposed to stockpile materials at the eastern end of the site, furthest from the residential properties.
- 8.19. Again, within the western part of the site, outside of the City boundary, the development would include a new conveyor along the southern (sea) boundary of the site, approximately 1.8m above ground, linking to a new hopper around the centre, to 3.8m in height, which lies adjacent to the boundary with West Sussex County Council. This development would be set

back from residential properties, separated from them by existing, large plant on the site, and at a lower level, given the elevated height of the road. It would not therefore have a significant impact on residents.

- 8.20. Overall, it is considered that the operations would not increase any impact on local residents, particularly taking into account the separation distances, height differential between the site and dwellings, and the fact that the dwellings are located beside the A259.
- 8.21. Further, it is not considered that the comprehensive development would result in an increase in impacts on the environment. The western end of the site, within West Sussex County Council, would largely be rearranged, resulting in a more efficient site layout, separating vehicle movements from site storage and plant operations.

Sustainable Transport:

- 8.22. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Policy DA8: seeks to improve connections around key linkages and secure improvements to legibility and connectivity.
- 8.23. Policy WMP18 relates to the transportation of minerals and states that proposals which will enable waste and/or minerals to be carried on the rail network or by water will be permitted, subject to other policies of the Plan where relevant, and where it is demonstrated that this would achieve overall environmental benefits.
- 8.24. The parking spaces proposed are outside Brighton & Hove City Council and the access utilised is as existing, however it is important to note that any impact the development may have on the wider highway network, within Brighton & Hove City Council. On these grounds the applicant submitted additional information to the Highway Authority.
- 8.25. The applicant has stated that at present there are not sufficient parking spaces on the site, so currently cars park in an ad hoc arrangement within the site which poses a health and safety issue. This was observed on site during a site visit. There are seven employees based at the site but the additional cars are from drivers, visitors and other Cemex employees who may use or visit to the office on an ad hoc basis. The applicant has stated that there are regularly over 25 cars on the site and the proposed scheme seeks to regularise the current arrangement and provide a better parking layout from a health and safety point of view. There will be no increase in visitors/drivers/employees as a result of this application.
- 8.26. The new weighbridge and station will not increase the speed of collection vehicle processing (and therefore vehicle through put during peak hours). In addition the new arrangements will not permit or require a different size/type of vehicle.

- 8.27. The existing site has one access onto Basin Road North, which is not a public highway. The proposal provides for rearrangement of the car parking spaces, to be incorporated within the site, and to provide safer, separate accesses for lorries and cars.
- 8.28. There is an existing vehicle access to the far-east side of the site off Basin Road, however this access is used infrequently for fuelling ships only. With the new arrangement the applicant proposed to use pipes instead along this side to reach the ships for fuelling. It is not used for any other purpose and as such does not change the access and circulation within the site
- 8.29. Overall, the Highway Authority is satisfied that the impact of this development has been assessed and is acceptable

Other matters

Archaeology:

- 8.30. Policy HE12 (Scheduled ancient monuments and other important archaeological sites) seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings. The site is set within an archaeological notification area, however the County Archaeologist is satisfied that no further assessment is required.

Sustainability:

- 8.31. City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies a range of criteria around sustainable design features. It is considered that the stockbay does not create floorspace and essentially comprises the erection of walls. Therefore it would not be reasonable to insist the applicant conforms with sustainability requirements.

Contamination:

- 8.32. The previous use of the proposed development site as an industrial site presents a medium risk of contamination. Conditions have been duly recommended.

Air Quality:

- 8.33. The site lies outside of an air quality management area. The site has been operating for many years without complaint and the proposed development, once in the operational phase, is not considered to cause any additional impacts from those existing. The submitted air quality assessment has demonstrated that the proposed development would have a negligible effect taking into account existing mitigation measures.

Noise:

- 8.34. The only element that could generate noise is the hopper and conveyor which lies outside of Brighton & Hove City Council. In any case the noise

generated would be limited, and there are already several conveyors on the site.

Flooding:

- 8.35. The site lies within flood risk zone 3 so at high risk of flooding. Policy CP11 states that planning applications in flood risk areas will need to demonstrate appropriate mitigation measures and site-specific flood risk assessments.
- 8.36. The use of the site as a wharf is considered compatible with this flood risk. A flood risk and sustainable drainage assessment accompanies the application. The buildings have been designed to be watertight and with appropriate finished floor levels. The Environment Agency has been duly consulted and raise no objections to the development.

9. CONCLUSION

- 9.1. The proposed development is considered acceptable in principle and would ensure the wharf is able to accommodate and receive aggregate from a more modern and efficient dredger. As such the development would ensure the economic viability and future security of the wharf, and the security of aggregate supply in the longer term to contribute to the economic development of the local and wider region.
- 9.2. The scheme is in general accordance with the relevant local and national planning policies and guidance and is in accordance with the presumption in favour of sustainable development, as set out in the NPPF.

10. EQUALITIES

None identified.