

**LAND AT FLATHOUSE QUAY CIRCULAR ROAD PORTSMOUTH****INSTALLATION OF CONCRETE BATCHING PLANT****LINK TO DOCUMENTS:**

[22/00255/FUL | INSTALLATION OF CONCRETE BATCHING PLANT | LAND AT FLATHOUSE QUAY CIRCULAR ROAD PORTSMOUTH](#)

**Application Submitted By:**

Mr Richard Ford

**On behalf of:**

Mr Richard Ford

Brett Concrete Limited

**RDD:** 23rd February 2022

**LDD:** 26th May 2022

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 The application is being presented to the Planning Committee due to the scale of the development, and because the City Council is the landowner.
- 1.2 The main determining issues for the scheme are as follows:
  - Principle of development;
  - Impact on the character and appearance of the area and associated heritage assets;
  - Impact on residential amenity;
  - Impact on highways safety;
  - Impact on ecology, including the Solent Special Protection Areas;
  - Contaminated land
  - Flooding
- 1.3 Site and Surroundings
- 1.4 The application relates to an area of land (0.38 hectares) located within the Portsmouth International Port, just to the north of Circular Road which leads from Flathouse Road. The site is hard-surfaced with concrete and is surrounded by a brick wall to the south and the surrounding townscape comprises of intensive industrial development as per location plan below.
- 1.5 Flathouse Quay is used for the import, export and handling of a wide range of goods and cargoes. The application site, which comprises an area to the landward side of the quay, has been in port operational use for many decades and is used for the import, export, storage and handling of refrigerated cargo. Fruit and other perishable foodstuffs are landed, stored and sorted before being delivered nationally from the port around the UK. In addition, as a general cargo port, the quay is used regularly for bulk products; sea-won aggregates, timber, grain, shipping containers and other raw materials, as well as special project cargoes such as wind-farm blades.



Group; the UK's largest independent construction and building materials group, founded in 1909 and based in the Southeast of the UK. The Brett Group consists of five wholly owned operating businesses, including Brett Concrete Ltd, and two joint ventures.

- 2.5 Brett Aggregates operates a network of wharves, quarries, rail sidings and recycling facilities that are all involved in supplying construction materials to assist in meeting local market requirements. This network includes 8 wharves where Brett imports aggregates for supply into the local construction markets and, where infrastructure allows, for onward delivery by rail or river.
- 2.6 Brett Aggregates gained Planning Permission for the installation and operation of a low-level aggregates plant at Flathouse Quay on land nearby to the west of the new application. To complement the aggregates handling and sorting operations at Flathouse Quay, the proposed concrete batching plant is a new industrial activity to the port, to enable the production and distribution of ready mixed concrete to construction sites within Portsmouth and surrounding area. The facility would increase the range of products that can be supplied into the local construction market and reduces the need for concrete to be imported into the local area from further afield, improving the sustainability of the supply chain for local construction projects. Aggregates are already imported to Flathouse Quay by vessel and exported by road, with only an element of the total aggregate throughput being sorted into size fractions. Aggregates for the production of ready mixed concrete are therefore already available on site, with only admixtures, specialist aggregates and cement being required for importation.

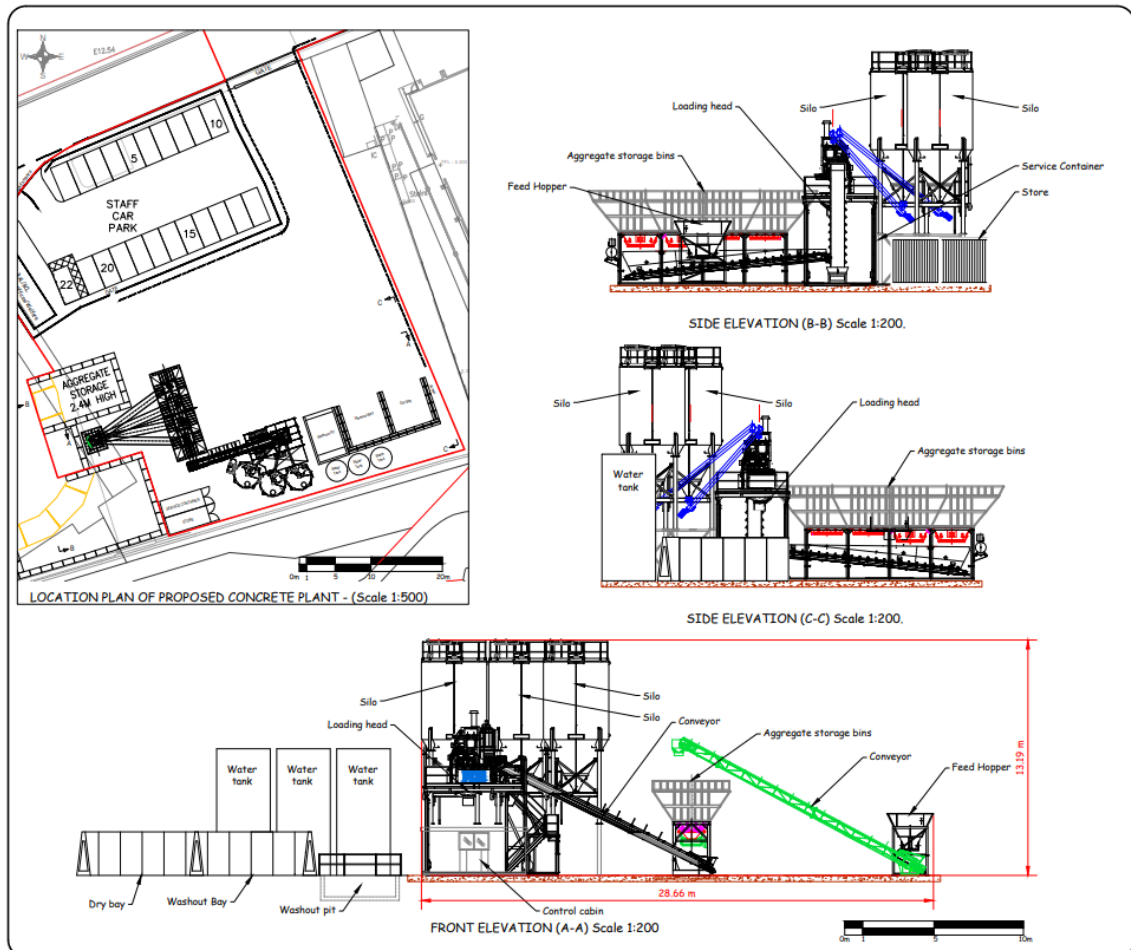


Figure 2: Proposed elevations

### 3.0 Planning history

- 3.1 The nearby site to west recently approved planning permission reference 21/01161/FUL for the installation of low-level aggregate handling plant (Conditional Approval - 12.01.2022) is of relevance.

### 4.0 **POLICY CONTEXT**

#### 4.1 Hampshire Portsmouth, Southampton, New Forest National Park & South Downs National Park Minerals and Waste Plan

- Policy 19: Aggregate wharves and rail depots
- Policy 34: Safeguarding potential minerals and waste wharf and rail depot infrastructure

#### 4.2 Portsmouth Plan (2012):

- Policy PCS11 Employment Land
- Policy PCS13 A Greener Portsmouth
- Policy PCS23 Design and Conservation
- Policy PCS24 Tall Buildings

#### 4.3 Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:

- Saved policy DC21 Contaminated Land
- Saved policy PH1 Portsmouth Harbour Coastal Zone

#### 4.4 Other guidance:

- National Planning Policy Framework (2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

- 4.5 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plans.

### 5.0 **CONSULTATIONS**

- 5.1 Coastal and Drainage - No comment received.

- 5.2 Natural England - No formal comments to make.

- 5.3 Queen's Harbour Master - No response received.

- 5.4 Defence Estates (SW Region) - No response received.

- 5.5 Coastal Partners - No objection. Recommend that applicant sign up to the Environment Agency's Flood Warning Service to ensure adequate warning before any type of extreme flood event.

- 5.6 PCC Drainage (Lead Local Flood Authority (LLFA)) - The site is on Flood Zone 1, therefore there is no requirement for an FRA. Drainage strategy is sound, subject to a Condition to address the following:

- Where would site drainage outlet be if existing pipe downstream of manhole CL 5.15 is found not to be suitable / at correct level?

- At the vehicular entrance there should be a drainage feature that collects all run-off before it leaves the site. There appears to currently be a route for run-off to pass by the proposed drainage network without being collected.
  - I don't see any operation or maintenance notes for the proposed silos or infrastructure. There should be in place a regime of inspection for all assets - AcoDrain / Interceptor / Washout facilities / silo emptying frequency etc
  - At construction phase the drainage network should be installed prior to surfacing in terms of concrete slabs, so as not to leave any 'trench' scarring which can lead to failure
- 5.7 Application 21/01161/FUL for an adjacent aggregate handling plant I assume will be benign washed materials and as such is not subject to the same requirements for water quality.
- 5.8 Marine Management Organisation - Standard response received, no specific comments for this site/proposal.
- 5.9 Contaminated Land Team - No objection subject to conditions.
- 5.10 Environmental Health - Given the location it is not envisaged that any significant loss of amenity to local residents due to the operation of the plant in terms of air quality however there are some potential issues associated with noise.
- 5.11 Therefore, recommend as per Page 7 of the applicants BS 4142 Noise Assessment Report that operations be restricted to 07:00hrs - 23:00hrs.
- 5.12 Highways Engineer/Local Highway Authority (LHA) - Whilst they do not accept the applicant's contention regarding traffic generation and in respect of their established / permitted development, the LHA officer is satisfied that the proposal would not generate a sufficient increase in traffic movements to justify that change being a material consideration. Adequate space is provided on site for parking and turning and there would be limited sustainable grounds (if any) for an LHA objection to this one.
- 5.13 Mineral and Waste Consultation - Awaiting comments.
- 5.14 Environment Agency - No objection subject to conditions to address contamination of controlled waters.

## **6.0 REPRESENTATIONS**

- 6.1 No third-party comments received

## **7.0 COMMENT**

### 7.1 Principle of development

7.2 The application site is located on land that is part of a wider area identified in the Hampshire Minerals and Waste Plan (2013) that is safeguarded as an area for a potential minerals and waste wharf (Policy 34).

7.3 Policy 19 of the Hampshire Minerals and Waste Plan supports wharf proposals that are sustainable development that meets the following criteria:

- i. have a connection to the road network; and
- ii. have a connection to the rail network or access to water of sufficient depth to accommodate the vessels likely to be used in the trades to be served; and
- iii. do not pose unacceptable harm to the environment and local communities.

- 7.4 Furthermore, the application site is an operational commercial port where the Portsmouth Plan Policy PCS11 applies. This Policy promotes sustainable economic development in the City and protects land at the port for uses directly related to the operational requirements of the port.
- 7.5 Finally, Policy PH1 of the Portsmouth City Local Plan (2001 - 2011), Portsmouth Harbour Coastal Zone is also applicable. This Policy states that proposals that may have a direct impact on the Portsmouth Harbour will only be permitted if they have no adverse effect upon the coastal landscape, public access to the waterfront, navigation within the harbour or nature conservation interests.
- 7.6 The submission satisfactorily demonstrates that the site meets both the first two criteria set out in Policy 19 of the Hampshire Minerals and Waste Plan. Therefore, it is considered that the principle of the proposed development is acceptable subject to no unacceptable harm to the environment and local communities, addressed later in this report.
- 7.7 Therefore, the assessment has to be made whether the proposal is acceptable in terms of its visual impacts, impacts on the setting of nearby heritage assets, impacts on residential amenity, highways, ecology including impacts on the Solent Special Protection Areas.
- 7.8 Impact on the character and appearance of the area and associated heritage assets
- 7.9 The application is supported by a Landscape and Visual Impact Assessment which assess the surrounding landscape character, the extent of visibility of the proposed development from a short and long-distance and evaluates the proposal's impacts on visual amenity, the fabric of the site and the adjacent land. It considers a range of receptors including residents, road users, employees of nearby businesses as well as the Royal Naval Base.
- 7.10 The assessment notes that application site is located with the Portsmouth International Port which accommodates commercial good handling activities, associated building and structures, such as warehouse style sheds, storage tanks, containers and cranes. Therefore, the surroundings are characterised by harbour, shipping and storage facilities and buildings in the nearby employments areas of up to 19m height. Given the nature of the surroundings, I concur that the landscape impact of the proposed development is not considered to be harmful.
- 7.11 In terms of visual impacts on public vantage points, long-distance views of the plant would largely be restricted by other buildings, such as warehouses and office buildings. The main area where a limited view of the upper section of the plant would exist is to the east from Flathouse Road. However, as the plant would be seen in the context of the surrounding area, its visual impact would be acceptable.
- 7.12 Overall, Officers consider that the visual impact of the proposed development would be acceptable and there would be no harm to visual amenities of local residents, road users and employees of nearby businesses including the Royal Naval Base.
- 7.13 In terms of impact on heritage assets, the application is supported by a Heritage Statement which assess the impact of the proposal on the nearby designated or non-designated heritage assets, including The Round Tower and Fredericks Battery. The Statement concludes that the proposal would cause no harm to the setting of these assets.
- 7.14 Officers note that the proximity to the recently approved Aggregates plant (21/01161/FUL). The Aggregates plant was 8m tall and was also supported by a Landscape and Visual Appraisal. All was found to be acceptable, including PCC

Heritage advice. The concrete plant is 13m tall, with silos at height. However, although this would have more visual impact it is still well away from public realm to the east.

- 7.15 The concrete plant (yellow) is further away from the two listed buildings than the Aggregates (green) and thus considered to have limited and reasonable impact.
- 7.16 In light of the above, it is considered that the character and appearance of the area would not be materially affected by the proposed development and, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings is satisfied.
- 7.17 Impact on residential amenity
- 7.18 In terms of protection of public health, safety and amenity, including noise impacts, the application is supported by a Noise Assessment and an Air Quality Note.
- 7.19 The Noise Assessment sets out noise levels arising from the operation of the proposed plant and the associated activity such as the use of a loading shovel to assess impacts on the nearest dwellings to the site. The nearest dwellings to the site for which baseline noise measurements were obtained in June 2021 are those on Grafton Street just over 450 metres to the east of the site, Staunton Street/All Saints Road including Wingfield House Student Accommodation approximately 630 metres to the south-east of the site and Estella Road which is located just under 600 metres to the east of the site. The Assessment concludes that there would be no adverse noise impacts on the residents in Grafton Street, Wingfield House and Estella Road for both the daytime/evening and night times. This is due to presence of intervening buildings as well as other existing sources of noise, in particular from the road and the port itself.
- 7.20 In terms of air quality, the submitted air quality assessment concludes that the impact of the proposed development in terms of dust and particulate matter emissions during operation would not be significant. Similarly, as the proposal would not result in increased traffic flows, additional emissions from road traffic are not envisaged.
- 7.21 The PCC Environmental Health Officer reviewed the submitted information and raised no objection, subject to a condition restricting the plant's operating hours to 07:00 - 23:00 daily.
- 7.22 Impact on highway safety
- 7.23 The application site is located with the Portsmouth International Port which is a major UK port that handles ferry, cruise and commercial transport and as a consequence already generates a significant volume of a road traffic. The Port is also a major employer in the City and high volumes of employee trips using variety of transport modes are already taking place and are accommodated within the City and the Port. The proposed development and the associated activities would form an integral part of the operation of the Port.
- 7.24 The Local Highway Authority was consulted, and they commented whilst they do not accept the applicant contention regarding traffic generation and in respect of their established / permitted development, they are satisfied that the proposal would not generate a sufficient increase in traffic movements to justify that change being a material consideration. Adequate space is provided on site for parking and turning and there would be limited sustainable grounds (if any) for a LHA objection to this one.
- 7.25 Officers are however satisfied, in light of the current use of the quayside as a commercial port that the proposed use will not result in a demonstrably adverse increase in vehicular movement compared to the continuation of normal unloading and shipping in this area.

7.26 Impact on ecology, including the Solent Special Protection Areas

7.27 Natural England has advised that they have no formal comments to make.

7.28 In terms of a net biodiversity gain, Policy PCS13 (a greener Portsmouth) expects development to produce a net gain in biodiversity wherever possible. In this case, the site is located within an operational industrial site with the area extensively covered with hard surfaces that accommodate necessary infrastructure and activities associated with the Port use. The site offers limited opportunity to provide biodiversity enhancement measures, and given the nature of its surrounding, it is considered that in this case, producing a net biodiversity gain would not be practicable.

7.29 Contaminated Land

7.30 The Contaminated Land Team has recommended a condition requiring a Method Statement detailing the Brownfield working practices to be followed to avoid risks to site workers and the wider environment during any groundworks, and to future site users. These conditions address the Environment Agency's conditions requests.

7.31 Conclusion

7.32 The application seeks planning permission for the installation of a concrete batching plant to enable the production and distribution of ready mixed concrete to construction sites within Portsmouth and surrounding area and also to complement the existing aggregates handling and sorting operations. The development would improve the sustainability of the supply chain for the local construction projects and would reduce carbon emissions through reduced road traffic flows. The proposed development would also generate 8 full-time employment opportunities.

7.33 The proposed development is considered to be in accordance with the relevant planning policies and any potential environmental impacts can be managed through measures secured with planning conditions. The application is recommended for a conditional approval.

## **RECOMMENDATION**

Grant Conditional Permission subject to the following conditions:

### **Time Limit**

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### **Approved Plans**

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

- PM BCL 04 - Proposed layout of concrete plant
- PM BCL 02 A - Plan and elevations of proposed concrete plant
- 2022 02 16 - Supporting statement - bcl portsmouth final
- Noise Impact Assessment - Brett Portsmouth BS4142 Assessment 07 FEB 22 by WBM Acoustic Consultants
- Air Quality Assessment - BRETT CONCRETE MARINE TERMINAL J10\_12219\_B F6 by Air Quality Consultants Ltd
- Landscape and Visual Assessment by Bright & Associates Landscape and Environmental Consultants (January 2021)
- Heritage Statement January 2022 by Andrew Josephs Associates



- Transport Assessment - 220210 - Transport statement v1.2 by Velocity Transport Planning (VTP)

Reason: To ensure the development is implemented in accordance with the permission granted.

### **Contaminated Land**

#### **3) Prior to Commencement**

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:

A Method Statement detailing the Brownfield working practices to be followed to avoid risks to site workers and the wider environment during any groundworks, and future site users on completion of the development. It shall include the nomination of a competent person to oversee the implementation of the method statement and include detail on how these measures will be recorded during the works (to include, but not be limited to a daily diary produced by the nominated competent person overseeing the works, and waste consignment notes for disposal of soils excavated from site).

#### **Prior to Occupation**

(ii) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, documentation to evidence implementation of the method statement as agreed in line with condition (i) above. This may include a daily diary of the nominated competent person overseeing the works, waste consignment notes for excavated soils etc.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

### **Contamination Remediation Strategy**

4) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- i. A site investigation scheme, based on to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- ii. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented as approved.

Reason: To ensure that the risks to pollute controlled waters during construction of the proposed development in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

### **Verification report**

5) Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved

remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006) and paragraph 174 of the National Planning Policy Framework (2021).

### **Previously unidentified contamination**

6) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006) and paragraph 174 of the National Planning Policy Framework (2021).

### **Piling**

7) Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer. The condition ensures that the proposed piled foundations (referred to in section 10.1.1 of the Ground Investigation Report (February 2021)) do not harm groundwater resources in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006) and paragraph 174 of the National Planning Policy Framework (2021).

### **Drainage Strategy**

8) No development approved by this planning permission shall be commenced until details for the surface water drainage have been submitted to and approved in writing by the local planning authority. Such details should also address the following:

- Location of site drainage outlet:
- drainage feature at vehicular entrance to collect all run-off before it leaves the site.
- Provide operation or maintenance notes for the proposed silos or infrastructure. There should be in place a regime of inspection for all assets - AcoDrain / Interceptor / Washout facilities / silo emptying frequency etc e
- At construction phase the drainage network should be installed prior to surfacing in terms of concrete slabs, so as not to leave any 'trench' scarring which can lead to failure

The scheme shall be implemented as approved.

Reason: To prevent negative impact on the water quality of the harbour given the proposed site usage that involves concreting substances and chemicals. The site operator needs to be aware of where the drainage goes and in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006) paragraph 174 of the National Planning Policy Framework (2021).

### **Operating Hours**

- 8) The operation of the concrete batching plant hereby approved shall not carry out beyond the hours of 07:00hrs and 23:00hrs daily.

Reason: In the interests of residential amenity having regard to the proximity to residential accommodation in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

### **INFORMATIVES**

1. Requirement for an environmental permit - The concrete batching plant associated with this development will require an environmental permit from the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2016, unless an exemption applies. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) for further advice and to discuss the issues likely to be raised. The Environment Agency recommend contact is made at the earliest opportunity.

Additional 'Environmental Permitting Guidance' can be found at:

<https://www.gov.uk/environmental-permit-check-if-you-need-one>. Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

2. Pollution prevention - All precautions must be taken to avoid discharges and spills to the ground both during and after construction. Guidance on pollution prevention for businesses can be found on the gov.uk website here – <https://www.gov.uk/guidance/pollution-prevention-for-businesses>. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via our incident hotline 0800 80 70 60 (24- hour service).
3. The applicant is advised to sign up to the Environment Agency's Flood Warning Service to ensure adequate warning before any type of extreme flood event.
4. The applicant is advised that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.