

**SHED 9 THE CAMBER WHITE HART ROAD PORTSMOUTH PO1 2JX**

**REFURBISHMENT OF EXISTING FISH MARKET TO INCLUDE WHEELCHAIR ACCESSIBLE MAIN ENTRANCE; ELECTRIC SLIDING DOOR, ALTERATIONS TO FENESTRATION, FIXED AWNINGS; INSTALLATION OF EXTERNAL FREEZER ROOM AND SECURE PLANT AREA FOR NEW CONDENSER UNITS**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RKLCXPMOMU100](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rkLCXPMOMU100)

**Application Submitted By:**

Mr David Berrill  
DesignRed26

**On behalf of:**

Mr Bill Brock  
BNFS Ltd

**RDD:** 1st November 2022

**LDD:** 27th January 2023

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 The application has been brought to the Planning Committee for determination at the request of Councillor Jeffrey. The application has 5 objection comments and 7 comments of support.
- 1.2 The main issues for consideration are:
- The principle of the development;
  - Design;
  - Impact on residential amenity;
  - Heritage/Conservation
  - Other Issues

**2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY****2.1 Site and Surroundings**

- 2.2 The application site comprises a single storey commercial building which is situated on the Camber quayside. The building, which is orientated north to south, includes one commercial unit, associated vehicular access and parking to the north, pedestrian access to the south-east and marine access to the west. It is noted that permission was recently granted for slight reconfiguration of the fenestration to include a new roller shutter kiosk on the east elevation. The existing building is a simple flat roofed structure, primarily constructed of red and yellow brick, with some grey brick detailing. It is part of a wider set of buildings and boundary treatments including public conveniences to the south and is considered to be fairly utilitarian in its design.
- 2.3 The application site is located within the Old Portsmouth Conservation Area. However it should be noted that the site is clearly a late addition and is of very limited architectural and historical merit. Across the road to the east, there are a number of 3 storey townhouses with first floor front balconies, and a restaurant opposite the main unit. These properties also fall within the Conservation Area, and while they present more

architectural merit that the site itself, also appear to be later additions to the area with limited aesthetic value.

## 2.4 Proposal

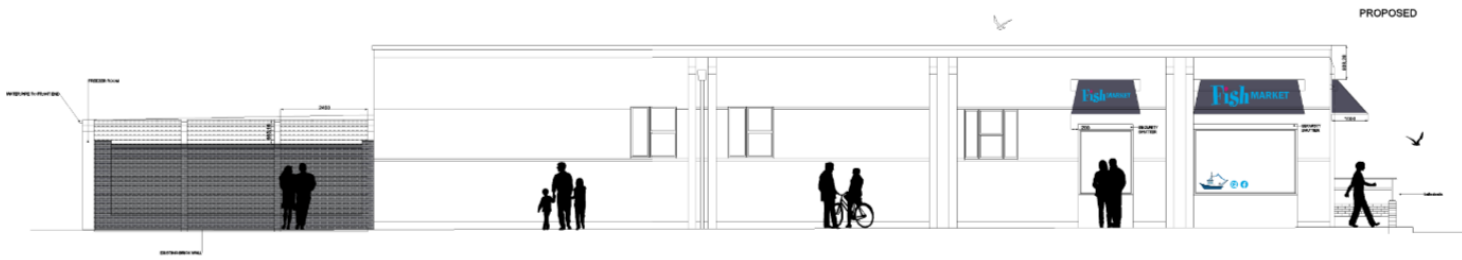
2.5 Planning permission is sought for the general refurbishment of the fish market to include a new accessible main entrance with an electric sliding door, some alterations to the fenestration and the installation of fixed awnings. The main change to the site proposed in the application is the construction of an external freezer room to the south, including a secure plant area for the associated condenser units.

2.6 The proposed freezer room would be 3m in height, 8m in length and 14m in depth.

2.7 The additional built form would result in an extension that is largely obscured from view by the existing boundary wall which separates the road from the rear of the site as well as proposed acoustic fencing set behind the existing wall. The proposal does protrude above the boundary treatment slightly, by around 50cm, but is set back from the boundary by around 7m and therefore has very limited visual impact from street level.

2.8 The images below show the Proposed Site and Ground Floor Plan and the north, east and west elevations/street scenes:





## 2.9 Planning History

2.10 The site's most relevant planning history is listed below:

- **15/00184/FUL** - Alterations to existing building to provide new entrance including ramp and additional windows; installation of two cold store container units adjacent to Quayside (Renewal of planning permission 11/01294/FUL) **APPROVED**
- **22/01529/FUL** - Replacement of window with roller shutter hatch to provide kiosk **APPROVED**

## 3.0 **POLICY CONTEXT**

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the relevant policies within the Portsmouth Plan (Jan 2012) would include:

- PCS23 - Design & Conservation

## 4.0 **CONSULTATIONS**

### 4.1 Environmental Health

4.2 No objection subject to a condition for details of the sound insulation of the proposed condenser units. - "I am confident that it should be possible for the plant to operate without having a detrimental impact upon the amenity of local residents".

### 4.3 Contaminated Land Team

4.4 No objection subject to a condition and informative.

### 4.5 Natural England

4.6 No comment.

CIL: The proposal would result in the creation of 108sqm of GIA floorspace and the likely CIL chargeable amount will be £18,052.47. No CIL Form 1 was submitted with the application and the estimate is based on proposed floor plan measurements. The agent may wish to supply a completed CIL Form 1.

## 5.0 **REPRESENTATIONS**

- 5.1 Twelve representations have been received towards the proposed scheme, 5 of which offer comments of objection, 7 of which offer support. The reason for objections were:
- a) View of the Camber will be blocked
  - b) Noise from condenser units will affect residential amenity, including a lack of detail on the plans
  - c) Placement of the freezer room will prevent access and stop vehicles turning
  - d) Lack of communication from the applicant

5.2 The support comments received are be summarised below:

- a) Large boost to fishing economy in the area and wider, including maximising value for small businesses (including fishermen and restaurants)
- b) Part of continued good work to improve the site operationally and visually
- c) Improved carbon footprints for local businesses who currently source most stock from other areas which then needs to be transported to the area
- d) Improvement and longevity for a unique and important asset to the area
- e) The site is currently an eyesore, and the proposal would enhance the area

## 6.0 COMMENT

6.1 The main issues for consideration are:

- The principle of the development;
- Design;
- Impact on residential amenity;
- Heritage/Conservation
- Other Issues

6.2 Principle of the development

6.3 The application does not seek to change the use of the existing fish market, only to extend and improve its operations. This is considered wholly appropriate in this area.

6.5 Design

6.6 Section 12 of the National Planning Policy Framework (NPPF) places an emphasis on achieving high quality sustainable development. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. Paragraph 130 sets out that developments should ensure that they function well and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.

6.7 In addition, Policy PCS23 of the Portsmouth Core Strategy (2012) states, inter alia, that new development must be well designed and, in particular, respect the character of the city. A range of guiding principles include the need for excellent architecture, public and private spaces, the need to relate well to the city's heritage and to be of an appropriate scale, density, layout, appearance, and materials in relation to the context.

6.8 The height of the proposed freezer room is considered to be acceptable within the overall urban grain of both the streetscape and harbourside settings. The proposal is considered to be modest in its height, and while its footprint is relatively large, it is considered to fit well within the confines of the site and is a good use of the available space to maximise the efficiency of the sites operations. While there will be a small obstruction of view between the existing building and public convenience from the balconies opposite, this is

very limited due to the modest height of the fencing and freezer room and is not considered to warrant refusal of the application.

- 6.9 The cosmetic alterations such as the new canopies and fenestration are considered to architecturally enhance the buildings current utilitarian appearance and therefore enhance the wider conservation area. The new access ramp will make access easier for wheelchair users or people with prams and buggies which is positive, and while concerns have been raised about the blocking of access to the quayside, the pathway between the site and the conveniences is shown to be retained and kept clear. There remains ample space for delivery access on the western side of the site.
- 6.10 The materials listed show an acoustic fence constructed from timber and the freezer room to be finished in white render, but the details of the materials are not specific. While these aspects are to be mostly obscured from view at street level and therefore will have a limited impact on visual amenity, the site falls within a Conservation Area and therefore to ensure that the character is preserved or enhanced, details of the materials should be agreed as part of a condition.
- 6.11 It is considered that development represents a high-quality sustainable form of development that accords with the objectives of Policy PCS23 of the 2012 Local Plan and the NPPF.
- 6.12 Impact on residential amenity
- 6.13 Concerns have been raised by neighbouring residents around the noise emanating from the proposed cooling equipment. The closest residential properties are around 18m from the site, on the opposite side of White Hart Road, and would be protected from noise pollution by acoustic fencing. Environmental Health have been consulted and state that they are "confident that it should be possible for the plant to operate without having a detrimental impact upon the amenity of local residents". This is to be secured through a condition detailed later in this report requiring details of the sound deadening measures to be submitted for approval.
- 6.29 Waste
- 6.30 The application proposes informal provision of bin storage to the rear of the site along the quayside, which appears to be roughly the same as the current situation. The bin storage provision is considered acceptable in the location shown.
- 6.47 Equality Act
- 6.48 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010 and the new accessible entrance is considered to enhance the usability for a more diverse demographic.
- 6.55 Conclusion
- 6.56 The proposed development comprising the refurbishment of the existing fish market to include wheelchair accessible main entrance; electric sliding door, alterations to fenestration, fixed awnings; installation of external freezer room and secure plant area

for new condenser units described alterations and additions are appropriate in principle and would contribute towards the local economy and enhance the conservation area visually. The effect on surrounding residents' amenities would be limited and acceptable when controlled through condition, and the other matters addressed above are also deemed acceptable. The proposals constitute sustainable development and should be granted planning permission.

## **RECOMMENDATION                      Conditional Permission**

### **PRO-ACTIVITY STATEMENT**

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

#### 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:

- 221001BNFS.A
- 221002BNFS.A
- 221003BNFS.A
- 221004BNFS.A
- 221005BNFS.A
- 221006BNFS.A

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

#### Materials

3) (a) Notwithstanding the submitted details, no development works other than those of ground works, and construction of the building's foundations shall take place until: a full and detailed schedule of all materials and finishes to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a) of this Condition

Reason: To secure a high-quality finish to the development in the interests of visual amenity (to preserve and enhance the Old Portsmouth Conservation Area) in accordance with Policy PCS23 of the Portsmouth Plan (2012), and the aims and objectives of the National Planning Policy Framework (2021).

#### Sound insulation

4) Prior to the installation of any fixed plant or equipment:

- a) An assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority including proposed measures to mitigate any identified observed adverse effect levels.
- b) Upon approval all mitigation measures shall be implemented prior to the first operation of the plant and thereafter retained.

Reason: To ensure that acceptable noise levels within the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

#### Contaminated Land

5) No development shall take place on the site until there has been submitted to and approved in writing by the Local Planning Authority a Method Statement (for site contamination) documenting the previous and current land uses of the site and how the scheme shall be implemented without exposure to pollution being caused; all works at the site shall be carried out in accordance with the approved Method Statement, unless otherwise agreed in writing with the Local Planning Authority beforehand. It is useful if the developer keeps a daily diary recording the presence /absence of signs of pollution. This diary can be submitted to the council at the end of development.

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 the NPPF (2021).

Informative:

If signs of pollution\* are found in the soil at any time, the soil be quarantined and the location, type and quantity must be recorded, and an Environmental Consultant notified for advice on how to proceed. It will be reported within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. An approval from the LPA must be sought prior to implementing any proposed mitigation action.

\*Signs of pollution include visual (e.g. staining, asbestos fragments, fibrous materials, ash, inclusions of putrescible materials, plastics, or actual remains from an industrial use), odour (e.g. fuel, oil and chemical, sweet or fishy odours), textural (oily), wellbeing (e.g. light headedness and/or nausea, burning of nasal passages and blistering or reddening of skin due to contact with soil) or the soils may be unusual (fume or smoking upon exposure to air) or simply different in character to expected soils.