

Application Number

P/2013/0662

Site Address

Unit 4
Metherell Avenue Industrial Estate
Brixham
Devon
TQ5 9QL

Case Officer

Mr Alexis Moran

Ward

St Marys With Summercombe

Description

Change of use from B1 -B2

Executive Summary/Key Outcomes

The application seeks permission for a change of use from B1 to a B2 Crab processing plant. There are other existing B2 uses in the Metherell Avenue industrial estate at present. It is considered that a B2 use such as this could be acceptable within the estate provided that it was sufficiently well managed by conditions. The applicant states that the operation would employ 4 full time staff and 2 part time staff.

There have been a number of objections to the proposal which generally relate to the change of use having a detrimental impact on the residential amenity of the occupiers of neighbouring properties.

The consultation response from the Environmental Health department states that the level of information submitted is insufficient in detailing how the operation will deal with issues of odour from cooking, waste water contamination, other emissions.

As a result they have objected to the proposal. Notwithstanding the potential acceptability of the scheme in principle and the desire to protect and deliver local job opportunities, in light of the Environmental Health concerns and in the absence of further information, the recommendation is one of refusal.

Recommendation

Refusal

Statutory Determination Period

This is an 8-week application, the statutory deadline for determination has now expired due to time taken in negotiations and in seeking further clarification prior to the decision being made.

Site Details

The site, Unit 4, Metherell Avenue, is a commercial premises located within an industrial estate which is surrounded by residential properties.

Detailed Proposals

The application seeks permission for a change of use from B1 -B2 to form a crab processing plant.

Summary Of Consultation Responses

Senior Environmental Health Officer. Crab processing plants are intrinsically "offensive" operations that create large volumes of offensive odours, steam and contaminated water. This water when disposed of down the drain, frequently contaminates local sewers leading to complaints of smell from sewers and to blocked sewers caused by the amount of grit and dirt generated during the crab processing.

The applicant has provided no details in respect of how they intend to control any of these odours or potential problems. They have not provided any details of odour control methods that will be used, how they intend to ventilate the units and prevent foul air affecting local residents, or how they will prevent the removal of refuse on a daily basis generating complaints.

The proposed plant is within metres of the nearest residential accommodation. This accommodation will be severely affected by odour from the plant and residential amenity in the area will be heavily affected.

Further information has been provided by the applicant however it is not considered to overcome the concerns of the Environmental Health Officer (EHO).

The further comments of the EHO are that:

1. There remains no information as to how odour is to be controlled.
2. Details of a fan and a chemical with no site assessment, or proposed methodology or even operational plan are not sufficient detail to make an assessment of the effectiveness of proposals.
3. Furthermore, there are concerns that any proposed odour mitigation measures would be insufficient given the proximity of the residential accommodation.
4. Odour Control sprays have some effect in situations where there is significant distance between the sensitive residential accommodation and the odorous process.
5. In this situation, the only system that is considered to work effectively would be sealing the building, ensuring all activity takes place inside, then operating an extraction system with specifically designed odour control.
6. A detailed operational plan detailing how the applicant is going to deal with each odour creating problem such as the waste, the odours from cooking, waste water contaminating, the drainage and any other emissions would need

to be provided.

Summary Of Representations

A number of representations have been received which relate to the impact of the proposal with the following reasons given:

- Detrimental to residential amenity
- Not in keeping with the character of the area
- Set a precedent
- Odour

Relevant Planning History

P/2001/1397 Unit 6 Metherell Avenue Industrial Estate- Change Of Use
To Toolmaking/Injection Moulding (B2 General Industrial)
Permitted 17.12.2001

P/1985/0887 Erection of 2 buildings Class 4 Use (now Class B2 Use
General Industrial) Permitted 02.05.85.

Key Issues/Material Considerations

The key issues to consider in relation to this application are the employment implications of the principle of the change to a B2 use and the impact it would have the living conditions of the occupiers of neighbouring properties.

The proposed change of use is considered to be acceptable in general due to the location within an existing industrial estate, the existence of other B2 units on the estate, and the provision of local employment opportunities in Brixham. If the applicant was able to provide a scheme which overcame the issues raised by the Local Authorities Environmental Health department then the scheme could be considered acceptable for planning approval. In all other respects it is considered that the scheme is consistent with the objectives of policy E9 of the Local Plan.

However, the Local Authorities Environmental Health Department have objected to the proposal due to the impact it would have on the residential amenity of the occupiers of the neighbouring dwellings. As such the proposal is considered to be contrary to policies EPS, EP3 & E9 of the saved adopted Torbay Local Plan 1995-2011.

There is the potential, through the submission of further information and the use of conditions, to overcome these odour concerns and the general issues with the disposal of waste including drainage contamination. However, at this time there remains considerable concern about the impact of the development on neighbouring occupiers, the proposal is therefore deemed to have a significant impact on the amenity of the occupiers of neighbouring properties and as such is recommended for refusal.

Economy -

The proposed use would employ 4 full time staff and 2 part time staff. It is deemed that consideration should be given to the potential jobs the proposal would bring to the area and balancing this with the impact the processing plant would have on the residential amenity of the area, including whether this could be reduced by sufficient odour control, the submission of further information as proposed by the Environmental Health Officer and planning conditions.

Conclusions

The proposed change of use is not considered to be appropriate for planning approval due to the potential impact on the residential living conditions of neighbouring occupiers.

Condition(s)/Reason(s)

01. The proposed operation by reason of the increase in general disturbance and most significantly odour, would have a detrimental impact on the amenity of the occupiers of the surrounding residential properties and would, in the absence of suitable mitigation, have polluting impacts on the local environment. The proposal would therefore be contrary to policies EPS, EP3 and E9 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

EPS Environmental protection strategy