

HOLT – PF/24/1760 – Change of use existing detached out-building in rear garden to food processing room and cooking room for business use and erection of extension to house refrigeration (part retrospective)

Minor Development

Target Date: 15 December 2024

Extension of time: 14 March 2025

Case Officer: Mark Brands

Full Planning Permission

CONSTRAINTS:

Within Holt settlement boundary (and Neighbourhood Plan Area)

GIRAMS Zones of Influence (various)

RELEVANT PLANNING HISTORY:

Reference **IS2/23/2119**

Description We are looking in to changing the use of an already existing brick shed in to a small crab and lobster processing unit on the ground of our property 7 The Close, Holt, Norfolk, NR25 6DD.

We would be wanting to line the building out to allow us to be able boil/cook/process a small volume of crabs and lobsters.

Outcome Advice Given 07.02.2024

Conclusion from the pre app advice

Planning permission would be required for the proposal, based on the nature of the use, there would be concerns over the proposed development on the site and there would likely be conflict with local policy considerations that seek to protect neighbouring amenity and ensure high amenity standards are retained. It's unclear what mitigations options are being considered but these would need to be fully set out (and details on how this would operate). However, as per the comments from the environmental protection team, given the proximity of neighbouring properties the odour aspect is unlikely to be satisfactorily mitigated against. If it cannot be demonstrated that neighbouring amenity would not be negatively impacted from the proposed development, the Local Planning Authority would not be in a position to support the application.

THE APPLICATION

Retrospective full planning permission is sought for the change of use of the existing detached out-building in the rear garden to food processing and cooking rooms for business use and an extension to house external refrigeration and freezer unit.

The dwelling is located at the end of a small close of semi-detached properties, within the settlement boundary of Holt. The outbuilding is in the rear garden, not visible from the public domain, on the boundary adjoining number 8.

Further details received during the course of the application

Details of carbon filter received 30 January 2025

Details of extraction system received 27 January 2025

Email correspondence including details of drain and hardstanding received 16 January 2025

REASONS FOR REFERRAL TO COMMITTEE:

This application has been referred to the Development Committee as the applicant is related to a local member

CONSULTATIONS:

Economic And Tourism Development Manager NNDC - Support

Environmental Health – Object

Thank you for further consulting the Environmental Protection (EP) Team with respect to this application. The EP Team wish to reiterate the advice and concerns raised in the objection provided for the previous pre-application regarding the lack of suitability of the site (application site) for this type of obnoxious odour-producing activity and associated adverse noise levels. Since our pre-application response, a further site visit has taken place with the applicant on Friday 6th December 2024 over two and a half hours during which the various business activities were examined in some depth. The Environmental Protection (EP) Team wish to maintain our objection to the application on the basis of the anticipated adverse impact of odour and noise to nearby residential properties and associated amenity areas.

Unpleasant odour is one of the most important pollutants which have a negative effect on [human] quality of life. Odours are the most objectionable emissions from fish and meat processing plants" [Pendashteh A and Chaibakhsh N "Efficient control of emissions in fish and meat processing plants" ACECR Institute for Environmental Research, Iran in WIT Transactions on Ecology and the Environment, Vol 82, 2005, <https://www.witpress.com/Secure/elibrary/papers/AIR05/AIR05024FU.pdf>]. The odour itself is comprised of a complex mix of multiple volatile compounds, including amines. It is likely that the negative impacts from this odour generating activity will be experienced by occupiers of nearby residential properties for some considerable time after the activity occurred on site, for example, odour problems cannot be "turned off" and can be exacerbated by local environmental conditions, in such concentrations that they can produce undesirable effects on local residents whilst occupying their properties and gardens.

For an application of this size, comprising 150-200 crabs/lobsters per day processed between 10:00 – 14:00 Monday-to-Friday, and nature, including high intensity odours and associated noise within a surrounding highly populated residential area (sensitive receptors), including neighbours who share the site boundary, the EP Team would expect to receive a comprehensive Odour Impact Assessment and a Noise Impact Assessment accompanying the application. This is also due to the complexity of the application involving the proposed siting of a very odorous and noisy process in a quiet residential area which will have an adverse impact upon a large number of residents. However, these documents have not been provided and in view of the size and nature of the application, appropriate noise and odour abatement would not be possible without substantial levels of financial investment. Other, comparable businesses on this scale are more appropriately located in industrial areas, or industrial estates, thereby away from sensitive receptors and residential areas with appropriate noise and odour controls. As such, odour controls may not need to be as robust

owing to the industrial nature of these locations, however, very robust controls are required in residential areas (sensitive receptors) and with respect to this application, residents share the joint boundary with the applicant and would therefore, be affected far more detrimentally.

The accompanying documentation for the system that the applicant has proposed does not provide any evidence to substantiate that it will appropriately mitigate the odour produced. In particular, the controls needed for a highly odorous, high moisture and low fat producing process (see attached Emaq Kitchen Odour Guidance document) will be different to the carbon filter control which would be more appropriate for a pub/restaurant. Furthermore, no noise data has been provided for the system and therefore, the EP Team object to the application on the grounds of the likely adverse noise impact as well. The accumulative noise impact has not received appropriate consideration or mitigation either as the noise from jet/pressure washing (which the applicant anticipates would be needed for 45 minutes per day) the site and boxes (areas which have come into contact with crabs/lobsters and their by-products/waste) is likely to need to take place simultaneously and/or subsequently to the use of the extraction system.

With regards to the applicant's proposal to jet/pressure wash the application site and disposing of the liquid and shellfish debris into the drainage system, this method of trade effluent disposal has not received permission from Anglian Water. The applicant has previously stated that the public sewer has backed up and discharged into the applicant's garden, within the area identified as the application site. Despite this being an obvious form of cross contamination from sewage into a high risk food preparation area, the applicant has rodded the sewer to remove the blockage. The EP Team have concerns as to whether discharging cooking liquid and shellfish debris into the drainage system and further burdening the drainage network is an appropriate form of waste disposal under the circumstances. Reference is drawn to section 111 of the Water Industry Act prohibiting the release of anything into the public sewer/drain that could injure the health of the sewer or interfere with the free flow of wastewater.

In conclusion, the information submitted with the application is vastly insufficient and does not alleviate the concerns and risks posed from odour and noise including the accumulative impacts of odour and noise on nearby residential properties and associated amenity areas.

Norfolk County Council Highways – Comments

Raised concerns over retail sales and increased street parking

Parish/Town Council - Support

Support a young couple in creation of a new business

Suggest temporary 2-year temporary permission so there is a chance to review in the future, in case the business out grows the premises

Note the neighbours are supportive of the application

REPRESENTATIONS:

No public representations received, public consultation period has expired

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES:

North Norfolk Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 5: Economy

Policy EN 2: Protection and Enhancement of Landscape and Settlement Character

Policy EN 4: Design

Policy EN 9: Biodiversity and Ecology

Policy EN 13: Pollution and Hazard Prevention and Minimisation

Policy CT 5: The Transport Impact of New Development

Policy CT 6: Parking Provision

Holt Neighbourhood Plan (August 2023):

Policy HOLT1: Design Guidance

Policy HOLT4: Employment Growth in Holt

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)

National Planning Policy Framework (December 2023):

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 12: Achieving well-designed and beautiful places

Chapter 15: Conserving and enhancing the natural environment

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Principle of Development**
- 2. Design and impact on residential amenity**
- 3. Highways**

4. Planning Balance and Conclusion

1. Principle of development

Policy SS 1 states that the majority of new development in North Norfolk will take place in the towns and larger villages (Holt is designated in the settlement hierarchy). Policy SS5 sets out the local economy would be supported through creation of additional employment opportunities in allocated areas and meeting local needs through development in town centres.

There isn't a specific economy policy for such smaller scale operations, but the overarching economy Policy SS 5 sets out that the local economic needs will be supported in principle, subject to this being of an appropriate scale and compliant with other relevant policies on matters of detail. This is reflected by paragraphs 85-87 of the NPPF that sets out a flexible approach should be encouraged to accommodate needs not anticipated in the plan and allow for new flexible working practices (such as live-work accommodation).

The principle of some form of commercial development is therefore broadly acceptable in principle but subject to compliance with other relevant Core Strategy Policies including Policy EN 13.

2. Design and impact on residential amenity

The proposal seek to regularise the use of an existing outbuilding and place an external refrigeration unit and external freezer. The outbuilding is located to the rear, and is not visible from the public domain on the streetscene, as such there would be no overriding design concerns.

Policy EN 13 sets out that all development proposals should minimise emissions and other forms of pollution and ensure no deterioration in water quality. Proposals will only be permitted where there are no unacceptable impacts on general amenity, health and safety of the public, air and water quality. Exceptions will only be made where it can be clearly demonstrated that the environmental benefits of the development and wider social and economic need for the development outweigh the adverse impact.

Policy EN 4 of the North Norfolk Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity or nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

The supporting documentation sets out that the applicants have a long experience of fishing and working in the crab processing industry. The intention is to catch and / or buy in crabs, lobsters, whelks and occasional whole fresh caught fish, cooking around 100-200 crabs per day, operating Monday – Friday. The hours of operations are proposed to be 10am to 2pm Monday – Fridays (as revised).

Further details have been provided regarding a cleaning schedule for the mesh filters, pre filters, carbon filters and extraction. More details would be appropriate for wash down and use of equipment such as pressure washers etc to ensure appropriate scope of cleaning and washdown of external spaces are secured, but further clarity of this could be secured by way of a condition regarding cleaning and maintenance schedule. Waste would be taken back to sea and used as bait daily weather permitting (otherwise frozen and stored on site). As part of the proposals there would be a drain installed, and concrete pad between the dwelling and outbuilding / units to facilitate cleaning of the outside area.

Given the site is within a residential neighbourhood in close proximity to neighbouring residential properties there are concerns over the scale of operation proposed and likelihood of odour and noise affecting the amenity of adjacent properties.

Following initial objections to the application, Officers have endeavoured to engage in a proactive and supportive manner. It is with regret that officers report that despite efforts from all parties there remains insufficient evidence to demonstrate that the extraction mitigation is suitable for the scale and types of odours associated with the operation and processes involved. Following concerns raised over the initially proposed extraction system and filters, a new extraction system has been proposed. The new system comprises a 250 Helios Gigabox fan and cowl which is fitted externally. With carbon and pre filter boxes comprising Longar Type 8 carbon filters system. The system appears more substantive than the original details, and includes specific applications for reducing odours, however no details confirming that it would neutralise amines (these types of chemicals are specifically released from the cooking of crustations). The correspondence from the applicants sets out the system was specifically selected and tailored to the size of the building, scale of operations and processes involved to purify the air back to an odourless state (at a minimum of 80%).

However, there are limited details or evidence provided to corroborate the system is capable of effectively nullify the odours associated with the processes involved to an appropriate level.

Given the constraints of the site, proximity to neighbouring properties, and scale of the operation proposed, it is considered there is insufficient abatement available to appropriately mitigate the impact of the processes. Officers consider that the introduction of such a scale of operation in the rear garden in a residential neighbourhood would have a detrimental effect on neighbouring residential amenity and should be sited in a less sensitive location away from sensitive neighbouring residential receptors.

On this basis, Officers conclude that the proposals would fail to comply with Policy EN 13 of the Core Strategy. This departure from the Development Plan weighs very heavily against the grant of planning permission.

3. Highways

Core Strategy Policy CT 5 states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability.
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality.
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route unless the type of development requires a Principal Route location.
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

Core Strategy Policy CT 6 (Parking Provision) states that adequate vehicle parking facilities will be provided to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.

The Highway Authority note that The Close is a narrow residential cul-de-sac served via other residential roads with limited capacity for increased on street parking. As such, given the limitations of the site from an access perspective, the Highway Authority would not wish to see any retail sales from the site. Officers would broadly concur with the concerns raised by the Highway Authority. The applicant has subsequently confirmed that there will be no retail sales from the site all sales are made via delivery to customers (stated to be on Mondays, Wednesdays and Fridays). In the event that planning permission is granted, conditions could be imposed to prevent retail sales on site.

In all other respects, the site has capacity for approximately 3 vehicle parking spaces which Officers consider is broadly acceptable for a mixed use of residential and commercial.

Subject to the imposition of conditions the proposal would broadly comply with Policies CT 5 and CT 6 of the Core Strategy.

4. Planning balance and conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise.

It is recognised the proposals seek to support the applicant's occupation. However, the operation is of a notable commercial scale that goes beyond what is considered to be either ancillary to the residential use or otherwise to be of an appropriate and compatible scale with the residential neighbourhood.

For the reasons laid out in this report the proposals are considered to have a significant detrimental effect on residential neighbouring amenities by virtue of scale, odour and noise. The economic and social interests of the business and applicants are recognised, however these factors do not outweigh the adverse impacts from the proposed development.

The proposals are therefore considered to be contrary to Policies EN 4 and EN 13 of the adopted Core Strategy and paragraph 135 of the NPPF.

RECOMMENDATION:

REFUSE for the following reasons:

- 1. The proposed development is not of an appropriate use or scale to the otherwise residential use of the application site and its surroundings. The applicant has failed to demonstrate that there is sufficient noise or odour abatement that would otherwise mitigate the impact of the commercial processes involved with the proposed food processing. The proposals will create an unacceptably adverse impact on neighbouring amenity - contrary to Policies EN 4, EN 13 of the adopted Core Strategy and paragraph 135 of the NPPF.**

Final wording of reasons to be delegated to the Assistant Director – Planning