

Environmental Health and Consumer Protection

Southampton City Council
Floor 5, One Guildhall Square
Southampton S014 7FP

SOUTHAMPTON
CITY COUNCIL®

Direct dial: 023 8091 7537
Text Relay: Dial 18001 before full telephone number
Email: gavin.derrick@southampton.gov.uk
Please ask for: Gavin Derrick

Fax: 023 8083 3079
Our ref:
Your ref: 13/01340/FUL

Ms J Turner
Senior Planning Officer
Development Control
Ground Floor
Castle Way
Southampton
S014 28W

18 September 2013

Unit Z Willment Shipyard and Industrial Estate, Hazel Road, Southampton

I refer to your memorandum dated 30 August 2013, reference 13/01340/FUL, regarding the retrospective application to change the use from sui generis to 82/88 for the storage and processing of fish.

As you will be aware, the regulatory services division enforces environmental protection legislation, which includes the control of statutory nuisances. A nuisance something which arises or is generated on one premises and interferes with the use and enjoyment of another property for a substantial period. The Environmental Protection Act 1990 provides a definition of various statutory nuisances, which includes:

- smell arising on industrial, trade or commercial premises
- noise emitted from premises

The regulatory services division has been in contact with the company occupying the premises since January 2012. This contact can be summarised as follows:

- On 5th January 2012, the regulatory services division received an enquiry about using the premises to process shellfish.
- A site meeting with the operator of the proposed business was arranged for 9th February 2012.

- The matters discussed at this meeting were confirmed in writing, with a letter sent to the operator of the business on 10th February 2012. The letter included a recommendation to 'contact Southampton City Council's planning service to check that there are no planning restrictions which would prevent the premises being used as a fishery products establishment.'
- The business started processing shellfish. This process involved shellfish being cleaned; graded and frozen. Some shellfish are cooked at the premises before being frozen. The premises incorporates substantial refrigeration equipment.
- In June 2012, the regulatory services division received complaints from neighbouring residents about the noise from the refrigeration plant.
- In July 2012, the regulatory services division received further complaints about noise from the refrigeration plant and complaints about the smell of fish. In response to these complaints, a principal environmental health officer initiated an investigation and recommended that the operator of the business took advice from a noise control specialist.
- A noise control specialist was engaged by the business operator and recommended that 'the existing combined compressor condenser units are installed within a dedicated plant room consisting of an acoustically insulated plant room with a dedicated inlet and outlet attenuators... The plant room should be constructed from a suitable composite panel and include an acoustic door set that maintains the acoustic integrity of the plant room. The inlet and outlet attenuators should be sized along with the additional extract fans to ensure that the required airflow is delivered across the condenser face'.
- A structure was built around the refrigeration equipment, but the construction is not consistent with the advice given by the noise control specialist and the regulatory services division continued to receive complaints from neighbouring residents about noise from the premises.
- The regulatory services division continued to receive complaints about the smell of fish and investigated the source of this odour. The principal source of the smell has been identified as waste products from the processing of the shellfish, together with soiled packaging and other equipment, which have been stored outside in the yard to the rear of the premises. In August 2013, the regulatory services division took enforcement action, requiring the operator of the business to remove the accumulated waste materials from the yard.

I have carefully considered this application for permission to change the use of these premises from sui generis to B2/B8 for the storage and processing of fish.

It is my professional opinion that the continued operation of a fish processing business from this premises is likely to cause nuisance to neighbouring residents due to:

- the sound from the refrigeration equipment being inadequately attenuated;
- the odour from waste products and other refuse (including soiled packaging and other equipment) which is stored in the yard being inadequately controlled.

For these reasons, based on the past involvement of the regulatory services division with the premises and the information supplied by the applicant, I am unable to support the application as it stands.

I trust that this is satisfactory, but if you should require any further information, please contact me.

Yours sincerely



Gavin Derrick
Environmental Health Team Leader

