

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Acorn Estate rear of 137 Warren Avenue			
<b>Proposed development:</b> Change of use of unit for storage of scrap metal			
<b>Application number</b>	13/01900/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	David Nip	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	28/04/2014	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Chaloner Cllr Kaur Cllr Mead

**Applicant:** Mr John Hannam

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. Other material considerations have been taken into account and do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted. Policies SDP1, SDP16 and H1 of the City of Southampton Local Plan Review (March 2006) and National Planning Guidance contained within the National Planning Policy Framework (March 2012).

<b>Appendix attached</b>	
1	Development Plan Policies
2	Relevant Planning History

## **Recommendation in Full**

Conditionally approve

### **1.0 The site and its context**

1.1 The site is located in the Shirley Ward on land to the rear of houses in Warren Avenue, Tremona Road and Jessamine Road, which forms part of the Acorn Industrial Estate. The Estate is a large backland plot and has been used mainly for industrial and warehouse purposes throughout its history for which the planning records are somewhat scant. A narrow vehicular access runs between existing houses in Warren Avenue. The site is formally allocated for residential redevelopment but given the number of individual long standing commercial operators and other site constraints it is not expected to come forward for redevelopment in the near future.

### **2.0 Proposal**

2.1 The application is for the siting and of use of one metal container to be used for the storage of scrap metal. The container is located towards the north eastern boundary of the site backing onto residential properties in Jessamine Road. A row of conifer trees along that boundary act as a partial screen. The container measures 6.06m in length, 2.44m in width, and 2.59m in height. The volume of the container is 33.15 m<sup>3</sup> and has space alongside for parking and loading/unloading.

### **3.0 Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

### **4.0 Relevant Planning History**

4.1 The site, which forms part of the Acorn Industrial Estate, which comprises a range of small scale, mainly industrial uses. The Council do not hold a comprehensive record of the uses on the site but it is clear the existing uses are long standing. Records and photographs from the 1970’s and 1980’s highlight that the majority of the current structures were present at that time. There is no current enforcement activity associated with the site.

4.2 The container is sited at the rear area of the industrial estate without the benefit of planning permission. The application therefore seeks to regularise its siting and enable its proposed use.

4.3 The relevant planning history which is formally on record is given in **Appendix 2**.

## **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (17/01/2014) and erecting a site notice (07/03/2014). At the time of writing the report **5** representations have been received from surrounding residents and Councillor Kaur. The following is a summary of the points raised:

5.2 *Unacceptable level of noise.*

**Response:** The proposal is likely to create some form of noise, mainly through the loading and unloading of material. However, the scale of the operation is strictly limited by the size of the container. Conditions such as no external storage, no breaking, sorting or sheering, and limits on hours of use are considered sufficient mitigation

5.3 *Affecting trees on the north eastern boundary.*

**Response:** The Council's tree team has been consulted and it is envisaged that no harm would be caused by the proposed development to the row of conifers. The container is already in place and does not require foundations. There will be no outside storage allowed and no breaking of metal components which will significantly reduce the potential for pollutants affecting the ground.

5.4 *Increasing traffic and concern towards highway safety.*

**Response:** The highways team has been consulted and raised no objection. It is considered that compare to the current use of the industrial estate, there is no significant additional harm towards the traffic volume and highway safety.

5.5 *Potential late night disturbance and crime.*

**Response:** Planning condition will be imposed to prevent un-social hours of operation; it is not considered that the proposed development would give rise to crime and disorder, the container would be locked at all time and there are existing security measures within the Industrial Estate.

### **Consultation Responses**

5.7 **SCC Highways** – No objection

5.8 **SCC Environmental Health (Pollution and Safety)** – No objection subject to conditions to control potential noise disturbance and hours of operation.

5.9 **SCC Environmental Health (Contaminated Land)** – No objection

5.10 **SCC Trees** – No objection

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- (i) Principle of Development
- (ii) Neighbouring Amenity
- (iii) Highways

### **6.2 Principle of Development**

6.2.1 The site forms part of the Acorn Industrial Estate and it has been identified as a housing site in the Saved Local Plan Policy H1.

6.2.2 Notwithstanding the proposed development is a departure from Local Plan, it is considered that the change of use would not conflict with the current use of the site and the Estate; the proposed development would not prejudice any future redevelopment opportunities for residential purpose. The Council's Planning Policy Team raised no objection, and the development is considered to be acceptable in principle.

### **6.3 Neighbouring Amenity**

6.3.1 Neighbouring amenity is unlikely to be affected to a harmful degree by reason of the small scale nature of the operation and the conditions imposed. The Council's Environmental Health Team has been consulted during the application process, it is agreed that planning conditions would be required to ensure that no sorting, sheering and grading of metal to be carried out on site.

6.3.2 A condition would also be imposed to ensure that scrap metal would only be stored within the container and no other area within the site. Furthermore, the hours of operation would be restricted to 8:30am to 4pm, Monday to Friday, to ensure that the proposed use cannot be carried out in un-social hours.

6.3.3 Given to nature of the development is relatively minor, it is considered that the proposal would have an acceptable impact towards neighbouring amenities.

### **6.4 Highways**

6.4.1 It is considered that there is no adverse highways impact, the nature of the vehicle access would prevent large vehicles entering the site and the applicant intends to only use his own vehicle to transport the materials. The Council's Highways Development Team raised no objection. It is likely that only one vehicle would be used in association with the use.

## **7.0 Conclusion**

The proposed development is minor and acceptable subject to planning conditions set out below. This application is recommended for approval.

**Local Government (Access to Information) Act 1985**  
**Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(g), 4(vv), 6(c), 7(a), 9(a), 9(b).

**SCSD for 22/04/2014 PROW Panel**

**PLANNING CONDITIONS**

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use  
The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990(as amended).

2. APPROVAL CONDITION - Hours of Operation - Scrap metal storage [Performance Condition]

The Scrap metal storage uses hereby permitted shall not operate (no loading, unloading, and processing materials) outside the following hours:

Monday to Friday 08:30 hours to 16.00 hours (08.30am to 4.00pm)

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

3. APPROVAL CONDITION - Restricted use

The operation of the scrap metal storage shall not include breaking, sorting, sheering and grading of metals without the prior written consent of the Local Planning Authority. The site shall only be used as storage of scrap metal only.

Reason:

In the interests of the amenity of the wider area.

4. APPROVAL CONDITION - Restricted storage area

The storage use hereby permitted shall only be carried out within the interior of the container; no other parts of the site shall be used as storage of scrap metal without the prior written consent of the Local Planning Authority.

Reason:

In the interests of the amenity of the wider area.

5. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**POLICY CONTEXT**

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP16	Noise
H1	Housing Supply

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Residential Design Guide SPD (September 2006)

Other Relevant Guidance

The National Planning Policy Framework 2012

**Relevant Planning History**

930231/W- ERECTION OF 10 NO STORAGE UNITS IN 3 NO BLOCKS – Conditionally Approved, 28.06.1993

960022/W - ERECTION OF A SINGLE STOREY STORES BUILDING – Conditionally Approved, 13.03.1996

00/00226/FUL- Unit 21, Acorn Estate , 137A Warren Avenue. Siting of portakabin, scaffold racking and container compound - Refused, 26.09.2000

00/00227/LDCE - Unit 21, Acorn Estate, 137A Warren Avenue - Refused, 26.09.2000

04/00548/FUL - Retrospective application for the retention of a single storey building for use as a workshop and store. – Conditionally Approved, 26.07.2004

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Scale: 1:1,250

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