

**Planning and Rights of Way Panel 1<sup>st</sup> June 2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 93 - 99 Belgrave Road Southampton			
<b>Proposed development: Use of site for recycling of metals including erection of workshop building and use of land for siting of temporary offices.</b>			
<b>Application number:</b>	20/01235/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Mathew Pidgeon	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	8 <sup>th</sup> June 2021 (extension of time).	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Cooper Cllr Mitchell Cllr Savage
<b>Referred to Panel by:</b>	N/A.	<b>Reason:</b>	N/A
<b>Applicant:</b> South Coast Metal Recycling Ltd		<b>Agent:</b> Luken Beck	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</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. Other material considerations including noise impact and adjacent residential amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS6, CS13, CS20, CS22 and CS23 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP16, SDP17, SDP22, HE6, and REI10 of the City of Southampton Local Plan Review (Amended 2015). Policies 1, 25 & 29 of the adopted Hampshire Minerals and Waste Plan (2013); and as supported by the NPPF (2019).

<b>Appendix attached</b>	
1	Development Plan Policies

## **Recommendation in Full**

### **Conditionally approve**

#### Background:

This application for use of the site for recycling of metals has been amended following consultation with the Council's Environmental Team around the noise impacts associated with the proposed metal recycling activities. There is a growing need for this type of facility with the underlying drive towards effective recycling. The site is located within an industrial estate that is allocated in the Local Plan for industry and warehousing (uses B1c, B2 and B8) under policy RE110 (vii) and the proposed B2 use is acceptable in principle. The site has been the focus of recent planning enforcement action.

A noise report setting out appropriate noise mitigation measures has been received, along with conformation that end of life vehicles will no longer be processed at the site. Furthermore, the proposed hours of operation have been reduced to 08:30 to 18:00 Monday to Friday only. In addition, no tipping of any metal articles will be carried out on site; all metal articles shall now be removed from transport vehicles by hand or crane/material handler fitted with a clamshell grab. The crane/material handler fitted with a clamshell grab is expected to be fitted to the back of a lorry with its hydraulic power generated by the vehicles motor. The main recommendations set out in the noise report are as follows:

- Re-orientation of bays and uses within the site (amended plans now represent this recommendation);
- Erection of a 6m high acoustic barrier.
- Provision of acoustic insulation within the workshop building.
- A commitment to keep doors and windows within the workshop closed when plant is operated internally;
- Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

These amendments are discussed in more detail within the Planning Considerations section of this report.

#### **1. The site and its context**

- 1.1 The site is located within Belgrave Road Industrial Estate, which is allocated in the Local Plan for industry and warehousing. The application site is situated at the northern end of the industrial estate and has an area of 0.14 hectares and is mostly concrete surfaced. Currently the site is vacant, however previously the site was used as a builder's yard where building materials were stored in the open

- 1.2 Belgrave Road Industrial Estate is located in the Portswood area of Southampton and is accessed from Portswood Road to the north and Kent Road to the south. The estate is comprised of several industrial units of various ages and construction types, a mix of Industrial units together with a number of trade retail premises, storage and distribution.
- 1.3 The application site is bordered immediately to the west by an area of open storage beyond which is the residential development of Roxan Mews, 442 – 462 Portswood Road, which was approved in 2004. Roxan Mews is constructed over four floors and is elevated above the site. Roxan Mews, at its closest, is approximately 12m from the application site. Directly to the north the site is bordered by Clark Lane Engineering. The east is bordered by Belgrave Road from where the site is accessed and to the south the site is adjacent to a vacant storage building with trade counter. Thomas Lewis Way and the railway lie beyond.,

## **2. Proposal**

- 2.1 The proposal seeks a change of use of the site for metal recycling – use class B2 - and the amended application proposes operating hours of 08:30 – 18:00 Monday to Friday only. As submitted Saturday trading was also proposed (08:00-13:00) but has since been removed.
- 2.2 The site will be used to separate, sort and dismantle metal articles ready for reprocessing. Frequently received metal articles will originate from building demolition sites and will include metal frames, corrugated metal sheeting, plumbing related pipe work and electrical cables. The business receives metal waste in a number of different ways but will most often collect waste bins themselves. The bins themselves will range in size and shape but will likely range in size from metal skips to 25-yard metal bins. Vehicles returning from sites with full bins will likely then deliver empty bins to new demolition sites. To carry out this operation the business has a 26 tonne, ridged lorry with 3 axels.
- 2.3 Ferris Metals (steel and iron) will arrive at the site in bulk (by skip or 25 yard bin) or by private vehicle (e.g. transit van) and will be offloaded into the reception bay positioned behind an acoustic barrier. Unloading will occur by either hand or a crane/material handler fitted with a clamshell grab. Contrary to the noise report the applicant has now agreed not to tip any materials onto the floor from delivery vehicles. Had tipping been proposed, and allowed, the maximum frequency was predicted to be once an hour and the process was expected to take approximately 10 minutes, this was also anticipated as being the loudest operation that would have taken place on site by as identified by the noise report.
- 2.4 Once unloaded materials will be sorted (by hand) and some cutting will take place using oxyacetylene tools outside of the building but behind an acoustic barrier where it is too large to be cut inside the workshop building. No angle grinders are proposed to be used. The final 'product' will be loaded into skips either by hand or by using a crane/material handler fitted with the clamshell grab and then taken off site once the skips/bins are loaded onto the back of the transport vehicle.

- 2.5 The applicant does not expect more than 4 lorry movements (into the site) each day associated with this operation. All loading/unloading operations will take place behind the acoustic barrier and within the ferrous metals bay.
- 2.6 The acoustic barrier will measure 6m in height and 15m in length where it will run at right angles to the northern site boundary. The barrier will also span 4.5m in length along the northern site boundary.
- 2.7 Nonferrous metals, including aluminium, copper, lead, zinc and tin, is expected to arrive on site in smaller loads than ferrous and as such will mostly arrive on smaller lorries (no more than 2 axels) and skips. All materials will be offloaded by hand on site. Material's will be pass through weighing scales before being processed. It is not intended to tip materials or require the crane material handler when unloading.
- 2.8 The materials will then be sorted and graded by hand, sheared using a hydraulic shear inside the workshop building and placed in bulk container skips within the non-ferrous bays for onward distribution off-site once sufficient material is collected to make the onward journey economically viable. It is not likely that there will be the need to transport more than one skip containing non-ferrous metals off site each week.
- 2.9 It is also expected that the crane will operate for no more than 50% of the time during which processing ferrous material occurs. It is further assumed that there will be an additional single vehicle travelling moving materials around on site which is expected to be a fork lift truck. Materials will also be moved around the site by non-motorised pump truck and trolley.
- 2.10 The application also seeks permission for the erection of a workshop building to be used for the processing of metal articles. This will include stripping of cables. The building will measure 10m by 10m and will have a maximum height of 6m at the ridge; the eaves would measure 4.4m.
- 2.11 In addition, two portacabins are proposed, one on top of the other, which would measure a maximum height of 6.4m. The port cabins would be used as office space and staff room.
- 2.12 Processing of batteries is not proposed on site but there may be a small number stored for short time periods.
- 2.13 Support for the development would secure employment of 2 full time staff with the potential for a further 2 – 3 part time staff.

### **3 Relevant Planning Policy**

- 3.1 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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.

- 3.2 The NPPF states in section 6. 'Building a strong, competitive economy' paragraph 80: *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*
- 3.3 The NPPF, in section 2, *'achieving sustainable development'* seeks a presumption in favour of the sustainable development; recycling schemes help to achieve sustainable development by creating an economic benefit through local employment opportunities and by reprocessing finite resources. The social objective of sustainable development would be achieved provided that the development is suitable in its location close to residential properties without causing noise, odour and dust nuisances.
- 3.4 The NPPF also seeks to ensure that planning decisions: Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise.
- 3.5 The Noise Policy Statement for England (NPSE) sets out the long-term vision of government noise policy, to promote good health and a good quality of life through the management of noise. The policy statement seeks effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development and seeks to:
- avoid significant adverse impacts on health and quality of life;
  - mitigate and minimise adverse impacts on health and quality of life; and
  - where possible, contribute to the improvement of health and quality of life.
- 3.6 The NPSE defines the concept of a *'significant observed adverse effect level'* (SOAEL) as *'the level above which significant adverse effects on health and quality of life occur'*. The following guidance is provided within the NPSE: *"It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available."*
- 3.7 The National Planning Practice Guidance (NPPG) reflects the NPSE stating that noise needs to be considered when new developments may create additional noise. It also states that opportunities should be taken, where practicable, to

achieve improvements to the acoustic environment. The NPPG states that noise can over-ride other planning concerns but should not be considered in isolation from the other economic, social and environmental dimensions of the proposed development

- 3.8 The adopted Hampshire Minerals and Waste Plan (2013), in policy 1, acknowledges that Hampshire Authorities will take a positive approach to waste development that reflects the presumption in favour of sustainable development unless material considerations indicate otherwise.
- 3.9 Waste recycling, as acknowledged by policy 25 of the Minerals and Waste Plan, which identifies that the objective should be to minimise residual waste currently sent to landfill and encourage waste to be managed at the highest achievable level within the waste hierarchy. The hierarchy starts with reducing waste in the first place, then prioritises reuse followed by recycling then recovery (e.g. energy) and finally disposal.
- 3.10 Policy 29 identifies that industrial estates can be considered to be used for waste management purposes including recycling activities and will be supported if those sites are deemed suitable.
- 3.11 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.12 Paragraph 2.3.14 of the LDF Core Strategy acknowledges that Southampton needs to be more environmentally sustainable and paragraph 2.3.15 goes on to say addressing climate change will include improving recycling and waste management.
- 3.13 Policy SDP1 of the Local Plan requires development be acceptable in terms of amenity for the city’s citizens with policy SDP16 directly referring to noise impact and identifies that permission should not be granted where it would cause an unacceptable level of noise impact.
- 3.14 It must also be considered that the site is located within an industrial estate that is allocated in the Local Plan for industry and warehousing (uses B1c, B2 and B8) under policy REI10 (vii) and as such the use is acceptable in principle being that the proposed use falls within the B2 (general industrial).

#### **4 Relevant Planning History**

- 4.1 The previous use appears to have been ‘Covers’ timber and builders’ merchants. Having checked various mapping systems which include historic maps from between 2008 to the present day, where photographic evidence is provided, the evidence indicates that a timber/builder’s merchant is likely to have been

operating from the site over this time period. The 'covers' website identifies that the company is a retailer of timber and building supplies to the public and trade.

- 4.2 Further evidence for the historic use of the site also comes in the form of planning permission 990098/W which was granted in 1999 for the construction of the adjacent Clark Lane Engineering building positioned to the north at 101 - 121 Belgrave Road. The plans submitted show that the area of land to the south (the application site) was at that time a 'builders' yard'. Similarly, to the above a 'builder's yard' is considered to be an A1 use if it has sales associated with it or, alternatively, if it's mainly a storage operation it's a B8 use.
- 4.3 The planning history relating to the site to the south is also useful. In 1996 planning permission (960021/W) was granted for a change of use to the site (73-81 Belgrave Road) for a change to vehicle hire depot with office accommodation.
- 4.4 Then in 1999 a temporary two-year planning permission was granted (99/00844/FUL) for the change of use of the application site to a vehicle storage area associated with the vehicle hire business (TLS) to the south. The planning file does not however, identify the use of the site prior to the application being submitted nor does it identify the specific use that the land should have reverted back to following the expiry of the temporary permission. The correspondence included with the application does however state that the reason the temporary permission was granted, rather than permanent, was to ensure that the long-term use of the site is protected for industry, warehousing and port relates uses.
- 4.5 Earlier planning history for the site indicates that prior to being used as a timber and builders' merchant, or as a vehicle storage area, the site formed part of a larger site for the storage of, or processing of, scrap metal.
- 4.6 Roxan Mews was constructed following permission being granted in 2005: 04/00429/FUL - Redevelopment of the site by the erection of 3 no. 4-storey residential blocks to provide 39 flats with under croft car parking.

## **5 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 and erecting a site notice (02.10.2020). At the time of writing the report **81 representations** have been received from surrounding residents, 42 of which were objections and 38 were in support (one letter is neutral). The following is a summary of the points raised:
- 5.2 ***Not compliant with predominantly light industrial and retail operations of the industrial estate as well as the previous use of the site. There are more suitable alternative locations for the proposed use. The proposal is a contravention of existing planning policy.***  
**Response**

The development plan designation of the site under policy REI 10 (vii) allows for general industry (use class B2) within Belgrave Industrial Estate. As such, in principle, this is an acceptable location for the proposed metal recycling use subject to appropriate & relevant controls and mitigation.

- 5.3 ***Unacceptable operations near residential properties with balconies and windows facing directly towards the application site. Generation of harmful noise by movement of metal objects, machinery and vehicles. Impact on ability of residents to work from home and/or sleep after night shifts.***

**Response**

The site and industrial estate are allocated for industrial and warehousing uses. The site has historically been occupied as uncontrolled timber and builders' merchants (A1 retail or B8 storage and distribution use), an uncontrolled scrap metal yard (*sui generis* use) or an uncontrolled metal recycling centre (B2 use). Therefore, the application provides the opportunity for the Council to place restrictions on the land use including hours of operation, noise and lighting mitigation measures.

- 5.4 ***The agent asserts that the proposed use is B2. While some of the operations proposed may be B2 use, the first stage recycling of end-of-life vehicles is specifically highlighted by the Use Class Order as a Sui Generis use. This is materially different to the previous use and has a higher level of impact.***

**Response**

The proposal no longer includes first stage recycling of end-of-life vehicles. The principle of changing the use away from the existing use is not opposed. Impact can be mitigated.

- 5.5 ***The site is not suitable for the proposed use as per the Environmental Data service agency that quotes the following. "Scrapyards are held to be materially different to B2 use and a poor neighbour to residential flats".***

**Response:**

The proposal is not for a scrap yard (*sui generis* use) where storage is the primary function; rather the use proposed is for an industrial process (B2 use) associated with metal recycling.

- 5.6 ***Idling lorries used to operate the mechanical/hydraulic lifts/crane. Negative impact on air quality.***

**Response**

Separate legislation is used to manage air quality generated by transport vehicles.

- 5.7 ***From July 2020 the site operated as a scrap metal dealership despite not having planning permission or Environment Agency consents licences/permits. Enforcement action from the Planning Enforcement Team and the Environment Agency led the operation to cease.***

**Response**

Since the enforcement action took place the metal recycling use of the site has paused. The unauthorised use of the site for metal recycling purposes does not carry material weight and so should not be considered as part of the decision-



making process. The planning system allows the submission of retrospective applications.

- 5.8 ***No confidence is held that the operator will undertake the work in compliance with environmental protection legislation and/or planning conditions.***

**Response**

It rests with the Local Planning Authority to impose appropriate and enforceable control measures.

- 5.9 ***Potentially polluting operation that can also be harmful to human health associated with dismantling of end of life cars and air conditioning units.***

**Response**

Separate legislation manages harm to the natural environment and human health. No objection has been raised by the Environment Agency. In addition, the application no longer includes the dismantling of end of life vehicles.

- 5.10 ***Effecting wildlife habitats including the protected River Itchen.***

**Response**

Separate legislation protects the natural environment from the effects of the proposed use. If planning permission is granted the applicant would subsequently need to check whether an environmental permit is required prior to first operation. The Environment Agency do not object to the principle of the development.

- 5.11 ***The dismantling of electric powered vehicles could increase the potential for the release of pollutants.***

**Response**

The applicant has agreed to no longer include the processing of end of life vehicles as a result of the number of concerns raised by residents and the Environment Agency. If batteries are stored on site, the applicant would need to check whether an environmental permit would be needed.

- 5.12 ***Visual appearance.***

**Response**

The visual appearance of the site must be considered in context within a designated industrial estate and the previous use of the site (timber and building merchant).

- 5.13 ***Loss of light caused by workshop building effecting lower floors of the adjacent flatted block.***

**Response:**

The proposed building is over 12m from the closest residential properties. The maximum height of the structure is also just 6m and the closest residential building is also positioned on raised ground compared to the application site, owing to the change in levels across the two sites. There is also already boundary treatment enclosing the ground floor of the adjacent flatted block. Taking the above into

account it is not anticipated that there would be significant harm as a consequence of the proposed workshop building.

5.14 ***Overlooking.***

**Response**

Obscure glazing can be introduced to windows facing west within the proposed office accommodation which would be placed over 30m from the closest residential property (Roxan Mews). The existing boundary treatment, proposed buildings, enclosures/storage bays and 6m high acoustic barrier will reduce the opportunity for staff and customers on site to observe neighbouring residents. Notwithstanding the physical structures proposed the application site is also at a lower level than the flatted block meaning that overlooking would be harder to achieve. The proposal therefore represents a betterment over the existing situation on site.

5.15 ***When operated without permission in the summer of 2020 workers were verbally aggressive.***

**Response**

Behaviour of staff/customers cannot be managed by land use planning; separate legislation must be used to address any unreasonable/anti-social behaviour.

5.16 ***Dust generation.***

**Response**

The submission of a planning application provides the opportunity to control the use on site including dust control.

5.17 ***Having witnessed the operation during one of the noise surveys, the amount of material loaded onto site was much smaller than previously took place in July 2020 prior to any enforcement action.***

**Response**

The noise report has the support of the Council's Environmental Health Team. Any significant exceedance of noise predicted by the report would need to be investigated and enforcement action taken if it's found that the noise survey inaccurately predicts the noise generated by the operation and mitigation measures are found to be inadequate to prevent significant harm. If a statutory noise nuisance is also generated by noises exceeding the limits set out by the noise survey the environmental health team have separate powers that can be exercised.

5.18 ***Inadequate mitigation in the form of an acoustic wall as noise can travel around walls. Noisy activity should occur inside buildings.***

**Response:**

The mitigation proposed has been supported by the Council's Environmental Health Team so it would be unreasonable to dismiss the mitigation measures as ineffective.

5.19 ***Para 6.1 of the noise statement states that they will be dealing with end of life vehicles.***

**Response:**

The amended noise report (6<sup>th</sup> February 2021) no longer references end of life vehicles. The applicant has confirmed that they will no longer use the site to decommission end of life vehicles. This will be condition if approval is granted.

- 5.20 ***Difficulty in enforcing noise assessment mitigation measures, for example doors remaining closed.***

**Response**

All planning conditions will need to be enforceable. A condition requiring the doors of the workshop to be closed when machinery is being used inside would achieve the tests of conditions being both reasonable, necessary, relevant to both Planning and this scheme and enforceable.

- 5.21 ***Tax paid collectively by Roxan Mews residents should likely outweigh that of the scrap business, and that the former should therefore be logically prioritised in terms of council finance sourcing.***

**Response**

This is not a material planning consideration.

- 5.22 ***Vermin.***

**Response**

Separate legislation covers vermin and is managed by the Environmental Health Team.

- 5.23 ***Fire.***

**Response**

Separate legislation covers fire risk and is not managed through the planning process.

- 5.24 ***Property value.***

**Response**

Impact on property value is not a material planning consideration.

- 5.25 ***Letters of support; the majority of which are not from within the same ward.***

- 5.26 ***Recycling is essential to help conserve the natural environment.***

- 5.27 ***Job creation and associated economic benefits.***

- 5.28 ***Residents would have been aware of the industrial estate prior to deciding to move into the adjacent development.***

- 5.29 ***Land designation is industrial, and the proposed use is industrial. If noise mitigation measures prevent harm the application should be supported.***

## **Consultation Responses**

5.30

<b>Consultee</b>	<b>Comments</b>
Archaeology	There is the opportunity for archaeology to be present below ground level. Apply recommended conditions.
Environmental Health	<p>Following an initial objection an acoustic report was provided. Having been through the report the objection is removed as although the acoustic environment will be different that does not mean it is harmful to health. Provided that the following appropriate controls, including mitigation and management of activities, are controlled by condition undue detriment to the residents is not anticipated:</p> <ul style="list-style-type: none"> <li>• Management plan.</li> <li>• Closure of doors and windows to the building when machinery is in use.</li> <li>• Detail of extraction from the unit if required to protect workers from poor indoor air quality.</li> <li>• All recommendations of the noise report including 6m tall acoustic barrier, working hours, offloading by hand or crane;</li> <li>• and good site management.</li> </ul>
Contamination	<p>The proposal is for the construction of workshop and temporary office. This is not regarded as a sensitive land use, however, the mobilisation of contaminants that may be present on the site could present a risk to human health and/or the wider environment during the construction phase.</p> <p>No objection subject to the recommended condition.</p>
CIL	This type of development is not CIL liable.
Flooding	No requirement for conditions from a Flood Risk management perspective. The site remains in FZ1 for the lifetime of the commercial development, it is in an area of medium-high surface water flood risk but this is managed through EA conditions on pollution.
Highways	No objection is raised on the basis of trip generation which is not expected to differ significantly or significantly increase over and above the previous use of the site.

## **6 Planning Consideration Key Issues**

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

are:

- The principle of development;
- Residential amenity;
- Design and effect on character;
- Parking, highways and transport;
- Pollution control and Green Charter; and
- Employment.

#### Principle of Development

- 6.2 The site is allocated for industrial and warehousing uses by amended Local Plan (2015) policy REI10 (vii) of the development plan and the proposal falls neatly into the general industrial 'B2' use class which is allowed on the site subject to appropriate measures to prevent harm to neighbouring land users.
- 6.3 The proposal for a waste recycling centre (in this case based on metal recycling) is also supported by policies 1, 25 and 29 of the adopted Hampshire Minerals and Waste Plan (2013). Policy 1 stating that Hampshire Authorities must take a positive approach to waste development. Policy 25 acknowledges recycling's position within the waste hierarchy which aims to reduce the volume of waste sent to landfill; and policy 29 specifically identifies that industrial estates can be considered to be used for waste management purposes including recycling activities.
- 6.4 These policies are supported by the overarching National Planning Policy Framework (2019) which, in section 2, confirms that recycling schemes help to achieve sustainable development by creating employment as well as reprocessing finite resources. Section 6 of the NPPF identifies that planning decisions should help to create the conditions for successful businesses and significant weight needs to be attributed to economic growth and productivity
- 6.5 As such the principle of the development is considered acceptable, subject to the development having an acceptable impact on highway safety and adjacent land uses; including the closest residential block to the west (Roxan Mews).

#### Residential amenity

- 6.6 The potential impacts that the development could have on neighbouring residents include noise, visual, privacy, dust and lighting; each of which are discussed in turn below.
- 6.7 Noise: The business model used by South Coast Metal Recycling Ltd includes the delivery of mixed metals to site before being separated which can include decommissioning and dismantling of metal products before being collected for further reprocessing offsite. These operations will have a noise impact but so too do previous uses of the site.
- 6.8 By the nature of the industrial use, the noise generated on site will mainly occur as a result of the following:

- vehicle movements, including delivery vehicles and vehicles moving metal articles around the site.
- Loading and unloading of vehicles used to transport metal articles to and from the site by hand or a crane/material handler fitted with a clamshell grab prior to sorting.
- Sorting of metals into separate classes and grade by hand,
- Decommissioning products with mixed materials through the use of various tools within the proposed workshop building.
- Cutting of ferrous metal products with the use of oxyacetylene tools.
- Loading skips and metal bins containing sorted and graded metals onto lorries for further processing off site.

6.9 Through negotiation the application has now been supplemented by a technical report that has measured existing back ground noise levels during the proposed periods of operation and calculations have been undertaken to determine the likely noise level associated with the associated plant and vehicle movements. When the context of the site is taken into account noise impact on weekdays is considered to be low. Furthermore, the applicant has agreed to additional measures to mitigate the noise impact further. The Council's Environmental Health Team have also confirmed that they can support the proposal on the basis of the full implementation of those mitigation measures and the applicant would need to implement the mitigation measures prior to metal recycling taking place on site.

6.10 The submitted report has identified that the loudest activity anticipated would be the tipping of ferrous metals from delivery vehicles or from skips onto the ground, expected to last no more than 10 minutes and the maximum frequency once an hour. The applicant has however since agreed that the tipping of material onto the floor for sorting will no longer form part of the operation. Instead metal articles will be unloaded by hand or a crane/material handler fitted with a clamshell grab in order to reduce noise impact on nearby residents. Metal articles will then be placed onto the ground and not dropped from height or thrown.

6.11 As a result of the report the acoustic consultant recommended the re-orientation of bays and uses within the site to minimise noise impact. The changes put forward have since been included as amended plans accompanying the application. In addition, the following mitigation measures are recommended:

- Erection of a 6m high acoustic barrier within the site which will fully eliminate line of sight between the offloading/ working area and all receptors in Roxan Mews;
- Provision of acoustic insulation to the site workshop building.
- A commitment to keep doors and windows to the site building closed when plant is operated internally;
- A commitment not to undertake any works externally to the building on Saturday mornings (other than routine vehicle movements);\*
- Following recent correspondence with Southampton City Council a further commitment has been undertaken not to recycle vehicles at the site.

- Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

\*The hours of operation have been revised and are now 08:30 – 18:00 Monday to Friday.

6.12 The applicant has also now indicated that they are prepared to accept the following restrictions by condition:

- Hours of operation limited to 08:30 – 18:00 Monday to Friday.
- Compliance with the recommendations set out in the noise report.
- A noise management plan to list methods to reduce noise generation at the site and to include details of, but not be exclusively limited to, careful offloading of products into the reception bay by hand or a crane/material handler fitted with a clamshell grab. No dropping or throwing of metal articles on site.

6.13 Taking the above mitigation measure into account the proposal, in terms of noise, is considered to represent betterment over the previous unrestricted use of the site.

6.14 The recommendation of the noise report has the support by the Council's Environmental Health Team. Officers have also taken account of the guidance set out in the Noise Policy Statement for England. Officers have also considered NPPF and NPPG when making the recommendation set out in this report; along with policies set out in the amended Local Plan (2015) and the amended Core Strategy (2015).

6.15 Any significant exceedance of noise levels would need to be investigated and planning enforcement action taken if it is found that the noise survey inaccurately predicts the noise level from the operation and effectiveness of the mitigation measures or if there is a statutory noise nuisance generated from the site operation. In addition, failure to comply with noise limiting conditions would need to be referred to the planning enforcement team.

6.16 Visual: The proposed workshop building is over 12m from the closest residential properties and would be separated by a strip of land accessed from the adjacent site to the south measuring at least 8.5m. The maximum height of the closest building to the neighbours to the west would be 6m at the ridge (the eaves measure 4.4m) which would be at least 17m from the closest residential properties. The acoustic wall, measuring 6m in height, would be a further 5m from Roxan Mews (22m in total) and the portacabin would be 32m away.

6.17 Roxan Mews is also positioned on raised ground compared to the application site, owing to the change in levels across the two sites and there is boundary treatment enclosing the ground floor.

6.18 Taking the above into account it is not anticipated that there would be significant

harm because of the proposed buildings and acoustic wall in terms of overshadowing. The proposed structures would also not appear overbearing or dominant when viewed from Roxan Mews.

- 6.19 The assessment of visual impact must also take account of the historic land use whereby stacks of materials were stored directly on the boundary with no limitation on height or type of building materials stored.
- 6.20 Privacy: The existing boundary treatment, and proposed buildings, enclosures/storage bays; and 6m high acoustic barrier will also limit the opportunity for staff and customers on site to overlook neighbouring residents. The application site is also at a lower level than Roxan Mews and obscure glazing can be added to the west facing windows of the office portacabin. In terms of inter looking the proposals are therefore considered to be a betterment to the existing situation on site whereby there are no physical structures to limit line of sight.
- 6.21 Dust: The submission of the planning application provides the opportunity to control the use on the site during dry periods when dust might become a problem to nearby residents. A condition is recommended to include suppression.
- 6.22 Lighting: The application allows for the opportunity to control the use of lighting on site. A condition is recommended to ensure lights are not directed towards habitable room windows within Roxan Mews.

#### Design and effect on character

- 6.23 Whilst there will be an impact on the appearance of the site, given its position within this industrial context, the nature of the general industrial use and design of the buildings; and acoustic wall, mean that significant harm will not be caused to the visual character of the location. Consideration is also given to the previous use of the site as a building and timber merchant whereby large amounts of materials were stored externally and were no limited in stack height or position.

#### Parking, highways and transport

- 6.24 The site lies approximately half a mile from a high accessibility area. Car parking (4 spaces) and cycle parking can be provided on site. Access remains unchanged from existing and the site provides adequate turning space for vehicles to access/exit the site in forward gear. Planning conditions can be used to secure the above. In terms of trip generation, it is not anticipated that there would be a significant increase in trips generated as a result of the proposal. Highways development management also do not oppose the development on the basis of highways safety or trip generation.

#### Pollution Control and Green Charter

- 6.25 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air



quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.

- 6.26 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. Note that the site is not part of an Air Quality Management Area. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.27 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m<sup>3</sup>. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
  - Minimise the impact of climate change
  - Reduce health inequalities and;
  - Create a more sustainable approach to economic growth.
- 6.28 The application seeks to address the Green Charter and air quality impact of the development by aiming to reduce waste and increase recycling close to its source thereby reducing emissions related to excavation/processing of primary non-renewable resources and transport.
- 6.29 Employment: The operation would provide employment for 2 full time staff along with the potential for 2 – 3 part time staff on a site that is designated for employment uses.

## **7 Summary**

- 7.1 The proposals seek a B2 use on an allocated site, and comprise the re-use of this brownfield industrial site and respects the character and appearance of the area. The fallback position for the site would be either an uncontrolled timber and builders' merchants (A1 retail or B8 storage and distribution use), an uncontrolled scrap metal yard (*sui generis* use) or an uncontrolled metal recycling centre (B2 use). Therefore, the application provides the opportunity for the Council to place restrictions on the land use including hours of operation, noise and light mitigation measures.
- 7.2 The proposal also allows the loudest industrial operations to be restricted to take place within the workshop building and behind an acoustic barrier. Other mitigating measures have also been agreed since the original submission

including a reduction in operating hours (now 08:30 – 18:00 Monday to Friday) no processing of end of life vehicles and no tipping of metal when unloading delivery vehicles to reduce noise impact on the occupiers of nearby residential properties. The proposal will not look out of place given the surrounding context of the industrial estate and significant harm to neighbouring residential amenity will be prevented by imposition of relevant conditions. Highways impact is acceptable given the previous use and the operation also helps to achieve the sustainable development objectives of the Development Plan that includes the NPPF and the Hampshire Minerals and Waste Plan.

- 7.3 In addition, support for the application, with the addition of relevant conditions, will secure employment of 2 full time staff with the potential for 2 – 3 part time staff depending on work flow.
- 7.4 Taking the above into account on this occasion it is considered reasonable to restrict the use within the B2 use class so that no other uses can operate without further planning assessments taking place. This is considered reasonable owing to the wide nature of potential uses/business operations which have differing potential impact and that could operate within B2 use class.

## **8 Conclusion**

- 8.1 It is recommended that planning permission be granted subject to conditions set out below.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1. (a) (b) (c) (d) 2. (b) (c) (d) (f) 6. (a) (b)

**MP for 01/06/2021 PROW Panel**

### **PLANNING CONDITIONS**

#### **1 Full Permission Timing Condition (Performance Condition)**

The development hereby permitted shall begin no 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 Approved Plans (Performance Condition)**

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.

#### **3 Restricted Use (Performance Condition)**

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the

submitted details, namely metal recycling/processing, and not for any other purpose, including any other use within Use Class B2.

Reason: In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses seek to operate from this site.

#### **4 Details of building materials to be used (Pre-Commencement Condition)**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings, metal bay walls, boundary walls and acoustic wall. The development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

#### **5 Archaeological watching brief investigation (Pre-Commencement Condition)**

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

#### **6 Archaeological watching brief work programme (Performance Condition)**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

#### **7 Hours of Use (Performance Condition)**

The use hereby approved shall not operate outside the following hours:

Monday to Friday 08:30 – 18:00.

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

#### **8 Cycle storage facilities (Pre-Occupation Condition)**

Notwithstanding the approved plans before the development hereby approved first comes into occupation, secure storage for 1 bicycle shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

Informative: The position indicated for cycle storage on the approved site plan (next to the lorry parking space and in an area where loading and offloading of lorry's will occur is not expected to be convenient once the use is operational, it would make more sense to position the cycle storage nearer to the office and away from where metals will be delivered, loaded/off loaded, sorted and away from where large machinery and

vehicles will be used/manoeuvred.

### **9 Refuse & Recycling (Performance Condition)**

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved (outside of the fenced and gated site boundary).

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby business properties; and in the interests of highway safety.

### **10 Delivery operations location restriction (Performance Condition)**

Unless otherwise agreed in writing the turning of vehicles associated with the delivery or collection of metals associated with use hereby approved shall not take place outside of the site and in particular (for avoidance of doubt) shall not use the Belgrave Road public highway for turning manoeuvres.

Reason: To avoid congestion and obstruction of the adjacent highway.

### **11 No processing of vehicles (Performance Condition)**

At no time shall any vehicles (including end of life vehicles) be processed at the site for decommissioning/recycling purposes.

Reason: In the interests of adjacent residential amenity, most notably noise and visual amenity.

### **12 Construction of buildings, acoustic wall and metal bays**

Prior to the commencement of the development hereby approved all physical structures hereby approved, including the buildings, 6m high acoustic wall, 2m high metal bay walls and 2m high boundary walls shall be erected on site to the specification set out in the hereby approved updated noise impact assessment, Technical report R8796-1 rev 1 Dated February 2021 and shall be retained for the lifetime of the development.

Reason: In the visual interests of the area, in the interests of safety and in order to mitigate the noise impact of the development.

### **13 Noise Report - Full compliance. (Performance Condition)**

The development hereby approved will be carried out in full accordance with the noise impact assessment, Technical report R8796-1 rev 1 Dated February 2021 including maximum noise levels generated, all recommendations, equipment and working practices for the lifetime of the development. For the avoidance of doubt the recommendations and working practices include:

- Re-orientation of bays and uses within the site (agreed as set out on the amended plans);
- Erection of a 6m high acoustic barrier within the site which will fully eliminate line of sight between the offloading/working area and all receptors in Roxan Mews; and shall be constructed from an impervious material with a surface density no less than 12 kg/m<sup>2</sup>.
- Provision of acoustic insulation within workshop building.
- A commitment to keep doors and windows to the site building closed when plant is operated internally;
- No recycling of end of life vehicles; and

- Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

Reason: To protect the amenities of nearby residents.

#### **14 Noise management plan (Pre-occupation Condition)**

Prior to the occupation of the site a noise management plan, listing methods to reduce noise generation at the site, shall be submitted to and approved in writing by the local planning authority. All staff members, prior to starting their employment, shall be made aware of the noise management plan and the metal recycling operations on site shall be carried out in accordance with the plan throughout the lifetime of the development. The plan will include details of, but not be exclusively limited to, the points listed below:

- The method of careful offloading of products into the reception bay by hand or a crane/material handler fitted with a clamshell grab.
- Metal articles must be carefully lowered to the ground or into storage containers when using the crane/material handler fitted with a clamshell grab and shall at no time be dropped from height.
- At no time shall metal articles be thrown onto the floor, into piles, bins, skips or any other storage container.
- The specification of acoustic insulation required within the workshop building.

Reason: To protect the amenities of nearby residents.

#### **15 No tipping of any material from delivery vehicles (Performance Condition)**

Notwithstanding the approved noise report at no time shall metal articles be tipped from delivery vehicles onto the floor of the hereby approved metal recycling site.

Reason: In the interests of adjacent residential amenity, most notably noise and visual amenity.

#### **16 Sound amplifying equipment (Performance Condition)**

At no time shall sound amplifying equipment (including radios and stereos) be operated on site that are audible outside of any of the hereby approved buildings.

Reason: To protect the amenities of nearby residents.

#### **17 Metal storage restriction (Performance Condition)**

At no time shall metal be stored outside of the boundaries of the defined metal bays or outside of the building hereby approved on site; and piles of metal shall not exceed a height of 2m and thus shall also not exceed the height of the boundary treatment (2m high wall) defining the metal bays.

Reason: In the visual interests of the area, in the interests of safety and in order to leave sufficient space within the site for vehicle and pedestrian movement.

#### **18 Glazing panel specification (Performance Condition)**

The windows in the west elevation of the portacabin offices hereby approved [serving the rooms indicated as an office and staff room] shall be glazed in obscure glass and shall only have a top light opening above a height of 1.7m above the floor level of the rooms to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

Reason: To protect the privacy enjoyed by the occupiers of the adjacent flats.

### **19 Dust Suppression (Performance Condition)**

During times of dry weather, and when metal articles arrive on site which bring with them dust that could be blown off site whilst being processed, dust suppression measures shall be in operation site.

Reason: To prevent dust from blowing from metal articles & the application onto adjacent sites and; in particular, to protect the amenities enjoyed by the occupiers of adjacent residential properties.

### **20 Unsuspected Contamination (Performance Condition)**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

### **21 External Lighting Scheme (Pre-Commencement Condition)**

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include measures preventing light spillage directly towards nearby residential properties. The approved lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS13	Fundamentals of Design
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE6	Archaeological Remains
REI10	Industry and Warehousing
TI2	Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)