

REGULATORY COMMITTEE  
17<sup>th</sup> DECEMBER 2008

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**SALISBURY: COLLECTION OF NON-FERROUS METAL AND STORAGE OF SAME  
AT CAR BREAKER'S YARD, SOUTHAMPTON ROAD, SALISBURY,  
FOR MR C DEFEO  
(Application No S/08/8016)**

**Purpose of Report**

1. To consider the above application and to recommend that planning permission be granted subject to conditions.

**The Site**

2. The application site is situated off the A36 Southampton Road approximately 2km south-east of Salisbury city centre. The site lies adjacent to the River Bourne and north of the A36 dual carriageway. To the north-west lies the Dolphin Industrial Estate and immediately to the north-east of the site is an electricity sub station. Access to the site is off the A36 and along Byway 103 for a distance of 40 metres. The application area extends to 88 square metres and the existing building on site occupies some 40 square metres.
3. The site has been used as a car breaker's yard since the early 1980s and permission exists for the dismantling of motor vehicles and storage and sale of parts. A recent fire on the site has meant that all the vehicles and parts have been removed and the site cleared apart from the remaining building which is the subject of this application.
4. A location plan is attached at **Appendix 1** and a site plan at **Appendix 2**.

**Planning History**

5. In brief, the history of the site is as follows:

S/82/0027	Change of use general storage to dismantling motor vehicles, storage of parts and retailing – approved with conditions 3 <sup>rd</sup> March 1982.
S/84/0156	Continued use general storage to dismantling motor vehicles, storage of parts and retailing thereof – approved with conditions 9 <sup>th</sup> April 1985.
S/86/0806	5 year planning permission (presently temporary planning) for dismantling motor vehicles, storage of parts and retail thereof - approved with conditions 26 <sup>th</sup> June 1986.
S/87/0572	Dismantling motor vehicles, storage of parts and retail thereof – approved with conditions 7 <sup>th</sup> May 1987.

- S/92/0948 Continued use without time restriction for dismantling motor vehicles, storage of parts and retail thereof - approved with conditions 14<sup>th</sup> August 1992.
- S/08/8011 Application for a Certificate of Lawfulness to collect and store non-ferrous metals as an extension to the existing use. Application refused on grounds of it not being ancillary to the permitted use and to it amounting to a material change of use requiring planning permission 6<sup>th</sup> August 2008.

### **Proposal**

6. The proposal is to use an existing building at the breaker's yard for the storage of non-ferrous metals.
7. The use of the building for the storage of scrap non-ferrous metal would constitute a material change of use from the existing permitted use and is a new venture. It is expected that the site will be used by private individuals and trades persons bringing metal from building and industrial sites. It is estimated that the site would generate some 5-10 cars/vans per day.
8. The metals brought on site would be stored in the existing building until sufficient quantities have been collected to warrant onward transportation/collection by a Licensed and Approved Dealer. There would be no processing of the collected material on site.
9. The proposed operating hours are as follows:  

Monday to Friday	08.00 – 18.00
Saturday	08.00 – 13.00

No working on Sundays or Bank/Public Holidays.

### **Planning Policy**

10. The following planning policies are considered relevant to this proposal:
  - Policy W4 of the Wiltshire and Swindon Structure Plan 2016 (WSSP)
  - Policies 6 and 13 of the Wiltshire and Swindon Waste local Plan 2011 (WSWLP)
11. These policies are set out in **Appendix 3**.

### **Consultations**

12. **Salisbury District Council (Planning)** – No objection subject to conditions to ensure that the site is only used for storage and no processing takes place on the site.
13. **Salisbury District Council (Environmental Health Officer)** – No objection subject to conditions.

14. **Local Members,** Mrs. B. Chettleburgh and Mr. B. Dalton – no comments received.
15. **Environment Agency** – No objection to the proposed development.
16. **Highways Agency** – No objections.
17. **Natural England** – Is of the opinion that the proposal would not be likely to have a significant effect on the important interest features of the River Avon Special Area of Conservation (SAC) or any of the features of special scientific interest of the River Avon System Site of Special Scientific Interest (SSSI). Recommends that a full working method statement is required.
18. **Countryside Section:**  
  
**Landscape** – No comments.  
  
**Ecology** – No objection subject to a full working method statement being submitted and agreed prior to the site being used for the purpose intended to show the pollution control measures to be implemented on the site to mitigate against pollution.
19. **Local Highway Authority-** No highway objection
20. **Archaeology** – No comments.
21. **Rights of Way** – Need to consider the width of the Byway 103 and visibility near the entrance to the site.
22. Copies of the consultation responses are available in the **Members' Room**.

### **Publicity**

23. The application has been publicised by advertisement in the local press and site notice. A neighbour notification exercise has also been undertaken. One letter of representation has been received from an adjacent retail business. The concerns expressed in the letter relate to:
  - (i) Need for a flood risk assessment
  - (ii) Potential conflicts between vehicles using the yard and customer vehicles accessing the retail park
  - (iii) Impact of the proposal on the Area of High Ecological Value
  - (iv) The proposal could be detrimental to visual amenity
  - (v) Potential for noise, dust and odour to impact on nearby properties
  - (vi) Parts of vehicles being left in the car park adjacent to nearby retail units
24. A copy of the representation is available in the **Members' Room**.

## **Planning Considerations**

25. This planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
26. The main issues to be considered with regard to this application are:
  - Need for a collection facility for non-ferrous metals
  - Impact on adjacent businesses from noise, dust and traffic
  - Impact on River Bourne

### **Need for a collection facility for non-ferrous metals**

27. The current site is an authorised car breaker's yard with planning permission for the dismantling of motor vehicles, storage of parts and retail thereof.
28. The applicant proposes to use the existing building, once it is refurbished following a recent fire, to store non-ferrous metal delivered to the site by customers, prior to it being sold and transported from the site by a licensed dealer. There has been an upturn in the value of non-ferrous metals recently and therefore the applicant wishes to extend his business into this area of the market. No processing of the metals would take place on site.
29. In terms of need, car breakers make a valuable contribution to the reuse, recycling and recovery of metal wastes. Therefore, in principle, the expansion of the range of metals that can be handled at this site is supported.

### **Impact on adjacent businesses from noise, dust and traffic**

30. The nature and scale of development proposed is unlikely to generate any adverse impact in terms of noise, dust and traffic. An additional 5 vehicles per day bringing non-ferrous metals to the site with one large vehicle leaving the site every week does not pose any highway concerns.
31. Visual impact of the proposal is not considered to be an issue. Any non-ferrous metals brought to the site would be immediately unloaded within the confines of the existing breaker's yard and stored in the building for security. The site is secured by a high wall and so there are no views into the site, particularly when the gates are closed.
32. The objector has raised a point that a Flood Risk Assessment (FRA) should be carried out to comply with PPS25 requirements relating to Development and Flood Risk. The Environment Agency has confirmed that because there are no new buildings or storage areas proposed beyond what is there at present it has no flood risk objection to the proposed collection and storage of metals within the existing building as proposed. No FRA is required in this case.
33. With regard to ecology, the proposals for the site would not have an impact because it is not proposed to remove trees, hedges or other natural habitat which exists around the perimeter of the site.

### Impact on River Bourne

34. The site is bounded on the western side by the River Bourne which is a tributary of the River Avon and is part of the river system which is designated as a Special Area of Conservation (SAC), a Site of Special Scientific Interest (SSSI) and a County Wildlife Site (CWS). Natural England and the County Ecologist have therefore recommended the imposition of a condition requiring the submission of a scheme of protection measures across the site to prevent pollution of any sort from reaching the river and resulting in an adverse impact on the designated features. However, any condition must be relevant to the development being applied for, which in this case is the change of use of a building. A condition that sought to impose new controls across the rest of the previously approved site would not be valid.

### Conclusions and Reasons for the Grant of Planning Permission

35. The proposed change of use of part of the site to allow for the collection and storage of non-ferrous metals is considered acceptable. The site currently has permission to be used as a car breaker's yard, for storage of parts and retail thereof. The expansion of the range of metals handled will increase the contribution this site makes to the recovery and reuse of waste metals. The proposed use would not cause any adverse impacts in respect of traffic, visual impact or pollution.
36. The application is considered to be in accordance with the Development Plan and there are no other material considerations to indicate that planning permission should be refused.

### Recommendation.

37. That planning permission be granted for the above reasons and subject to the following conditions:

#### Commencement date

1. The development to which this permission relates shall commence within three years of the date of this permission.

*Reason:* To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

#### Processing on the Site

2. No processing of scrap materials or non-ferrous metals shall take place on the site at any time.

*Reason:* For the avoidance of doubt and to secure what was proposed in the application.

### Hours of Working

3. No operations shall take place on the site except between the hours of:

08.00 – 18.00 Monday to Friday  
08.00 – 13.00 Saturday

No operations shall be carried out at any time on Sunday, Bank and Public Holidays.

*Reason:* In the interests of local amenity.

### Pollution Control

4. No handling, depositing or storage of non-ferrous metals shall take place on site outside the confines of the building approved for this purpose.

*Reason:* For the avoidance of doubt.

### **GEORGE BATTEN**

Director of Environmental Services

Report Author

**David Rose**

Principal Planning Officer

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**The following unpublished documents have been relied on in the preparation of this Report:**

Consultation replies and correspondence.