1.0 **Application Number:** 6/2019/0590

Webpage: https://planningsearch.purbeck-dc.gov.uk/Disclaimer?returnUrl=%2F

Site address: 8 Westminster Road, Wareham, BH20 4SW

Proposal: Variation of condition of Planning Permission 6/2019/0224 (Reorganisation of depot for recycling collection vehicles. Provision of parking, portacabins for office and welfare facilities, shipping containers for storage and new fencing and lighting) to reduce the number of lamps on the shipping containers from two (one on each container), to one, centrally, on a 2m high post.

Applicant name: Mr David Diaz

Case Officer: Alexandra Dones (Senior Planning Officer)

Ward Member(s): Councillor Beryl Ezzard and Councillor Ryan Holloway

The original application (reference: 6/2019/0224) was brought to the Planning Committee on 31st July 2019 for determination as the site is owned by Dorset Council. The Service Manager for Development Management and Enforcement decided this variation of condition application should be presented to Planning Committee for the same reasons.

2.0 **Summary of recommendation**:

Officers are recommending approval subject to conditions set out in the report.

3.0 **Reason for the recommendation**:

•The location is considered to be sustainable and the proposal is acceptable in its principle, design and general visual impact.

•There is not considered to be any significant harm to neighbouring residential amenity, subject to conditions.

•There are no material considerations which would warrant refusal of this application.

4.0 **Key planning issues**

Issue	**Conclusion of 6/2019/0224**	**Effect of changes**
Principle of development	Acceptable – within the settlement boundary of Wareham.	No change
Scale, design, impact on character and appearance	Acceptable – there will be no harm to the character and	No change

	appearance of the area.	
Impact on the living conditions of the occupants of neighbouring properties	Acceptable – subject to appropriate conditions. There will be no demonstrable harm to neighbours.	No change
Highway issues	Acceptable – subject to appropriate conditions.	No change
Drainage issues	Acceptable – subject to appropriate conditions.	No change

5.0 Description of Site

The site is located on the east side of Westminster Road in a primarily industrial area within the settlement boundary of north Wareham. Previously there was a large industrial style building on site, however, at the time of the Officer site visit the site was vacant. To the north of the site is the SSE electricity distribution site and to the south there are other mixed industrial units. The site is abutted to the east by a number of residential properties and lock up garages accessed via Mistover Close.

6.0 Description of Development

The applicant is seeking planning permission to develop the site but not in accordance with condition 4 of application 6/2019/0224. Condition 4 stated:

'*The lighting on site must be installed in accordance with the details submitted as part of the application. No further external lighting must be installed unless details of the location, illumination and brightness has been submitted to and agreed in writing by the Council. The lighting must be installed in accordance with those agreed details.*

Reason: In the interest of the amenities of adjoining and nearby residential properties'.

The only variation to the originally approved scheme is to reduce the number of lamps on the shipping containers from two (one on each container), to one, centrally, on a 2m high post.

The original planning permission reference: 6/2019/0224 gave permission to reorganise a site used as a depot for recycling collection vehicles. The proposals include the provision of parking for the recycling vehicles, a vehicle 'washdown' area, porta cabins for offices and shipping containers for storage. The proposals also include the provision of lighting and boundary treatments in the form of

fences and parking for 7 cars at the front of the site. The site has been used as an operational depot for in excess of 20 years. Previously, there was one large industrial style building on site and vans would park behind the building, directly adjacent to the rear boundary which abuts residential properties and their gardens. The large industrial unit has now been demolished and the vehicles have been temporarily relocated to the highways depot (across the road from the application site) whilst the demolition and reorganisation on site takes place. The proposed reorganisation of the site is designed to make better use of the whole site by having smaller buildings and designated parking areas to the front. The applicant believes this will improve the operations on site whilst bettering the previous situation for the occupiers of nearby residential properties. This will be done by removing vehicles from the rear boundary of the site, providing dedicated parking spaces for refuse vehicles and creating dedicated separate areas for vehicle washing, storage and offices.

7.0 Relevant Planning History

None relevant to this application.

8.0 List of Constraints

The site is within settlement boundary.

The site is within River catchment – Piddle (lower).

Surface water flooding – flood risk equivalent to Flood Risk Zone 1.

9.0 Consultations

All consultee responses can be viewed in full on the website.

- **Environmental Protection (lighting)**

  No objection (received 17/12/2019)

  The Environmental Health Officer raised no objections regarding the proposed changes to the lighting scheme for the site.

- **Wareham Town Council**

  No objection (received 21/11/2019)

Representations received

None.

10.0 Relevant Policies

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy SD: Presumption in favour of Sustainable Development

Policy D: Design

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy FR: Flood Risk

Emerging Purbeck Local Plan

No relevant policies.

NPPF

Chapter 4: Decision-making

- Paragraphs 47 & 48 – Determining applications
- Paragraphs 54 & 55 – Planning conditions and obligations

Chapter 9: Promoting sustainable transport

- Paragraphs 108, 109 & 110 – Considering development proposals

Chapter 12: Achieving well-designed places

- Paragraphs 124, 127 & 130 - Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

- Paragraphs 155 & 163 – Planning and Flood Risk

Chapter 15: Conserving and enhancing the natural environment

- Paragraphs 170, 172 & 173 - Conserving and enhancing the natural environment
- Paragraph 175 – Habitats and biodiversity

Other material considerations

Strategic Flood Risk Assessment 2018.

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

In this instance the site is not generally open to members of the public. Health and safety legislation dictates employee’s requirements and this has been catered for.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
Business rates	Increase of £4,000

14.0 Climate Implications

The proposed development is to reorganise an existing waste depot in a sustainable location within the settlement boundary of Wareham.

The proposal is not considered to have a significant impact upon climate implications.

15.0 Planning Assessment

Principle of development

Approved as part of the assessment of application 6/2019/0224. The current proposal to make a minor alteration to the approved lighting scheme does not alter this assessment.

Scale, design and impact on the character and appearance of the area

Approved as part of the assessment of application 6/2019/0224. The current proposal to make a minor alteration to the approved lighting scheme does not alter this assessment.

Impact on the living conditions of the occupants of neighbouring properties

The lighting scheme was considered by the Environmental Health Officer (EHO) as part of the assessment of application 6/2019/0224. To ensure the proposed lighting did not have a negative impact on the living conditions of the occupants of neighbouring properties, a condition was applied to the decision notice stating that the lighting must be installed in accordance with the details submitted as part of the application. The proposed minor change is to reduce the number of lamps on the shipping containers from two (one on each container), to one, centrally, on a 2m high post. The EHO has considered this change and has raised no objections to the proposed changes and does not consider this minor change would have a negative impact on the occupiers of neighbouring properties. The EHO has recommended a condition be applied to the decision notice restricting the use of such lighting columns to between the hours of 06:00 and 20:00. The proposed main operating hours are between 06:30 – 16:30 Monday to Friday including bank holidays and catch up Saturdays during Christmas and New Year so Officers do not consider the proposed condition would negatively impact the proposed use of the site. Officers consider the impact of the proposals on the living conditions of the occupants of neighbouring properties to be acceptable.

Highway issues

Approved as part of the assessment of application 6/2019/0224. The current proposal to make a minor alteration to the approved lighting scheme does not alter this assessment.

Drainage issues

Approved as part of the assessment of application 6/2019/0224. The current proposal to make a minor alteration to the approved lighting scheme does not alter this assessment.

16.0 Conclusion

All significant planning matters have been adequately and appropriately addressed. Officers are recommending approval of this planning application.

17.0 Recommendation

1. The development must start within three years of the date of this permission.

Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.

2. The development permitted must be carried out in accordance with the following approved plans: PD3907_C, A100revA, A101 Revision F, A203, A200 Revision E, A202, A100 rev P03, B100 rev P03, C100 rev P03, A200 rev P03, B200 rev P03, C200 rev P03, D100 rev P04, D200 rev P04, AS -F - 001A, AS-F-001B, AS-F 002A, AS-F-002B, AS-F-003, AS-F-004 and the lighting details titled 'Westminster Road Depot' submitted as part of this application.
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The engines of the recycling collection vehicles must not be started before 06:30am.

   Reason: In the interest of the amenities of adjoining and nearby residential properties.

4. The lighting on site must be installed in accordance with the details submitted as part of the application. No further external lighting must be installed unless details of the location, illumination and brightness has been submitted to and agreed in writing by the Council. The lighting must be installed in accordance with those agreed details.

   Reason: In the interest of the amenities of adjoining and nearby residential properties.

5. The operation of the lighting on site must only be between 06:00 and 20:00.
Reason: In the interest of the amenities of adjoining and nearby residential properties.

6. Before the development is utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

   Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

7. A suitable method of dealing with surface water drainage from the development must be installed before the first occupation of any of the portable buildings. Before any surface water drainage works start, the scheme must be submitted to and approved in writing by the planning department of the Council. This must include details of the on-going

management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus 40% allowance for the predicted increase in rainfall due to climate change. This requirement is above and completely separate to any building regulations standards. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SUDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented It must be maintained and managed in accordance with the agreed details.
Reason: These details are required to be agreed before surface water drainage works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land caused by both the weather and the vehicle wash down area.

8. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

9. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

   For this application: the application was acceptable as submitted and no further assistance was required. The application was approved without delay.