

Application Number:	P/LBC/2022/05648		
Webpage:	Planning application: P/LBC/2022/05648 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Pier View Flats, Seymer Road, Swanage, BH19 2AQ		
Proposal:	Bin store within the curtilage of Royal Victoria & Pier View Apartments		
Applicant name:	Mr R Loyd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	5 July 2023	Officer site visit date:	03/11/2022
Decision due date:	16 June 2023	Ext(s) of time:	16 June 2023

1.0 The Nominated Officer has identified this application to come before the Planning Committee as the officer recommendation of approval is contrary to objections received from Swanage Town Council and Swanage Ward Members.

2.0 Summary of recommendation:

The committee be minded to GRANT listed building consent subject to conditions as set out in Section 18 of this report.

3.0 Reason for the recommendation: as set out in paras 16 – 17 of this report and summarised as follows:

- On balance, the public benefit provided by way of the new bin store provision would outweigh the less than substantial harm caused to the Grade II listed buildings and their setting

4.0 Key issues

Issue	Conclusion
Impact on heritage assets	Less than substantial harm to the curtilage and setting of Grade II Listed Buildings is outweighed by public benefit of the new bin store provision. No harm to Swanage Conservation Area.

5.0 Description of Site

5.1 The application site lies within the shared garden and parking court of the Grade II Listed former Royal Victoria Hotel and Grade II Listed Pier View Apartments. The

garden is enclosed on all sides by buildings and Purbeck Stone boundary walls. It includes areas of lawn, planting, several small storage outbuildings, and a greenhouse. Due to the hillside setting, the garden slopes gently upwards from north to south, with the tall southern boundary wall also serving as a retaining wall to the higher-level parking court to the south. The garden is overlooked by the flats it serves and the dwelling of Peter's Hole to the west and is currently accessed by steps and a pedestrian gate in its southeast corner.

- 5.2 The parking court to the south of the garden is set at a higher level and is accessed from the east off Seymer Road and from the west off Marshall Road. Areas of the parking court are within separate ownership and provide access to parking and garage provision serving the residents of Hardy Court. An existing flat roof bin store that is located directly to the southeast of Peter's Hole serves the Royal Victoria and Pier View flat residents is accessed by steps extending from the parking court.
- 5.3 The site is located within the curtilage and setting of Grade II Listed buildings and Swanage Conservation Area.

6.0 Description of Development

- 6.1 The proposal is for the construction of a new bin store within the curtilage of Royal Victoria and Pier View Apartments in Swanage.
- 6.2 It is proposed to remove the roof and raise the floor level of the existing bin store to the adjacent parking court level to enable direct and level access by residents and waste collection teams to the new bin store.
- 6.3 Raised beds will be provide planting to reduce direct overlooking of Peter's Hole (residential dwelling to the west) and to provide screening of the new bin store from windows serving Peter's Hole. The new bin store will be constructed to the adjoin the eastern boundary of the existing store and will be sited within the garden area serving the apartments.
- 6.4 The new bin store will retain the existing access from the car park and will extend east and northwards into the Pier View garden (9.2m in length by 3.6m in depth) to enable large bin provision that will meet a wider range of residents' waste and recycling requirements. Access to the bin store by residents will also be retained by way of new steps to be provided from within the Pier View garden. Provision of in wall planting boxes are proposed to provide visual enhancement and screening of the new bin store use.

7.0 Relevant Planning History

- 7.1 P/PAP/2021/00488 - Recycle bin store, remove roof, raise floor, and enclose walls and gates.

Summary of response to original plans - Officers are unable to support the proposed bin store alterations and extensions due to the harmful impact on the setting of Grade II Listed Buildings and Swanage Conservation Area. Officers have considered other potential options which appear to be limited. You may wish to consider alternative proposals and obtain further pre-application advice prior to the submission of any applications.

Summary of response to amended plans - Pleased to see a change in location for the bin store in a size that responds to the resident's waste needs. In principle there is no objection to the proposed location from a heritage perspective. Full cross-

section/elevation details should be provided at application stage. The design should be subservient with materials that are in keeping to the surrounding historic environment, and the continuation of the Cock-and-Hen capping stones is recommended.

Concerns regarding the removal of the roof to the existing bin store due to the potential impact on neighbourhood amenity. Although this is a planning consideration, Environmental Protection may have to be consulted for noise and odour due to the close proximity of a dwelling. To overcome any potential issues, could the existing walls be extended a course or two, and a retractable roof employed? Due to the close proximity of a tree to the proposed bin store, information on tree protection measures along with the confirmation that nothing will be stored that could impact the root protection area during construction will be required at application stage.

8.0 List of Constraints

Pier View Flats - Listed Building Grade II , Royal Victoria Hotel - Listed Building Grade II , Osborne House – Listed Building Grade II , The Rookery – Listed Building Grade II

Application site is within Swanage Conservation Area

(Statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Neighbourhood Area; Name: Swanage; Status Designated 22/02/2022

Right of Way: Footpath SE3/89; Footpath SE3/29; Bridleway SE3/27;

Risk of Surface Water Flooding Extent 1 in 100 – to front of site on High Street

Risk of Surface Water Flooding Extent 1 in 1000 – to front of site on High Street and adjacent to rear elevation of apartments

Areas Susceptible to Groundwater Flooding; Clearwater and Superficial Deposits Flooding; $\geq 25\%$ $<50\%$

Area of Outstanding Natural Beauty (AONB): Dorset (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Site of Special Scientific Interest (SSSI) impact risk zone and (400m buffer): South Dorset Coast

Flood Zone 3 - to front of site on High Street, Flood Zone 2 - to front of site on High Street

Minerals and Waste - Waste Consultation Area

9.0 Consultations

The application was advertised by means of site notices and advertisements.

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

Consultees

1. Dorset Council – Highways:

Eastern Area Planning Committee
13 September 2023

No objection to original plans (comment received 03/11/22).

No further comment on amended plans (comment received 31/05/23).

2. Dorset Council - Dorset Waste Team (comments on amended plans received 31/05/23):

Unable to support.

Records show 35 properties use the bin storage area.

New layout will not accommodate capacity of bins for required properties.

3. Dorset Council - Conservation Officer:

Comments on original plans (received 29/12/22):

Will cause less than substantial harm to the setting of the grade II listed former Royal Victoria Hotel and Pier View Apartments.

Nearly 40 residential units use this bin store which is not fit for purpose.

High risk that large number of bins and refuse waste will litter the car parking area to the rear causing harm to the setting of the surrounding listed buildings and the character and appearance of the Conservation Area.

The public benefit through the construction of the store would outweigh the level of harm caused.

No heritage objection to the proposal subject to conditions.

Concerns raised over the amenity and increased odour/noise to Peters Hollow are for Planning Officer to consider. However, changes to the design are recommended.

Comments on amended plans (received 15/03/23):

Now proposing to build an inner wall to the original bin store to screen the site from Peter's Hollow.

The design does not sit comfortably overall, and it is recommended that the stone and render internal wall is replaced with timber.

No objection to the widening of the wall subject to condition for the proposed gate.

4. Dorset Council – Environmental Protection:

No objection.

5. Swanage Town Council (comments on original and amended plans received 24/11/22, 09/03/23 & 13/06/23):

Object with major concerns.

Open store not environmentally appropriate in this location and wholly inappropriate and unhygienic. The floor of the proposed store will be raised up, with larger waste bins open and exposed, which could potentially attract other waste/ rubbish from

surrounding properties/businesses/passers-by, small pests/vermin, and increase odour nuisance, which would be exacerbated in the warmer summer months.

Overlooking/loss of privacy/adverse impact on neighbour amenity of adjacent property.

Adverse impact on Listed Building and Conservation Area setting. More suitable areas are available.

Request that application referred to planning committee.

Minor amendments do nothing to mitigate the Council's original concerns.

7. Swanage Ward – Cllr Trite (comments on original plans):

Endorse views of objection of Town Council and Mr Joy.

Proposal is a health hazard which will adversely impact neighbouring residents' amenity.

Stench / vermin.

Overlooking of nearby windows.

Anti-social disposal of litter and dog excrement of passers-by.

Increase in height and loss of light to Peter's Hole.

Request referral to Planning Committee.

8. Swanage Ward – Cllr Suttle (comments on original plans):

Support Cllr Trite's email.

Formally request referral to Planning Committee on grounds of health, nuisance, proximity to the residence, light due to the new structure.

Representations received

Total - Objections	Total - No Objections	Total - Comments
1	1	0

Summary of comments of support to original and amended plans:

Bin store is shared between Pier View Flats and Royal Victoria Apartments. Confirm on behalf of Royal Victoria Residents' Association Ltd that we have no objection to the change to the bin store.

Summary of comments of objection to original and amended plans:

Easy access by vermin.

Easy access by passers-by to throw rubbish in.

Smell will worsen due to loss of roof.

Simplest and cheaper option to install lift.

Inappropriate within Conservation Area.

Substantial loss of privacy to occupiers of Peter's Hole through random frequent overlooking of bedroom, living room and garden by users of the open bin store. Screen planting cannot mitigate this.

Noise from closing of bins and use of access gate.

Adverse impact on Conservation Area and substantial harm to the setting of 'listed by association' Peter's Hole which is more severe than impact on listed Royal Victoria and Pier View Apartments.

Holiday use of apartments means that realistic waste collection would be significantly less than formulaic approach calculates and should be reassessed.

Applicants have not engaged with neighbour.

Retention of existing store with roof and storage use would address concerns. Closing of gate would provide compensatory parking space.

Revised proposals make minimal difference to original objections.

Request application determined by Planning Committee.

Ground floor store that is centrally located should be considered with platform lift.

10.0 Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan 2012:

Policy D – Design

Policy LHH – Landscape, Historic Environment and Heritage

Adopted Swanage Local Plan:

The following policies are considered to be relevant to this proposal:

None applicable.

Material Considerations

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Purbeck Local Plan (2018-2034) Submission January 2019 ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

E2: Historic Environment

E12: Design

Emerging Neighbourhood Plans

Swanage Neighbourhood Plan- In preparation – limited weight applied to decision making.

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Other material considerations

HE Advice Notes 2: Making Changes to Heritage Assets

HE: Conservation Principles

HE Good Practice Advice Note 3: Setting of Heritage Assets

HE Good Practice advice Note 2: Managing Significance in Decision Taking

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

Swanage Conservation Area Appraisal

12.0 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.

13.0 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.

It is considered that the proposed development would not disadvantage persons with protected characteristics. The proposed development with direct and level access from the parking court has the potential to enhance outcomes for all, including persons of protected characteristics.

14.0 Financial benefits

The proposal would not deliver any direct financial benefits to the local economy.

15.0 Environmental Implications

The proposal would provide increased bon storage capacity and may encourage improved use of bins and increased recycling opportunities.

16.0 Assessment

Background to application

- 16.1 This application has been submitted in conjunction with Planning Application P/FUL/2022/04653 following the provision of pre-application advice. The advice was sought in response to communication from Dorset Council’s Waste Collection Team advising the Royal Victoria Resident’s Association that the existing bin store – in use for over 40 years – is no longer acceptable for the collection of waste. The residents were advised that a risk assessment undertaken by the Waste Collection Team identified that the access steps to the existing store together with the collection of many small containers poses a Health and Safety Risk to collections.
- 16.2 To address the risk, and ensure ongoing collections, the residents propose alterations to the existing bin store and the construction of a new raised bin store within the curtilage of Royal Victoria and Pier View Apartments.

Assessment of heritage impacts

- 16.3 The application site lies within the rear garden of the grade II listed former Royal Victoria Hotel and the grade II listed Pier View Apartments, located within Swanage Conservation Area. Originally the Manor House of the Sentry Estate, the land was purchased in the early 1800's by William Morton Pitt with an aim to develop the area into a seaside resort to rival that of Weymouth's. Designated grade II in 1952, the former hotel was described at the time as:

Building of various periods from C17. Three storeys with a wing each side of the central block, white rendering, slate roof. Central block recorded as being built in C16 as a manor house. Front elevation dates from first half of C18. Pilasters remain visible between upper storey windows and have Ionic capitals below stone eaves cornice and blocking course. Central stone pediment has Venetian window and cornice with modillions. Upper storey has 5 sash windows with original glazing bars, shouldered architraves and keystones. Middle storey has an early C20 projection extending from the bottom storey across the entire front of the block. The roof of this has a semi-circular glass projection in the centre. Six sash windows. Both wings first half of C19 which continue stone eaves cornice and blocking course of the central block. Sash windows, those of upper storey have original glazing bars. Some modern windows inserted. The hotel, formed by William Morton Pitt from the original manor house, was visited by Queen (then Princess) Victoria in 1833 - hence the name. Note: The south part of the east wing is now in separate ownership - see Pier View Flats, Seymer Road. RCHM Monument 8.

- 16.4 The eastern wing of the former hotel, as noted within the list description above, is now in separate ownership and was formally designated in 1973. The site was described at the time as:

Formerly the rear part of the east wing of the Royal Victoria Hotel. Early C19. Rendered walls and slate roof behind parapet. Two storeys. Double-hung sash windows with glazing bars. Stone moulded cornice at eaves level. RCHM Monument 8.

- 16.5 The former hotel building has extensive planning history, and from the 1970's was converted into a number of apartments. Within these applications, as set out in the pre-application advice enquiry, it is noted that the southern boundary wall of the garden was demolished and rebuilt further north in order to accommodate car parking within the rear courtyard. The existing bin store, although marked on the first O.S map of 1888, appears to also have been demolished and rebuilt in its current location.
- 16.6 The site is located in Swanage Conservation Area. The Conservation Area Appraisal includes the site in Zone 4 – an area of the town noted for its polite Georgian/Regency style and strong horizontal emphasis along the High Street and Seymer Road. It is noted that two Public Rights of Way merge within the car park courtyard to the rear of the site and provide visual and physical permeability of the Conservation Area.
- 16.7 The designated assets are noted for providing historic interest as a site of the former Manor House, which may still contain fabric from that time, and through its

association with William Morton Pitt and Queen Victoria. Architectural significance is provided through its formal, Georgian design that creates an important focal building within the Conservation Area. The site therefore also positively contributes to the special character and local distinctiveness of the Conservation Area.

- 16.8 The Conservation Officer was involved in pre-application advice on the proposal and has been consulted on the submitted scheme and various revisions throughout the application process. The Conservation Officer notes that although the proposal store is large, due to the gradient of the site, the store will not be visible from the Conservation Area in this location and therefore cause no harm to the Conservation Area.
- 16.9 Amendments to the scheme have been made during the application process to address concerns in respect of harm to neighbouring amenity and harm to the listed buildings. The current proposal, which reuses the existing bin store as access with raised bed planting to provide screening to Peter's Hole has responded to concerns raised by the Conservation Officer.
- 16.10 In respect of the Grade II Listed Buildings, the Conservation Officer notes that although the new structure will be finished in render and Purbeck stone cock-and-hen coping to match the local material palette, the increase in size is nevertheless considered to cause less than substantial harm to the setting of the Grade II former Royal Victoria Hotel and Pier View Apartments.
- 16.11 The setting of a listed building is in the form of the surroundings in which the asset is experienced. The adjacent dwelling to the east - Peter's Hollow - is listed through its association with the Royal Victoria Hotel. The removal of the roof of the existing bin store to provide the new access risks increasing odour associated with its use which would impact the ability to appreciate the significance of the listed building, thereby causing less than substantial harm.
- 16.12 Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 16.13 The apartments to be served by the new bin store have been substantially developed over the years with little consideration given to suitable and sufficient growing waste requirements. It is noted that this is an increasing issue in higher density and tight grain historic centres where additional space is sought for not only waste bin storage, but also recycling and food waste storage. However, the risk of not providing a secure bin store for the apartments may result in large numbers of bins stored within the car park or surrounding streets, causing harm not only to the setting of the surrounding listed buildings, but also the character and appearance of the Conservation Area.
- 16.14 Officers therefore consider that the public benefit provided by way of the new bin store provision would outweigh the level of harm caused to the setting of the Grade II listed buildings including the associated Peter's Hole. Consequently, there is no

heritage objection to the proposal from the Conservation Officer subject to conditions in respect of external material samples and full details of the proposed metal gates.

- 16.15 The proposal is judged to accord with policy LHH which requires that proposals conserve heritage assets but that in considering the acceptability of proposals the Council will assess the impacts and balance them against other sustainable development objectives.

Other considerations

- 16.16 It is noted that non-heritage related objections submitted in respect of the related planning application (P/FUL/2022/04653) have also been submitted in response to the consultation undertaken on this Listed Building Consent application. Issues raised include harm to amenity, noise, odour, vermin etc. These issues are addressed in full in the officer report for the related planning application.

17.0 Conclusion

- 17.1 The proposal will result in the following impacts on the significance of affected heritage assets, including any contribution made by their setting:

Heritage asset	Grade	No harm	Less than Substantial harm	Substantial harm
Royal Victoria Hotel and Pier View Apartments	II		X	
Swanage Conservation Area	N/A	X		

- 17.2 Officers consider that the public benefit provided by way of the new bin store provision would outweigh the less than substantial harm caused to the setting of the Grade II listed buildings including associated Peter's Hole.

18.0 Recommendation

That listed building consent be GRANTED subject to the following conditions and informative notes:

- The works hereby permitted shall be carried out in accordance with the following approved plans:
 PSA-01 Existing Location Plan
 PSA-02 Proposed Location Plan
 PSA-04 D Proposed Site Layout Plan
 PSA-05 D Proposed Plan Layout of Bin Store
 PSA-05 E Proposed Layout of Bin Store
 PSA- 06 D Proposed Elevations and Sections
 PSA-07 D Proposed Elevations and Sections

Reason: To preserve the architectural and historical qualities of the building.

2. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. Prior to development above ground level, details and samples of all external facing materials and finishes shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

4. Prior to first installation, detailed drawings and specifications showing the design and external finish of the metal gate shall be provided to the Local Planning Authority and agreed in writing. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To preserve or enhance the character and appearance of the area.

5. All new rainwater goods shall be constructed of half round profile cast metal and painted in a colour to be first agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To preserve or enhance the character and appearance of the area.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.