

Application Number:	P/FUL/2022/04653		
Webpage:	Planning application: P/FUL/2022/04653 - 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

This application was deferred from consideration at the 13 September Eastern Area Planning Committee meeting for a committee site visit to take place. The application is returned to Committee for consideration following a site visit by the Eastern Area Planning Committee scheduled for 11 October 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 planning permission 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:

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that decisions should apply a presumption in favour of sustainable development where it accords with an up-to-date development plan.
- On balance, the scale, design, and impact of the development - although functional – is acceptable and would not result in significant harm to the general character and appearance of the area.
- 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, associated Peter's Hole, and also the character and appearance of Swanage Conservation Area.

- When taking into consideration existing mutual overlooking and loss of privacy, temporary periods of proposed use, and alternative bin storage within the courtyard - the proposed scheme would not on balance, result in any significant harm to neighbouring residential amenity.
- Despite a remaining deficit in bin capacity, the proposed bin store would achieve a betterment compared to the existing bin storage situation
- The proposal is acceptable in respect of impacts on parking, highway safety, public rights of way, flood risk and drainage, and the Dorset AONB.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable.
Scale, design, and impact on the character and appearance of the area	On balance acceptable subject to conditions.
Impact on heritage assets	On balance acceptable subject to conditions.
Impact on neighbouring amenity	On balance acceptable subject to conditions.
Bin storage capacity	A betterment compared to the existing situation. On balance acceptable subject to conditions.
Other considerations	Acceptable subject to conditions.

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 settlement boundary, the curtilage and setting of Grade II Listed buildings, Swanage Conservation Area, and Dorset AONB.

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:

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. Dorset Council - Rights of Way Officer:

No objection to original and amended plans.

Public right of way Footpath SE3/29 goes through the development area and must always be maintained and unobstructed.

6. 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
2	6	0

Summary of comments of support to original and amended plans:

Will ensure compliance with Dorset Waste's revised Health and Safety guidelines by enabling street level loading of bins.

Appear to be best possible outcome.

Will have minimal impact on the surrounding car spaces and communal gardens and the overall look of the buildings will not be hugely changed.

Improvement on current provision which is cramped and unhygienic.

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.

Loss of amenity to residents of Hardy Court with unnecessary eyesore of rubbish bins.

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.

Should only be used for waste collection and not general access to apartment users.

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

- s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.
- The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard 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 SD – Presumption in favour of sustainable development

Policy LD – General location of development

Policy D – Design

Policy FR – Flood Risk

Policy LHH – Landscape, Historic Environment and Heritage

Policy IAT – Improving Accessibility and Transport

Adopted Swanage Local Plan:

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

Policy SS: Swanage Settlement

Policy STCD: Swanage Townscape Character and Development

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:

E1: Landscape

E2: Historic Environment

E12: Design

E4: Assessing flood risk

E10: Biodiversity and geodiversity

I2: Improving accessibility and transport

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 14 'Meeting the challenges of climate change, flooding and coastal change'.
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173).
- 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

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

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 Planning Assessment

Background to application

- 16.1 This application has been submitted 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.
- 16.3 Both planning permission and listed building consent are required, and this Planning Application should be considered alongside Listed Building Consent Application P/LBC/2022/045648.

Principle of proposed development

- 16.4 The application site is located within Swanage settlement boundary where new development is acceptable in principle in accordance with policies SD and LD of the Purbeck Local Plan 2012 (PLP 2012) and Policy SS of the Swanage Local Plan 2017 (SLP 2017). This is subject to the consideration of all other material planning issues as detailed in the sections below.

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

- 16.5 The existing bin store is sensitively located behind the existing boundary wall along the southern boundary of Pier View garden and does not therefore appear as an overly intrusive feature within the courtyard setting. Following consideration of various options to extend the existing bin store at pre-application stage, it was agreed by officers that an extended bin store that would be fully contained within the Pier View garden would result in least harm to adjacent listed buildings. Options to include a roof above the store were considered at pre-application stage but ruled out due to potential harm to neighbouring amenity (loss of light to windows and overbearing development on the boundary) and harm to the character and appearance of the area.
- 16.7 Numerous revisions to the proposal have been made during the application process to address concerns raised by neighbours, ward members, the Town Council, and the Conservation Officer. The revised plans include the retention of the existing bin store without the flat roof but including a raised internal finished floor level to match that of the adjacent courtyard. Raised flower beds within the retained bin store provide screening to the pedestrian access and neighbouring properties of Peter's Hole. A new raised bin store will be constructed to the east of the existing store and would be fully contained within the Pier View garden. The scale, height and design of the proposed bin store is considered to constitute the most acceptable scheme available given the significant heritage and neighbour amenity constraints of the site.
- 16.8 The new bin store would be enclosed by the existing Purbeck Stone boundary walling on its southern edge, with new double metal access gates installed to allow movement of bins into the courtyard on collection day. Within the Pier View garden, the finished floor level of the bin store would be raised by 1m above the garden ground level with a ventilated void below. A new cement rendered wall of approximately 2.4m in height above the Pier View garden level would enclose the store on north, east, and west sides (including stone topping of variable height).

Planting boxes will be included within the new wall to soften the impact and provide additional screening.

- 16.9 The planning agent has advised that in the absence of an agreed scheme for a new bin store, residents could leave their bins in Hardy Court (within the application red line) resulting in significant clutter and harm to the character and appearance of the area as seen in neighbouring streets with lack of provision. Officers note that whilst there are conditions on some historic consents that require the retention of approved parking spaces, the alignment of bins along the northern boundary of Hardy's Court could be accommodated without loss of any parking provision or required access. As such, no formal action could be pursued if this approach was taken.
- 16.10 Given that the new bin store would be screened from the adjacent parking area by the existing southern boundary wall, and the size has been kept to the maximum considered acceptable within the heritage setting, officers consider that on balance, the scale, design and impact on the character and setting is considered to be acceptable in accordance with Policy D of the PLP 2012 and the Purbeck Design Guide SPD.
- 16.11 Conditions are however considered necessary to ensure that the proposed raised flower bed and in wall planting is undertaken before first use and that the render finish of the garden walls is of an acceptable colour and the metal gate finished in black to match the existing pedestrian gate to the garden. It is also considered reasonable to include a condition restricting bin storage within the areas of the parking courtyard that lie within the red line of the application site following completion of the bin store. This would prevent any future bin clutter within the courtyard setting.

Impact on heritage assets

- 16.12 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, and is located within Swanage Conservation Area. 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.
- 16.13 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. Comments provided by the Conservation Officer advise that although the proposed bin store is large and will be sited within the grounds of the listed buildings, due to the site gradient and existing boundary stone wall, the store will not be overly visible within the Conservation Area and will therefore cause no harm to the Conservation Area.
- 16.14 In respect of the setting of the Grade II Listed Buildings of the former Royal Victoria Hotel and the Pier View Apartments, the Conservation Officer considers that less than substantial harm will be caused to setting. Harm to Peter's Hollow – listed through its association with the Royal Victoria Hotel – is also considered to be less than substantial.

- 16.15 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.
- 16.16 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.
- 16.17 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 associated Peter's Hole. Consequently, there is no heritage objection to the proposal subject to conditions in respect of external material samples and full details of the proposed metal gates.
- 16.18 The proposed development is therefore considered to accord with the objectives of the NPPF (Section 16: Conserving and enhancing the historic environment), and Policies LHH and D of the PLP 2012.

Impact on neighbouring amenity

- 16.19 Swanage Town Council, local ward members and neighbours have raised many concerns over the impact of the proposed bin store on neighbouring amenity. These include loss of privacy, light and outlook, noise, odour, vermin, anti-social behaviour, increased litter and other potential options available. Letters of support were received from several occupants of Royal Victoria Apartments and Pier View Flats.
- 16.20 In terms of noise, odour, vermin, and increased litter associated with the use, whilst officers sympathise with the concerns raised, it is noted that the bins could be stored within the existing courtyard or on nearby pavements resulting in significant obstruction together with clutter and harm to the character and appearance of the area as seen in neighbouring streets. Officers would have no control over this approach which would inevitably result in worse impacts than the proposed bin storage within a secure and maintained compound.
- 16.21 As noted above, options to include a roof above the store were considered at pre-application stage but ruled out due to potential harm to neighbouring amenity (loss of light to windows and overbearing development on the boundary) and harm to the character and appearance of the area and the setting of heritage assets. Nevertheless, the applicants have sought to obscure views of the bin store by way of retention of the existing southern boundary wall, in-wall planting boxes on the northern boundary wall and provision of a deep raised flower bed adjacent to the pedestrian access in respect of views from the closest neighbour at Peter's Hole.
- 16.22 Neighbour comments have requested that the bin store is provided at ground level within the Pier View garden with a lift enabling the bins to be emptied at the higher courtyard level. Officers note that whilst improvements have been negotiated to the submitted scheme, it has never included the provision of a lift, and officers are only

able to negotiate amendments as opposed to requesting a differing form of development which would require a new application.

- 16.23 Impacts on neighbouring and occupier amenity have been considered in detail throughout the application process. It is noted that concerns are raised by an occupier of Hardy Court, the Town Council and Ward Members in respect of neighbouring outlook over the bins. As noted above, the proposal has been amended to screen views of the bin store as best as possible. However, in the absence of a bin store, bins could be left within the courtyard or on neighbouring streets with greater harm to the area and neighbouring amenity. As such, officers consider that the revised plans seek to address harm to neighbouring outlook as best as possible.
- 16.24 The greatest impact of the proposed bin store on neighbouring amenity affects Peter's Hole to the west of the site. Peter's Hole is a detached cottage which is located approximately 3m to the west of the Pier View garden wall and within 1m of the existing bin store. The finished floor level of the ground floor of Peter's Hole is similar to that of the Pier View garden with the parking courtyard to the south being at a raised level. It is noted that an existing level of mutual overlooking exists between Peter's Hole, the neighbouring properties and their amenity areas, and users of the parking court including members of the public using Footpath SE3/29.
- 16.25 The property is served by ground and first floor windows on its southern elevation which face onto the courtyard. The existing bin store is located directly to the south-east of windows on the south elevation with the flat roof preventing any loss of privacy associated with its use. It is however noted that residential use of the courtyard at the higher level (and use of Footpath SE3/29) does result in an existing loss of privacy to all south facing windows of the cottage. Nevertheless, objections have been raised by Peter's Hole citing loss of occupier privacy and harm to outlook.
- 16.26 Alterations to the existing bin store to provide a level pedestrian access serving the new bin store (raising of finished floor level and removal of roof) will result in some new activity in proximity of the south facing windows. This will be greatest on bin collection days – for a temporary period - as the bins are pulled through the courtyard gates for emptying. Other activity within the area of the existing bin store is also likely to be temporary in nature as residents move through the space from the courtyard and the Pier View garden access.
- 16.27 To address the concerns raised, plan revisions include a deep raised planting area within the existing bin store along the boundaries with Peter's Hole. This will restrict direct overlooking of the bin store walls and will also serve to screen views from the south facing windows of the property. Conditions can be included on the decision in respect of a planting plan for the raised bed and a restrictive condition to prevent the use of the access area as any type of patio / seating area / wider storage that may result in extended periods of use and associated overlooking / loss of privacy to Peter's Hole.
- 16.28 In respect of the east facing windows serving Peter's Hole, these look onto the Pier View garden and boundary wall. The new stepped access into the bin store and use of the bins may result in some loss of privacy and overlooking of these windows. Again, it is considered that this would be for temporary periods of time associated with the use and would not result in prolonged period of overlooking or loss of privacy to the east facing windows and amenity area of Peter's Hole. Planting boxes

are proposed in the north wall of the new bin store and will screen the bins and views from the store to a limited extent. However, it is again noted that the existing use of the parking courtyard at the higher level (including Footpath SE3/29) already results in some loss of privacy to the east facing windows. On balance, officers therefore consider that the use of the bin store would not result in an additional level of harm to the neighbouring amenity (loss of privacy and overlooking of east facing windows and garden) to such an extent as to form a reasonable reason for refusal of the proposal.

- 16.29 It is considered that there may be some pressure to install a lighting scheme to serve the bin store. This would have potential to become intrusive to neighbouring properties. It is therefore considered reasonable to include a condition on the decision requiring details of any proposed lighting scheme to be submitted to the council for approval prior to installation. This will enable a full assessment of the scheme to be undertaken to ensure that potential harmful impacts on neighbouring amenity would be acceptable.
- 16.30 In summary, whilst the level of objection to the proposed bin store on grounds of impact on neighbouring amenity is noted, officers consider that on balance – when taking into consideration existing mutual overlooking and loss of privacy, temporary periods of use, and alternative bin storage within the courtyard - the proposed scheme is acceptable subject to conditions. The proposal is considered to accord with Policy D of the PLP 2012 and the Purbeck Design Guide SPD.

Bin storage capacity

- 16.31 The proposed bin store will be shared by a total of 27 properties (Royal Victoria x 17 and Pier View x 10). Whilst it was originally intended that the bin storage would also be used by Hardy Court, capacity restrictions and the need to meet Dorset Council specified capacity requirements for waste (as provided by the Waste Operations Manager) mean that Hardy Court residents will be unable to share the new provision. A summary of the proposed capacity compared to the capacity requirement provided by the Waste Operations Manager is provided in the table below:

Bin Type	Proposed Capacity for 27 properties	Dorset Waste Specified Capacity (maximum) for 27 properties	Surplus / Deficit
Recycling	100 L bins	100 L bins	- 1100 L
Refuse	70 L bins	= 3 x 1100 L bins & 1 x 770 L bin	- 990 L
Glass	40 L bins	40 L bins	- 480 L
Food	40 L bins	40 L bins	Provision met

- 16.32 The Waste Operations Manager has confirmed that he is unable to support the proposed levels of provision which are below the maximum capacity required for the number of apartments served.
- 16.33 Officers have carefully considered the deficit in provision identified in the table above. Whilst it is noted that this is not an ideal situation, the heritage and neighbour amenity constraints of the site mean that a bin store of increased capacity size

cannot be supported. The new store will provide additional capacity to the existing and will address the accessibility issues on collection day. No historic planning conditions have been identified that would restrict bin storage in the parking courtyard or adjacent areas, resulting in a position that would result in greater harm in terms of heritage and neighbour impacts. As such, officers consider that despite the deficit in bin capacity, the proposal would achieve a betterment compared to the existing situation and is on balance acceptable.

- 16.34 Nevertheless, it is considered that conditions are necessary and reasonable to ensure harm to neighbouring amenity is limited as detailed in the section above on neighbouring amenity.

Other considerations

- 16.35 **Parking** – The proposal will not result in any loss of parking provision within the car parking courtyard and is considered to accord with Policy IAT of the PLP 2012.
- 16.36 **Highways** – The proposal does not impact on any highways. The Council's Highway Engineer has been consulted and raises no objection.
- 16.37 **Public Right Of Way** – Footpath SE3/29 provides access through the car parking court linking Marshall Road with Seymer Road. The Council's Public Rights of Way Officer has raised no objection to the proposal but has advised that the development should ensure the safe free passage of the public and the rights of way must not be obstructed at any time. Any resulting damage to the surface of the footpath must also be repaired. An informative note to this effect can be included on the decision.
- 16.38 **Flood Risk and Drainage** – Whilst areas of flood risk are identified to the north of the apartments building along High Street (surface water and Flood Zones 2 & 3), the proposed bin store is located outside all areas of flood risk. The submitted plans indicated that the bin store will discharge to a soakaway in the Pier View garden, and it is considered that full details can be dealt with by way of a condition on the decision. The proposal is considered to accord with Policy FR of the PLP 2012.
- 16.39 **Impact on Dorset AONB** – The application site is located within the Dorset AONB which extends over the built area of Swanage. Given that the proposed development is located with an enclosed garden area of a high-density development close to Swanage Town Centre, it is considered that there would be no demonstrable harm to the landscape designation. The proposal is considered to accord with Policy LHH of the PLP 2012 in this regard.

17.0 Conclusion

- 17.1 The proposed development is considered – on balance – to accord with policies SD, LD, LHH, D, IAT, and FR of the Purbeck Local Plan 2012 and policies SS and STCD of the Swanage Local Plan 2012.

18.0 Recommendation

That planning permission be GRANTED subject to the following conditions and informative notes:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
psa-01 A Existing Location Plan
psa-02 A Proposed Location Plan
psa-04 E Proposed Layout Plan

psa-05 E Proposed Layout of Bin Store
psa-06 D Proposed Elevations and Sections
psa-07 D Proposed Elevation and Sections

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

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

3. Prior to development above ground level, details of surface water drainage scheme for the bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding.

4. Prior to first use of the bin store, a planting scheme for the raised bed and plant boxes shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the first planting season (November – March) following commencement of the development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season (October to March) with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: In the interest of visual and neighbouring amenity.

5. No external lighting shall be installed to serve the bin store unless details of the lighting scheme have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated, and maintained for the lifetime of the development in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

6. The development hereby permitted shall not be used at any time other than for the purposes of a refuse and recycling bin storage facility only for and ancillary to the existing residential use of the Royal Victoria Hotel and Pier View Apartments.

Reason: The limited capacity of the bin store would not support use by wider residential properties.

7. The refuse and recycling bin store hereby approved shall not be used for any other purpose including a terrace, garden, amenity area or for other storage purposes.

Reason: To protect neighbouring amenity and privacy.

8. Following completion of the approved bin store, there shall be no bin or refuse storage within the car parking courtyard and associated access areas located within the red line of the approved location plan by residents of the Royal Victoria Hotel and Pier View Apartments.

Reason: To protect neighbouring amenity and heritage impacts.

Informative Notes:

1. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.
2. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
3. The applicant is advised that Wessex Water have published guidance notes about their surface water policy for minor development. The policy encourages developers to consider the most effective methods of directing surface water back to the environment in accordance with the Sustainable Drainage Systems hierarchy. Where necessary, applications to Wessex Water for a surface water connection can be made online.

<https://www.wessexwater.co.uk/services/building-and-developing/building-a-new-house-or-extension>

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