

Application No: 17/00403/FULL Full Application

Site: Hatch Motors Of Sway, Station Road, Sway, Lymington, SO41 6BA

Proposal: Three storey building to include convenience store (Use Class A1), 6 No. flats; associated refuse, plant area and parking areas; 4 No. three storey dwellings with associated parking; demolition of existing garage and associated outbuildings

Applicant: Mr I Coates, Landmark Estates

Case Officer: Clare Ings

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP7 The Built Environment
CP8 Local Distinctiveness
CP12 New Residential Development
CP14 Business and Employment Development
CP15 Existing Employment Sites
DP1 General Development Principles
DP6 Design Principles
DP9 Residential Density in the Defined Villages
DP15 Infrastructure Provision and Developer Contributions
DP16 Redevelopment of Existing Employment Sites

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 2 - Ensuring the vitality of town centres
Sec 6 - Delivering a wide choice of high quality homes
Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend REFUSAL, for the reasons listed below (comments based on amended plans):

Sway Parish Council strongly support the principal of developing this site with this mix of a retail outlet and residential units. Anything that increases the use of local shops is to be applauded. The current plan for the Hatch Motors site goes a long way to achieving this, and the amended plans addressed some of the previous concerns.

Notwithstanding these potential benefits, the Committee voted to refuse permission for the following reasons:

- town houses were more suitable for an area like Totton and do not reflect fully the village character of the area, two storey properties would be preferable and should be kept to below 100sq m limited proposed by the NFNPA local plan
- add details to the side elevations
- proposal should include a full landscaping plan, to include tree planting along roadside and better screening to the rear of the site
- parking issues, specifically that there is insufficient space within the deliveries area which is kept clear prior to deliveries arriving
- main building with retail unit is too large and overbearing, creating noise and light pollution
- delivery times to be resolved and do not consider conditions sufficient to control times

8. CONSULTEES

8.1 Tree Officer: No objection, subject to conditions.

8.2 Highway Authority (HCC): Concern over inadequate parking and manoeuvring, but could accept a condition over delivery times

8.3 Building Design & Conservation Area Officer: Some concerns with the originally submitted proposal over the impact of the proposal on the adjoining churchyard and height of the town houses, and also the detailing of the front building. Amended plans have sought to overcome some of these concerns.

8.4 Planning Policy Officer: No objection.

8.5 Housing Development NFDC: No objections.

- 8.6 Ecologist: No objection, subject to the developers implementing in full the recommendations of the submitted report, and making a contribution towards the New Forest and Solent SPAs.
- 8.7 Environmental Protection (NFDC): No objection, subject to conditions.

9. REPRESENTATIONS

- 9.1 17 representations received objecting on the following grounds;
- scale of proposed retail store is unsuitable for small National Park village
 - height and size of town houses are too dominant and out of scale the adjacent buildings
 - cramped layout
 - town houses would affect existing houses opposite
 - lack of parking for retail store
 - conflict between uses of the store, delivery vehicles and other road users, and would add to congestion in centre of village
 - noise disturbance from traffic, customers and air conditioning
 - dwellings proposed are too small
 - loss of local businesses
 - concerned that adjacent NFU building has been excluded from the application site
 - insufficient space for landscaping
 - loss of trees concerned over lack of financial contributions
 - overlooking of Sway Youth Centre

10. RELEVANT HISTORY

- 10.1 None

11. ASSESSMENT

- 11.1 Hatch Motors lies within the centre of Sway, off Station Road. The site is currently used as a garage, providing servicing, MoT and car sales. The buildings on the site comprise a two storey red brick building, the ground floor of which is used for the showroom, and a run of lower blockwork buildings for the servicing and other works. A flat and storage space occupies the first floor. The remainder of the site is open with a surface of either tarmac or gravel. The main building is set back from Station Road with a parking area in front and has two entrances. Boundaries comprise close boarded fencing and trees and hedges to the rear and side. Adjoining the site to the south is Sway Youth Centre, comprising a car park with a building to the rear. To the rear of that is St Luke's Churchyard. To the north (in the same ownership) is a two storey building used as offices, with a Pharmacy beyond. Opposite is a mix of residential and commercial properties (shops), and Sway Manor Hotel.

- 11.2 The proposal is for the demolition of the current buildings and the erection of four town houses to the rear of the site and a building to the front of the site to comprise a convenience store (Co-op) on the ground with six flats above, in total a net increase of 9 residential units. The building to the front of the site would be 2.5 storeys in height, the convenience store would have a footprint of 300m² and the flats would be primarily 2 bedrooms (one would be one-bedroom) with floor areas ranging between 48m² and 85m². The town houses are also 2.5 storeys and have been separated into two blocks of two semi-detached pairs. Each would have three bedrooms, making use of the roof space. 18 parking would be provided for the residential development, with 13 spaces for the convenience store. The in and out arrangement would remain.
- 11.3 The key planning considerations are:
- principle of redevelopment and compliance with policy
 - scale and design of the proposal
 - impact on the character of the street scene
 - impact on the amenities of adjoining properties
 - implications for traffic
 - implications for trees and ecology
- 11.4 As the site lies within the defined village of Sway, and the adopted Core Strategy supports appropriate, small-scale development proposals including housing, employment and retail within the village (policy CP9 refers), it is considered that the principle of redeveloping the site for the proposed uses would comply with policy. In addition, the loss of any employment associated with the removal of the garage would be balanced by the job creation associated with the convenience store, and the proposal would therefore not be contrary to policy CP15.
- 11.5 As has been stated above, the residential development represents a net increase of 9 units, some of which are smaller residential units which would be in line with the housing need in the National Park, identified in the Strategic Housing Market Assessment (2014).
- 11.6 Following the Reading and West Berkshire High Court case, the Government's National Planning Policy Guidance (NPPF) resource confirms that: *"...in a rural areas where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10 units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks..."*

The Authority can therefore seek financial contributions towards off-site affordable housing provision and other forms of

infrastructure. The application was accompanied by a Viability Report which concluded that no contributions could be delivered. The Report was independently verified by DVS (Property Specialists for the Public Sector) who concluded that a reduced affordable housing contribution (£87,727) be delivered. This has been accepted by the applicant, and a S106 Agreement will therefore need to be completed to include that figure.

- 11.7 In terms of the scale of development, the proposal would represent a greater built footprint than the existing situation, but this in itself is not a reason to refuse the scheme. The areas of hard standing and parking would equate to what is currently on site, but the inclusion of rear gardens for the town houses to the rear would create some meaningful open space. The Sway Village Design Statement requires new development to "respect the spacious character of the locality", and it is considered that, with the mix of uses in the immediate vicinity, including the current use, and varying spaces together with the tighter knit development opposite, this proposal would not be contrary to that advice.
- 11.8 The existing development at the front of the site has an Edwardian character with tile hanging and a projecting gable end, and this style has been replicated in the proposed new building. Whilst it would be taller than the existing building by some 3.0m (to a height of approximately 10m), within the street scene this would not be considered excessive. It would be set back from the street frontage and would be comparable in height to the Pharmacy two doors away. The open space of the adjoining car park for the Youth Centre would also provide spacing to off-set the scale. In terms of design, it would pick up on the Edwardian character and would introduce appropriate features and materials which are also appropriate to Sway. The proposal would present a bulkier building when approaching from the south, but the height of this building has been reduced to the rear, and windows introduced at first floor level to relieve an otherwise bland elevation. From the north, the building is hidden by other development. Notwithstanding the increase in bulk of this building, it is nevertheless considered acceptable in this location in the centre of the village where it would be seen in the context of other large buildings.
- 11.9 The town houses to the rear would be marginally lower (a ridge height of approximately 9.5m). Through negotiation, small changes have been made to the porches and fenestration to ensure that they appear more cottage-like in their features. Being set well back within the site, they would have little significant impact on Station Road. In terms of design and proposed materials, the town houses are considered would be acceptable. There was a concern that they would have a detrimental impact on the adjoining church yard, but the position of the end dwelling which has been pulled away from the

adjoining trees, and the presence of these trees, would ensure that this impact would not be overwhelming. Appropriate back-to-back distances with the properties in Westbeams Road to the rear have been incorporated to ensure that the first and second floor windows of the town houses would not give rise to unacceptable overlooking.

- 11.10 Although the current use does not appear to have generated complaints in relation to noise and disturbance due to the car-related activities, it is considered that the proposed use of housing and a convenience store is unlikely to generate significant additional nuisance. Concern has been raised over noise in relation to delivery vehicles, but a condition is recommended restricting the hours of deliveries to ensure that no disturbance would occur during anti-social hours.
- 11.11 The trees shown for removal to the rear of the site are of low quality and their removal is therefore acceptable, but this should be subject to a suitable landscape scheme seeking alternative planting. Along the southern boundary of the site are four Sweet Chestnut trees which are shown to be retained. Whilst some pruning of these trees is anticipated, it is considered that a suitable distance to unit 4 of the town houses could be maintained so as not to cause harm to either trees or dwelling in the future, and this would be subject to a condition.
- 11.12 An Ecological Report was submitted with the application which sets out a number of recommendations for enhancement and mitigation, and provided that these are adhered to and conditioned, there is no objection to the proposal. In addition, the site lies within 5.6km of the Solent SPA (but outside 400m of the New Forest SPA) and a further financial contribution, in line with the Habitats Regulation, would be sought to mitigate against potential effects of new housing development.
- 11.13 One of the main concerns is in relation to traffic and parking associated with the development. Appropriate parking provision has been made in relation to the residential units at the site. The particular concern is with the shared parking and delivery space which could give rise to parking being displaced to Station Road, already an area heavily used for parking. Whilst this is a convenience store aimed at serving the population of Sway, rather than attracting customers from a wider catchment, it will attract car-borne customers and sufficient parking does need to be provided, particularly at peak hours. Further negotiations have taken place with the Highways Authority, who initially raised objections, and provided that deliveries can be made during off-peak times and controlled by condition (with which the Co-op are in agreement for their own deliveries), this then would overcome those objections.

- 11.14 In conclusion, it is considered that the proposal, as amended has overcome the concerns of the Parish Council, and would be acceptable in this location and would comply with policies of the Core Strategy and the guidelines of the Sway Village Design Statement. Subject to the completion of a S106 agreement for contributions towards affordable housing, ecological mitigation, and other off-site requirements, permission is recommended.

12. RECOMMENDATION

Subject to the prior completion of a section 106 agreement to seek contributions towards affordable housing, off-site highway works, open space and mitigation against potential harm to the Solent SPA, the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Development shall only be carried out in accordance with Drwgs: Site location plan, 868-D-300 Rev D, 868-D-301 Rev B, 868-D-302 Rev C, 868-D-303 Rev D, 868-D-304 Rev B, 868-D-305 Rev C, 868-D-306, A17-109-E-100 and A17-109-E-200, 2095/1. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 3 No development shall take place above slab level until samples of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 No windows or rooflights other than those hereby approved shall be inserted into the roofspace of the buildings unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted. In addition, no development otherwise approved by Class B of Part 7 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the New Forest National Park Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy DP10 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development,

whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report (kpecology Ecology Report dated 13 July 2017) hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 9 The development hereby permitted shall not be occupied until the arrangements for parking (cars and cycles) and turning within its curtilage have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policies DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 10 The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement (John Shutler Tree Services Arboricultural Report (Version 1.2 revision 2.3.1) dated 09/05/2017) and in accordance with the recommendations as set out in BS5837:2012).

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 11 The retail unit hereby permitted shall not be open for customers or deliveries outside the following times: Monday to Sunday between the hours of 23:00hrs and 06:00hrs. Deliveries from the convenience stores own suppliers shall only take place between the hours of 10:00hrs and 13:00hrs.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 12 Prior to the commencement of the development, a scheme shall be submitted to ensure that internal and external noise levels for the residential accommodation shall not exceed the minimum standards stated in BS8233:2014, paragraphs 7.7.2 [table 4] and 7.7.3.2. The scheme shall be approved in writing by the National Park Authority and the approved scheme shall be implemented, maintained and retained.

Reason: To safeguard the amenities of the occupants of the flats hereby approved in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination (nos 14 to 17) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 17 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

- 14 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by

competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

- 15 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

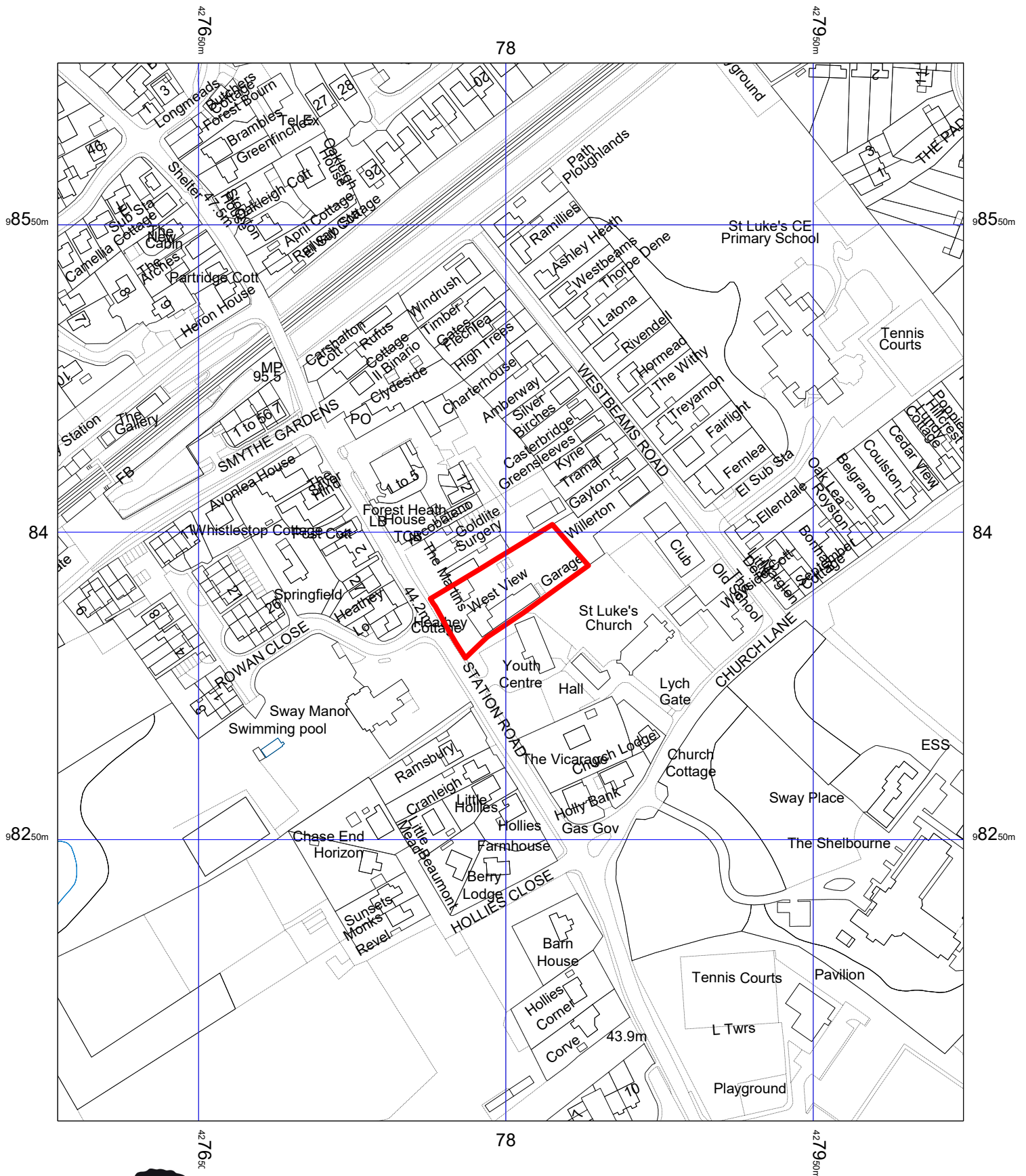
- 16 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation,

unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).



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