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## Appeal Decision

Site visit made on 21 August 2018

**by S Rennie BA (Hons) BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 October 2018**

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**Appeal Ref: APP/B9506/W/18/3193372**

**Hatch Motors of Sway, Station Road, Sway, Hampshire SO41 6BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Iain Coates, Landmark Estates against the decision of New Forest National Park Authority.
  - The application Ref 17/00876, dated 13 October 2017, was refused by notice dated 20 December 2017.
  - The development proposed is a three storey building to include: convenience store (Use Class A1), 5 flats; associated refuse, plant area and parking areas; 4 no. two storey dwellings with associated parking; demolition of existing garage and associated outbuildings.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Landmark Estates against New Forest National Park Authority. This application is the subject of a separate Decision.

### Procedural Matter

3. An agreement made under s106 of the Town and Country Planning Act 1990 was submitted, dated 6 September 2018, to address affordable housing, highway and open space contributions. I deal with this later in my decision.

### Main Issues

4. The main issues regarding this proposed development are:
  - The effect on highway safety as a result of parking provision and arrangements;
  - The effect on the character and appearance of the area;
  - The effect on the public users of Station Road and the living conditions of neighbours, with particular regard to noise and disturbance.

### Reasons

#### *Parking Provision*

5. The site is within the village with access off Station Road, which is a busy route through Sway. The site is currently occupied by a car sales and repair business,

but the proposal would replace this with a new convenience store and dwellings. In terms of the parking provision for the dwellings there is no objection raised by the Park Authority and in this accessible location I agree that this level of parking is appropriate.

6. For the proposed retail store the plans indicate fourteen spaces allocated for customers and/or staff. I understand that the proposal was assessed against Hampshire County Council's car parking standards for this type of development. From the information before me the fourteen spaces falls below these standards. However, I am aware that these are maximum car parking requirements and therefore less car parking could be acceptable in certain circumstances.
7. The National Park Authority is in the process of producing new car parking standards to accompany its draft Local Plan, which may require a greater number of spaces than the current standard. However, these standards have not been introduced formally and so I give them little weight in these considerations.
8. The appellant has produced detailed information as to the anticipated demand for parking provision. This concludes that peak time car parking requirements would be seven to nine spaces, with an average stay at the convenience store of approximately nine minutes. I find this evidence generally robust, but I note that this appears to be based on no staff parking in the car park with a reason given that the retail operator employs locally. However, in a rural area such as this even local staff may need to use private transport, especially if starting early or finishing late.
9. Whilst I regard the amount of parking spaces allocated to the store in this location as sufficient. Setting to one side my concern regarding staff parking, 14 spaces are proposed for shoppers, which would appear to accord with the estimates proposed taking into account TRICS data, typical time spent in store and the relatively central location of the store. However, there is also the issue of deliveries. There is no allocated space for just deliveries alone. Instead, six spaces to the front of the store would be used by a large delivery vehicle. This would be at a time when the store would be open, to avoid disturbance issues at unsociable hours.
10. For the appellant's parking/delivery scheme to operate successfully, these parking spaces would have to be cleared of customer vehicles prior to the delivery truck arriving. Whilst I accept many customers would only visit the shop for a short time and so could vacate the space in sufficient time before the delivery truck arrived, this may not always be the case. I can only assume it is likely that on such occasions it will be difficult for staff to clear (and keep clear) the spaces necessary before the deliveries arrive. This would be particularly difficult if all other spaces within the car park were occupied as customers could not relocate their vehicle elsewhere within the store car park.
11. If for whatever reason the spaces are not all vacant when the deliveries arrive then there would not be anywhere else within the site for the vehicle to go without causing more difficulties for customers or residential parking nearby. Parking a large vehicle on the road would also be an unsatisfactory arrangement in this location, where there has been evidence provided of congestion due to on-street parking.

12. The Car Park and Delivery Management Plan (CPDMP) that accompanies the appeal does attempt to show how this can operate and I agree that for some occasions this may be a successful solution. However, it is dependent on the length of stay of customers and the need for the retailer to move their vehicles at relatively short notice. In any case, to make such arrangements would mean the spaces being unavailable for considerably longer than the 40 minutes envisaged in the CPDMP, or for the delivery vehicle to have to wait on the roadside.
13. Furthermore, it would appear that this relates only to the company's own delivery vehicle and further daily bread deliveries are expected from a similar sized vehicle, and 2 more from smaller vehicles<sup>1</sup>. Also, it is noted that there would be approximately 2 additional infrequent bespoke/on-demand van deliveries per week. These deliveries are unlikely to be at consistent delivery times, and all of these would add to the difficulty in use and extended unavailability of the parking proposed.
14. I acknowledge the example of a similar deliveries plan employed in Frome, but I do not have sufficient details of that particular store or its circumstances, or how its parking arrangement has worked in practice to sufficiently compare it to the proposed development.
15. I note that the appellant states that peak demand would result in 7 -9 spaces being occupied at any one time. I note that deliveries would be programmed to avoid peak times, at periods when it is anticipated that slightly less, approximately 6-7 spaces would be needed, but this period may be difficult to predict. If six spaces are lost to deliveries then there would only be eight spaces available for an average of at least 40 minutes based on the off-peak parking predictions. I regard 40 minutes as a significant length of time, and as set out above, consider this would very much be a minimum period, and in reality could be significantly more. This would mean there is little scope for fluctuations and any increase in demand for parking, such as the store being slightly busier than expected or people spending more than around 9 minutes in the shop, would result in overspill parking onto the street, or conflicting with parking assigned solely for the residential use. This could be a frequent occurrence. Therefore, I consider there to be an insufficient level of parking provision for this retail store when factoring in demand for staff parking and the delivery arrangement. This would then likely result in an increase on on-street parking by customers.
16. Overall, I consider the CPDMP proposed to result in an unsatisfactory solution due to the effect it will have on customer parking provision. I am not satisfied that the process of keeping the spaces free for the delivery vehicle would be an adequate and workable solution due to the lack of a designated delivery area. This would likely lead to conflict situations between delivery vehicles and other vehicles, and overspill parking to the detriment of highway safety. I am not convinced that a planning condition requiring the development to be in accordance with the submitted Car Park and Delivery Management Plan is a reasonable solution as it depends on third parties (customers who have parked in the car park spaces) for the system to operate effectively.
17. There has been an argument for parking restrictions in the form of 'yellow lines' across the front of the site, to prevent overspill parking or the delivery

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<sup>1</sup> Table 3A Car Park and Delivery Management Plan

vehicles parking in this area. The proposed parking restrictions appears to have been a significant factor in removing the objection from the Highways Authority and also forms part of the submitted legal agreement, with a partial sum of the transport contribution being stated for funding of this. However, in my opinion this would only result in parking in adjacent streets and would not be a suitable solution to this main issue. I also note that the Sway Village Design Statement seeks to avoid the urbanising visual effect of yellow lines as a form of parking control. Furthermore, the lack of other formal car parks within the village could result in resistance to on-street parking restrictions along Station Road. For these reasons, despite a contribution from the appellant, I am not satisfied that a parking restriction for Station Road is an appropriate solution to the issue of parking at the proposed development.

18. The proposal therefore results in harm to highway safety as a result of the unsatisfactory dual use of some of the parking spaces for customers and delivery vehicles. The development is therefore contrary to policy DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD (2010)(the DPD). This policy seeks, amongst other things, to ensure against adverse impacts related to traffic and to require parking standards to be adhered to.

#### *Character and Appearance*

19. The proposal would result in the demolition of the existing buildings on the site and their replacement with a large building, which would comprise of the retail store and flats, with two pairs of semi-detached houses to the rear of the site.
20. It was argued that the scale and massing of the buildings, as well as the layout of a store to the front with housing to the backland would be out of character with the existing development. However, this is an area characterised by various plot sizes and land uses and therefore in such a setting the proposed development and its arrangement would not appear incongruous. Furthermore, this location is where the main cluster of existing retail units are located in the village and so the retail store proposed would not look out of place.
21. I consider the proposal is of an appropriate arrangement which would not appear cramped in its setting, with some space indicated for landscaping, cycle and bin storage for example. There is also adequate space proposed between the semi-detached pair of dwellings and between the houses and the main retail/flats building. Furthermore, I do not regard the proposal as being a form of overdevelopment of the plot, but rather an efficient use of this site within an area of the village which is a mix of retail and residential.
22. Whilst the main frontage building proposed would be larger than many neighbouring buildings, I regard the design and proportions as generally sympathetic to its surroundings. The building would not be of a height or overall mass that would result in it being overly prominent within the Station Road setting, where there is a mix of building types with no clear uniformity. The proposed retail/flats building would have the appearance of being a two storey building with further accommodation in the roof, which is also similar to some other buildings in this area of Station Road. Also, the design of the main retail and apartment building sufficiently reflects the character of the area, with the use of projecting gables and hanging tiles. It is also set back from the highway edge which again reflects neighbouring buildings.

23. Whilst the dwellings are towards the rear of the plot, I regard this as being an efficient use of the plot to enable residential development. Whilst they are smaller than most neighbouring properties with modest rear gardens, they would provide towards a mix of house types in the area. There are also other houses in the area which are of a similar size with comparable gardens. The houses are relatively tall, with accommodation proposed in the roof void, but I do not regard their height as resulting in overly prominent dwellings, especially considering their position to the rear of the retail building where they would have less impact to the street scene. They would also be read as two storey dwellings, being that the upper floor is within the roof void with no dormer windows proposed. As such, I do not regard the proposed dwellings scale or the resultant density within the site as having a negative effect on the character of the area.
24. The dwellings are to have clay tiled roofs, gable ends and canopy porches, which reflects the character of the area and some of the requirements of the Sway Village Design Statement. As modern dwellings I regard them as being suitable in terms of design and scale for their setting within the village and not of an overly suburban appearance.
25. The bin store and plant areas are in discreet and suitable positions where they would not have significant visual impact to the character of the area. There are no details of trolley areas, but I understand that shops of this size do not always require many trolleys due to the nature of the shopping at the store. As such, I do not regard this as a particular issue.
26. The site is within the New Forest National Park. National Parks are statutorily afforded the highest status of protection when it comes to conserving their landscape and scenic beauty. Being set within the village on the site of a current car sales/repair business, I do not regard the proposal as having any adverse effect to the landscape or the distinctive overall village character within this National Park.
27. I conclude that the development would be of an appropriate design and scale, with no material adverse effect on the character and appearance of the area. Furthermore, the scale of development would not, in my opinion, result in significant urbanisation of the village or affect its wider character. The proposal is therefore in accordance with policies CP7, CP8, DP1, DP6 and DP9 of the DPD. These policies seek, amongst other things, to ensure development is of a suitable scale and appearance; respecting the built environment and reflecting local distinctiveness.

#### *Living Conditions*

28. The proposed development is in an area of the village which is built up, with some houses in the vicinity. The proposed development would introduce new dwellings, with both flats and houses, into this area.
29. The proposed development of both retail and residential units would result in some noise. There is no substantive evidence that the occupants of the dwellings would cause significant noise and disturbance to neighbours. However, I do acknowledge that the retail store would likely result in some noise through increased levels of activity, vehicles coming and going from the car park, for example. However, this is in an area where there are other commercial and retail businesses, with there being a car repair business

currently operating on site. In these circumstances I do not regard the proposal for a retail store in this location as likely to result in noise and disturbance to neighbours in the area, over and above existing levels. As such I do not regard the proposal as likely to result in noise and disturbance to a degree that it would significantly harm the living conditions of neighbouring occupiers.

30. I understand there may be some noise from large refrigerated vehicles at the store when deliveries are made, but this would be for a relatively short time in the day; planning conditions could require deliveries to be in accordance with the CPDMP and take place outside of unsociable hours.
31. In conclusion, the proposed development would not result in harm to the living conditions of neighbours and so the development would be in accordance with policy DP1 of the DPD. This policy seeks, amongst other things, to ensure that general amenity is not adversely affected in terms of additional impacts, including overlooking, for example.

### **Other Matters**

32. The appellant makes the argument that the proposal represents sustainable development and I acknowledge that there would be economic benefits from the proposed development, particularly the retail store. I also recognise the social benefits of providing more dwellings. The development of a new shop in this accessible location could also reduce travel demand to other villages for shopping needs. However, whilst these are beneficial factors they do not outweigh the harm I have identified above.
33. The submitted legal agreement would contribute towards affordable housing within the District. This would be an off-site contribution. I regard this contribution as having a moderate benefit when considering the proposals. I also note contributions to transport, highways and public open space, but these are to address additional pressures associated with the development and are therefore neutral in any overall balance. These factors do not outweigh the significant harm I have identified above.
34. There are dwellings to the rear of the site on Westbeams Road. The proposed houses would back onto these neighbouring properties. However, there would be a substantial separation distance between houses, with the rear gardens in between. I do not regard the development proposed as having significant overlooking effects on the living conditions of occupants of neighbouring houses to the rear. Furthermore, there are no side elevation windows proposed on the houses, which limits overlooking potential of properties to the side. The houses in this location would not result in any significant levels of overshadowing or have an overbearing effect.
35. I note that there would be some views towards the rear of the youth centre to the south of the site, which operates a nursery/crèche. There is an outdoor area clearly set up for children to play. While I acknowledge that there are windows proposed in the side elevation of the store/apartment block, the view from bedrooms towards this play area would be oblique and at a distance such that I consider would not result in a harmful impact in this regard.
36. While I note concerns regarding traffic causing light pollution, this is an area with existing commercial activities and off-street parking associated with the



existing car sales, retail units and church. I see no reason why the activity associated with this development would result in material harm in this regard.

37. I acknowledge the support for the proposed development, particularly for the retail elements. However, whilst I have taken these into account they do not outweigh my concerns regarding the parking and delivery issues.

### **Conclusion**

38. Although I have found that the proposal would not result in harm to living conditions of neighbours or the character and appearance of the area, the harm that I have found as a result of unsatisfactory parking and delivery arrangements is significant and is a compelling reason to dismiss the appeal. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and that the appeal should be dismissed.

*Steven Rennie*

INSPECTOR