

Application No: 18/00946/FULL Full Application

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

Proposal: Two storey building to include convenience store (Use Class A1); 4no. flats; 4no. new dwellings; associated parking; refuse/cycle stores and plant area; 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
CP16 Tourism Development

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD
Development Standards SPD
Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 5 - Delivering a sufficient supply of homes
Sec 15 - Conserving and enhancing the natural environment
Sec 11 - Making effective use of land
Sec 12 - Achieving well-designed places

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Initial scheme: recommend refusal for the reasons listed below (a full summary can be found on the web site):

- This scheme reduces the width of the access from Station Road, making the turn for delivery and other large vehicles even tighter.
- There is no provision for separate pedestrian access, so that shoppers must walk across the parking and turning tracks of vehicles on the site.
- The delivery vehicle parking/turning regime further increases danger with lorries reversing blind around the corner of the building in a very tight space (with no buffer zone added) and the tracking does not appear to accommodate any larger vehicles.
- The minimum size parking spaces rely on the use of small vehicles along with accurate and precise parking by residents and shoppers visiting the site and any deviation renders the proposed turning regime impossible.
- The scheme reduces the total parking for residents on the site by another two spaces.
- It further fails to address the question of staff parking
- The current landscaping plan removes any street trees and includes a beech hedge which creates a blind spot for parking vehicles in bay 1.
- Sway also believe that the repeated failure comprehensively to include West View in these plans is contrary to DP16 b.
- The application remains a highly over intensive development of such a small site.
- The design and delivery plan still require large vehicles to approach and leave the site via the north westerly route which is the most highly congested part of the village centre, rather than allowing more direct access from and to the B3055 to the South East.
- Contamination of the site must be considered.

Amended scheme: maintains objection.

8. CONSULTEES

- 8.1 Tree Officer: No objection subject to conditions
- 8.2 Building Design & Conservation Area Officer: No objection.
- 8.3 Ecologist: No objection, subject to conditions
- 8.4 Environmental Protection (NFDC): No objection, subject to conditions
- 8.5 Highway Authority (HCC): Initial scheme: some concerns raised over tracking, particularly if larger vehicles would be used. Amended scheme: no objection, subject to conditions.

- 8.6 Environmental Protection (NFDC): Some concern over noise sources, and an appropriate assessment should be undertaken.

9. REPRESENTATIONS

9.1 Initial scheme. 11 representations in support:

- Much needed shop in the village.
- Will improve the look of the village.
- Will create new jobs.
- Provides much needed housing.

Amended scheme: One further representation of support.

9.2 Initial scheme. 22 representations objecting:

- Would add to present parking and traffic issues/ safety concerns on Station Road and Rowan Close.
- Insufficient parking.
- The development should either be for housing or a convenience store.
- Consideration should be given to a residential scheme.
- Manoeuvring of vehicles is too tight and will not work, and relies on "perfect" parking.
- Lack of landscaping to the front of the site.
- Any scheme should include Westview.
- Mechanical and electrical plant should be within the store.
- Overdevelopment of the site.
- No space for refuse.
- No pedestrian route within the site.
- Unattractive design of the buildings.
- Loss of privacy for existing dwellings on Westbeams Road.

Amended scheme: Nine further representations maintaining the objections above.

9.3 Initial scheme: Hatch Motors Development Group object:

- Any scheme should include Westview.
- Parking and deliveries will still impact on the area as parking spaces are too small (many estate cars in the New Forest).
- Relies on perfect parking and perfect manoeuvring, and there is no provision for a buffer between parked cars and the manoeuvring space.
- Loss of landscaping to the front of the site.
- Height and design of the store should respect the scale of other commercial units in Sway.
- Concerns over the contamination of the site.

Maintain objection to amended scheme.

10. RELEVANT HISTORY

- 10.1 Three storey building to include convenience store (Use Class A1), 5no. flats; associated refuse, plant and parking areas; 4no. two storey dwellings with associated parking; demolition of existing garage and associated outbuildings (17/00876) refused on 20 September 2017. Subsequent appeal dismissed on 17 October 2018
- 10.2 Three storey building to include convenience store (Use Class A1), 6no. flats; associated refuse, plant area and parking areas; 4no. three storey dwellings with associated parking; demolition of existing garage and associated outbuildings (17/00403) refused on 20 September 2017
- 10.3 Of note on the adjoining site (Builders Yard) 3no.new dwellings; demolition of existing buildings (18/00608) approved on 21 November 2018.

11. ASSESSMENT

- 11.1 Members will be familiar with this site which has been refused permission twice, as set out above, with the second of those applications subsequently being dismissed at appeal in October 2018. Members will recall that 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 occupy 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, as with the two previous schemes, is for the demolition of the current buildings and the erection of four dwellings to the rear of the site and a building to the front of the site to comprise a convenience store (Co-op) at ground floor level with four flats above, a decrease by one from the previous scheme, resulting in a net increase of seven residential units. The building to the front of the site would now be two storeys in height (with no use at all being made of the roof space), the convenience store would have a footprint of 300m² (with a retail space of 200m²) which is unchanged from the previous schemes, and three of the flats would be two bedrooms, with one being

one-bedroom, with floorspaces ranging between 55m² and 73m². The dwellings to the rear would be 2.5 storeys and comprise two blocks of two semi-detached pairs. Each would have three bedrooms, making use of the roof space. 15 car parking spaces would be provided for the residential development (a further reduction reflecting the reduction in number of flats), with 14 spaces for the convenience store. The key change with this proposal is the provision of a space for delivery vehicles, and to accommodate this, the bin/bike store for the flats and the entrance to the flats have been moved to the rear of the store building. The plant for the store remains to the rear.

11.3 As previously the key considerations are:

- The principle of redevelopment and compliance with policy;
- The scale and design of the proposal;
- The impact on the character of the street scene;
- The impact on the amenities of adjoining properties;
- The implications for traffic; and
- The implications for trees and ecology.

but also for consideration is whether the previous scheme has been sufficiently amended to overcome the Inspector's reasons for dismissing the appeal.

11.4 As can be seen above, the last scheme (17/00876) was dismissed at appeal, but it is important to note that much of the proposal found favour with the Inspector, and that the issue on which it was dismissed related to the parking and delivery arrangements for the store. The concluding sentence of the appeal decision letter stated:

"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..."

Earlier on in the decision letter, the Inspector had acknowledged that the level of parking was satisfactory for both the residential units and the store, notwithstanding some concern over the lack of staff parking; however, this was not a specific reason for dismissing the appeal.

11.5 Based on the Inspector's conclusion, and other statements in the decision letter *"...that the development would be of an appropriate design and scale, with no material adverse effect on the character and appearance of the area....the scale of development would not result in significant urbanisation of the village or affect its wider character..."* and *"...the proposed development would not result in harm to the living conditions of neighbours..."* it is not considered that these issues need further discussion with this scheme,

especially as there is a further reduction in the number of flats. Notwithstanding those comments, a number of changes have been made to the main building, and the most significant of these are:

- A reduction in the depth of the tallest element of the proposal;
- Two small gables on the south-east elevation (overlooking the Youth Centre car park) adding some interest to that flank elevation; and
- The introduction of an Ivy screen along the shared boundary with the Youth Centre.

These help to improve the visual appearance of the scheme. The limited tree planting originally proposed in front of spaces 8-14, has been replaced with fencing, but three trees are shown in the north-west corner to soften the appearance of the site.

- 11.6 The outstanding issue therefore is whether the conflict between the shoppers' parking and the delivery arrangements has been addressed. The particular issue was that the delivery vehicles relied on a number of shoppers' spaces to be vacant at the time of delivery, i.e. the space was being shared. To overcome this, a dedicated delivery space has now been provided (the number of shoppers' spaces remain the same at 14). This then would remove the key concern that a number of spaces would be lost during deliveries.
- 11.7 The objectors have focussed on the tightness of the site, the size of the parking space (which meet the minimum size standards) and the need for accurate manoeuvring. It is acknowledged that the site is tight, but the tracking diagrams submitted indicate that all manoeuvring is possible, and meets the required standards for delivery lorries of the stated size. Even the objector's own Highway Engineer in his initial comments stated: *"It is accepted that some parking layouts are tight, and that this does not make them unacceptable."* The applicants have stressed that the size of the delivery vehicles would not exceed 10.35m and the tracking has been calculated accordingly. The amended scheme submitted during the application marginally changed the position of the seven spaces at the front of the site, rotating them to allow a greater (albeit small) distance between them and spaces numbered 4-7 which would benefit the manoeuvring of the delivery vehicles. This information has been shared with the Highway Authority, who have raised no objection.
- 11.8 The objectors have raised a number of other concerns, such as lack of pedestrian routes within the scheme, which have not changed from the previous proposal and yet were not included by the Inspector as reasons for refusal. A concern is still raised by objectors that the proposal does not include Westview. However, the removal of two parking spaces associated with the flats (due to the reduction in the number of flats) does allow more space around this property. The adjacent property of Westview was not

an issue that was raised by the Insepctor at appeal, and whilst the Authority has encouraged the applicant to include this property as part of the proposal, it can only determine the application as presented, and its omission would therefore not be a reason for refusal.

- 11.9 Whilst the applicants have not chosen to address all the previous concerns raised by objectors to the scheme, it has to be acknowledged that the current proposal includes some key amendments. Another unit has been deleted (a significant change) and, together with the reduction in residential parking, changes have been made to the overall scale of the main building, and a delivery space has been introduced. In addition, the cycle parking has been relocated to allow the entrance to the site to be widened. The landscaping scheme has been amended to relocate the planting from the front of the site to the north-west corner, and has added a living Ivy wall along the boundary with the Youth Centre.
- 11.10 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Authority's Mitigation Strategy or mitigation to at least an equivalent effect. A draft S106 agreement has been submitted and the applicant has agreed to contributions towards mitigation, which can be secured by condition. It is further considered reasonable and necessary to secure biodiversity enhancement by condition.

Conclusion

- 11.11 The scheme has been submitted following an appeal for a similar scheme which was refused solely on the basis of parking and delivery arrangements. The amended scheme addresses these issues and is in line with the policies of the Core Strategy. Other solutions could be made for the site, but the Authority has to determine the proposal that has been submitted. Permission is therefore recommended, subject to a S106 agreement which seeks the necessary contributions towards affordable housing, public open space and off-site highway works, together with a contribution in line with the Habitats Regulations.

12. RECOMMENDATION

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

Condition(s)

- 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:

Drawing nos: 2, 2095/1E, 868-D-500 Rev E, 2095/1E, 3321-14(003), 868-D-501 Rev A, 868-D-502, 868-D-503 Rev A, 868-D-504 Rev A, 868-D-505 Rev D

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 or exact details 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 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, or means of enclosure otherwise approved by Class A of Part 2 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).

- 5 The landscaping of the site shall only be carried out in accordance with the submitted Drwg No. 2095/1E. No alterations shall be made, unless they have the written approval of the National Park Authority.

Development shall only take place 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).

- 6 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).

- 7 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).

- 8 Prior to the use of the development hereby permitted provision for parking (car and cycles) shall have been made within the site in accordance with the approved plans and shall be retained thereafter

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 9 of the National Planning Policy Framework.

- 9 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 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).

- 10 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 in accordance with the details set out in the submitted Car Park and Delivery Management Plan (ref ADL/AM/3321/13A dated October 2017). This Plan shall be implemented in full unless otherwise agreed in writing with the National Park Authority.

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).

- 11 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).

- 12 Prior to the commencement of development, 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 off-site receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management 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 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 off-site receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

- 15 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 off-site receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

- 16 Prior to the use of the development hereby permitted, the existing southern access from the site to Station Road shall be permanently stopped up and effectively closed with the footway

provided or verge reinstated, in accordance with details which shall have been submitted to and approved in writing the National Park Authority.

Reason: In the interest of highway safety and to comply with Policies CP19 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 9 of the National Planning Policy Framework.

- 17 Prior to the use of the development hereby permitted, provision for the turning, loading, unloading and the parking of delivery vehicles shall have been made within the site in accordance with the approved details and shall be retained thereafter.

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 9 of the National Planning Policy Framework.

- 18 Prior to the commencement of development ecological mitigation for the Solent and New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's adopted Development Standards (SPD) and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies CP1 and CP2 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD, Development Standards SPD and the SRMP.



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