

**Application No: 17/00876/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); 5 No. flats; associated refuse, plant and parking areas; 4 No. two storey dwellings with associated parking; demolition of existing garage and 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:

- no objection to the principle of redeveloping the site for a mix of retail and housing
- current scheme is too overcrowded and has too many manoeuvring dangers
- main building is too large and overbearing, creating more noise and light pollution than is appropriate for the village
- concerns over road safety both within the site and on the adjacent roads
- development would be too dense and therefore contrary to Sway VDS requiring the spacious character of the area to be respected
- the relationship between the site and West View has not been taken into consideration
- overlooking of/overbearing impact on Youth Club which is possibly not correctly shown on plans
- insufficient parking for both residential development and customers for the retail units
- insufficient manoeuvring space, adding to dangerous and congested situation
- unenforceable Car Park and Delivery Plan
- "Town houses" to rear are still too high, with a lack of amenity space and insufficient screening to the rear
- a full ecology survey should be undertaken as bats have been seen in the area
- contrary to policies of the Core Strategy
- contrary to guidelines in the Sway VDS

## **8. CONSULTEES**

8.1 Tree Officer: No objection, subject to conditions.

8.2 Highway Authority (HCC): No objection, subject to conditions.

8.3 Building Design & Conservation Area Officer: No objection.

8.4 Planning Policy Officer: No objection

8.5 Ecologist: Comment that previous scheme was acceptable, subject to complying the SPA mitigation.

8.6 Environmental Protection (NFDC): No objection, subject to conditions

## **9. REPRESENTATIONS**

- 9.1 32 representations received in support for the following reasons:
- improved shopping choices
  - redeveloping sites would be better than building on greenfield sites
  - more local jobs
  - starter homes for local people
- 9.2 23 representations received objecting for the following reasons:
- no need for the supermarket which would be too large and would threaten the existing retail units resulting in a net loss of employment
  - deliveries and additional traffic would cause/ add to congestion in Sway
  - loss of character for the village
  - over-intensification and over-development with too high density for development
  - lack of amenity space for the apartments
  - insufficient parking and manoeuvring space, will impact on Youth Centre car park and Station Road
  - scale and design of the proposal, and massing will dominate the street scene
  - dwellings to rear are too suburban, with lack of amenity space
  - lack of landscaping
  - site should be redeveloped to provide houses but in line with Sway VDS
  - impact on amenity of Youth Centre/pre-school nursery through overlooking and disturbance
  - impact on ecology , especially bats

## **10. RELEVANT HISTORY**

- 10.1 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 (7/00403) was refused on 20 September 2017

## **11. ASSESSMENT**

- 11.1 An application at this site was refused at the Planning Committee in September 2017. 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 previous application to redevelop the site was refused for the following reason:

*"The proposed development, by virtue of its form, scale, massing and layout, would result in an over-intensification of activities at the site, which would be to the detriment of the amenities of adjoining neighbours and users of Station Road, through increased noise and disturbance. In particular, the four 'town houses' are considered to be overly urban in their design and appearance. Nor is the Authority satisfied that the layout of the proposed development makes adequate provision for delivery vehicles which are likely to come into conflict with the on-site car parking arrangements."*

The proposal, as previously, 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) on the ground with five flats above, a decrease by one from the previous scheme, resulting in a net increase of 8 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 300m<sup>2</sup> (with a retail space of 200m<sup>2</sup>) which is unchanged from the previous scheme, and the flats would be primarily 2 bedrooms (one would be one-bedroom) with floorspaces ranging between 48m<sup>2</sup> and 85m<sup>2</sup>. The dwellings 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. 17 car parking spaces would be provided for the residential development (a reduction in one from the previous proposal due to the reduction in number of flats), with 14 spaces for the convenience store (an amended plan has been submitted to indicate an additional space). More space has been left around West View.

11.3 As previously, 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

but also for consideration is whether the previous scheme has been sufficiently amended to overcome the previous reasons for refusal.

- 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 8 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 In line with the National Planning Policy Framework, the Authority can seek financial contributions towards off-site affordable housing provision and other forms of infrastructure. It had been agreed with the previous proposal that contributions would be sought, and although the number of units has been reduced by one, the applicant has proposed a schedule of contributions towards affordable housing, off-site highways works, public open space and SPA mitigation which are acceptable, recognising the reduction in number of units, and a S106 Agreement will therefore needed to be completed to include those details.
- 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. However, the reduction of one unit and the corresponding reduction in parking, would allow marginally more space within the proposal as a whole, freeing up space around West View. The areas of hard standing and parking would equate to what is currently on site, and the inclusion of rear gardens for the dwellings 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, this proposal would not be contrary to that guidance.
- 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 largely replicated in the proposed new building. Whilst it would be taller than the existing building by approximately 2.5m (to a height of approximately 9.5m and dropping down to a height of just over 8.5m), 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 set back is necessary to accommodate the car parking, and also allows the adjoining Youth Centre to screen some of the flank wall. 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 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 dwellings to the rear would be marginally lower (a ridge height of approximately 9m which represents a reduction from the previous scheme). Through further negotiation, changes have been made to the porches and fenestration to ensure that they appear more cottage-like in their features, and the dormer windows of the previous scheme have been replaced with rooflights. Being set well back within the site, they would have little significant impact on Station Road. In terms of design and proposed materials, the dwellings are considered to 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, together with the presence of these trees, would ensure that any 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 floor windows of the dwellings would not give rise to unacceptable overlooking; the removal of the dormers has also reduced any potential for 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 dwellings 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 financial contribution, in line with the Habitats Regulation, would be sought to mitigate against potential effects of new housing development. Bats have been observed in the adjoining churchyard (but not within the site itself). To prevent significant disturbance, no lights would be erected on the south-east gable end, but it would be used for bats tubes to offer mitigation. Similarly bat tubes would be erected on the front building in an appropriate position.
- 11.13 A key concern raised by objectors is in relation to traffic and parking associated with the development. Notwithstanding the Parish Council's view that each bedroom on the site is likely to require two parking spaces, the parking provision associated with the residential use meets the requirements set out in the Development Standards SPD; and there is no objection.
- 11.14 A continued concern is with the shared parking and delivery space for the retail use which, objectors suggest, could give rise to parking being displaced to Station Road, already an area heavily used for parking, and increased congestion. 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. Lengthy discussions between the developer and the Highway Authority have taken place to ensure that appropriate provision would be made, and that the proposal would allow for sufficient space for deliveries and also refuse collection. Reports containing the swept path analyses for delivery and refuse vehicles have been submitted, with which the Highway Authority is satisfied. In addition, a Car Park and Delivery Management Plan has been submitted setting out delivery times (during off-peak times) which can be controlled by condition (with which the Co-op are in agreement for their own deliveries). There was also concern that on-street parking restrictions opposite the site have not been accurately represented, but an amended plan now indicating that the southern entrance would be closed requiring all vehicles to enter and exit from a single access point is considered to have addressed that issue. This also has the agreement of the Highway Authority. This has the added benefit of increasing the parking spaces for the store.
- 11.15 In conclusion, it is considered that the revised proposal 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 secure contributions towards affordable housing, off-site highways 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 Drawing nos: 01, 2095/1C, 868-D-400 Rev C, 868-D-401, 858-D-402, 868-D-403, 868-D-404 and 868-D-405. 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 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 2.3.2) 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 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).

- 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 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).

- 14 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).

- 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.

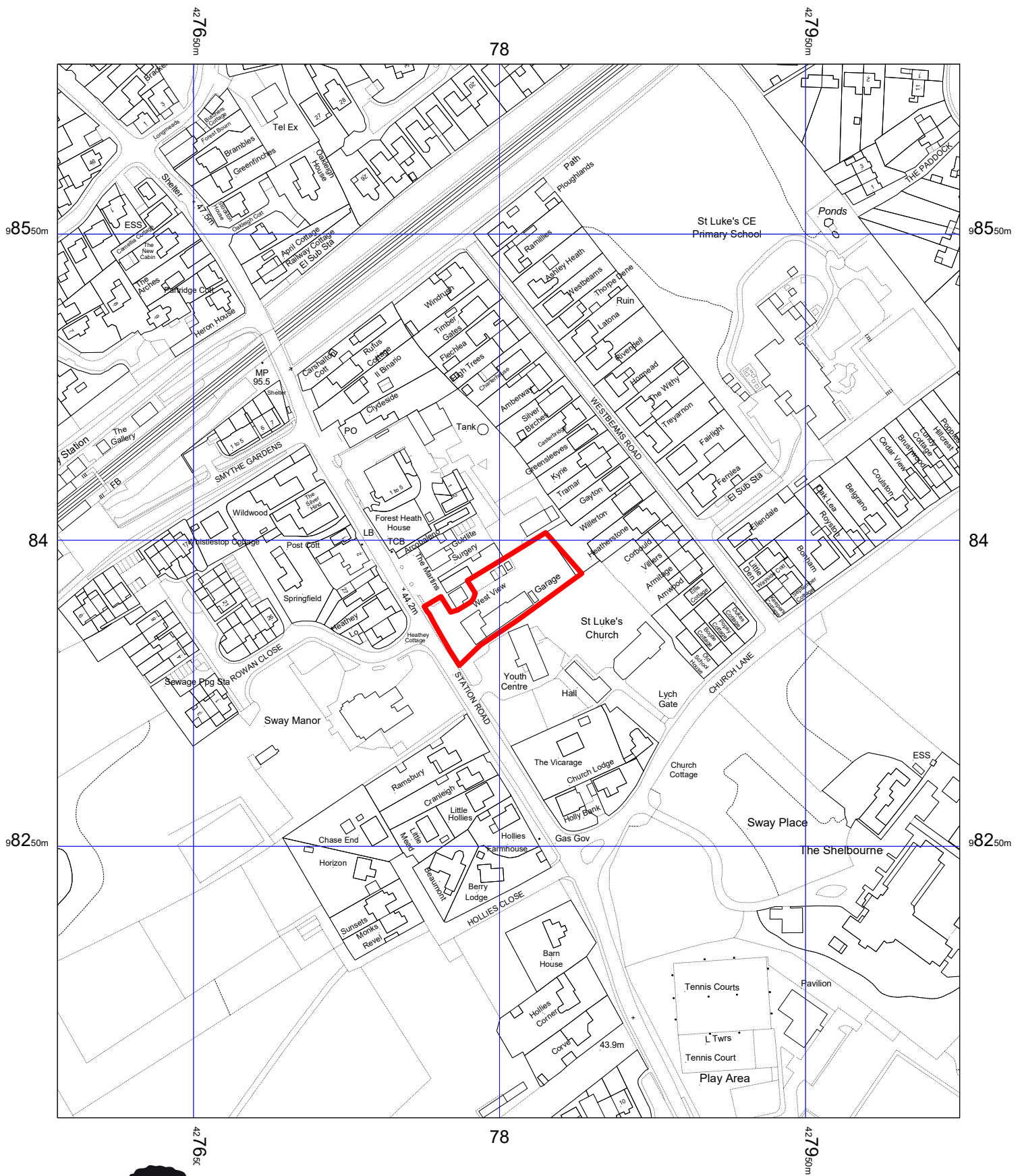
Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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



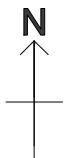
New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 29/11/2017

**Ref: 17/00876/FULL**

**Scale: 1:2500**



© Crown copyright and database rights 2017 Ordnance Survey 1000114703