

**Application No: 20/00672/FULL Full Application**

**Site:** The Cottage, Station Road, Sway, Lymington, SO41 6AA

**Proposal:** 2no dwellings; demolition of existing dwelling and outbuildings; access and landscaping

**Applicant:** Mr Smith, Kenyon Homes Ltd

**Case Officer:** Liz Young

**Parish:** SWAY

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Defined New Forest Village

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP2 General development principles  
SP19 New residential development in the National Park  
DP35 Replacement dwellings  
SP5 Nature conservation sites of international importance  
SP6 The natural environment  
SP16 The historic and built environment  
SP17 Local distinctiveness  
SP55 Access  
DP34 Residential character of the Defined Villages  
SP21 The size of new dwellings  
DP18 Design principles

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Development Standards SPD  
Design Guide SPD  
Sway Village Design Statement

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 12 - Achieving well-designed places  
Sec 5 - Delivering a sufficient supply of homes  
Sec 15 - Conserving and enhancing the natural environment  
Sec 16 - Conserving and enhancing the historic environment

## **6. MEMBER COMMENTS**

None received

## **7. PARISH COUNCIL COMMENTS**

Sway Parish Council: Recommend refusal for the reasons listed below:

- Lack of parking space for vehicles, given there are seven bedrooms
- Difficulties with access and egress from the dwellings given the limited turning space
- The destruction of established hedging
- The over-development of the site creates a cramped street scene and is contrary to the Sway Village Design Statement which requires generous plot sizes to be maintained
- The proximity of the new dwellings to each other and to the immediate neighbours. (It was noted that the responses from the applicant demonstrated material inaccuracies in the block plans)
- The glazing to the rear of the properties – whilst not visible from the road – is not in keeping with the design at the front
- DP34 states “it is essential that general pressure for development within the National Park does not lead to inappropriate development in the Defined Villages”

## **8. CONSULTEEES**

- 8.1 Tree Officer: No objections subject to conditions.
- 8.2 Highway Authority (HCC): No objections raised.
- 8.3 Ecologist: No objections subject to conditions.
- 8.4 Building Design & Conservation Area Officer: No objections subject to conditions.

## **9. REPRESENTATIONS**

- 9.1 Five representations received (three objections, two comments):
- Overdevelopment.
  - Proposal would not be in keeping with other properties in the locality and would be contrary to the Sway Village Design Statement.
  - No substantial changes have been made to the proposal since the previous scheme.
  - The first floor window should be obscurely glazed to prevent overlooking.
  - The impact upon the adjacent property has not been fully assessed (proposal would lie very close to this boundary).
  - Insufficient space to accommodate two dwellings.
  - Insufficient parking (proposal would lead to increased pressure for on road parking which will impact upon highway safety).

- No significant attempts have been made to maintain the existing site.
- The amended plans do not sufficiently overcome concerns in relation to parking, neighbour impacts and design.
- There are known to be bats in locality and this would need to be investigated further.

## **10. RELEVANT HISTORY**

- 10.1 Application under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to determine if prior approval is required for demolition of buildings (20/00309) Raise no objections 2 June 2020
- 10.2 2no dwellings; demolition of existing dwelling and outbuildings; access and landscaping (20/00122) Application withdrawn 22 April 2020

## **11. ASSESSMENT**

- 11.1 This application relates to a two storey, detached property, of typical New Forest Cottage style, with a slate covered roof and chimney stacks at either gable end. The cottage has largely retained its historic character and compact, simple form (notwithstanding the replacement UPVC windows), is likely to date from the late 19th – early 20th century and is considered to be a non-designated heritage asset. The property lies within a narrow, rectangular plot and within the defined settlement boundary of Sway. Neighbouring properties are predominantly detached, fairly modern buildings of varied styles. The site backs directly onto the local village hall whilst residential properties adjoin the north and south boundaries. The house itself is readily visible from Station Road and makes a positive contribution to the street scene. Boundary treatments are also low key and informal, with minimal hard surfacing and hedgerows to the front.

### **Proposal**

- 11.2 Consent is sought to replace the existing dwelling with two detached properties. Both proposed units would front onto Station Road, with the larger of the two units (Plot 2) to the north. The properties would have a shared access off the highway with parking and turning to the front of the site. In terms of floor areas, the existing dwelling has an internal floor area of more than 80 square metres and is not classed as a small dwelling. The smaller of the proposed dwellings (Plot 1) would have an internal floorspace of 100 square metres, whilst the larger unit (Plot 2) would measure approximately 151 square metres. Facing materials would comprise facing brick work with clay / slate roof tiles. Joinery has not been specified.

## **Background**

11.3 In terms of background, this application (which proposes a net increase of one dwelling) has been submitted in order to address earlier concerns which led to the previous application (20/00122) being withdrawn. The main issues which led to the previous application being withdrawn are summarised as follows:

- Removing the existing dwelling would result in the loss of an undesignated heritage asset.
- Significant building depths and suburban form.
- Insufficient ecological survey information to enable the Authority to rule out harmful urban edge effects upon the New Forest SSSI / SAC SPA throughout the lifetime of the development.

The extent to which this revised scheme overcomes these earlier concerns would therefore be the key issues under consideration.

## **Policy Context**

11.4 Whilst the main house is recognised as being of local interest, it was noted at the time of the recent demolition prior notification application that the existing building is unfortunately not of sufficient quality to enable it to be considered suitable for listing. It also does not lie within a conservation area. Whilst it is apparent that the condition of the building has slowly deteriorated over a period of time, this has largely been attributed to an unfortunate lack of maintenance. There is no evidence available at this point to give the Authority sufficient reason to conclude that it has become unsafe as a result of any deliberate actions or neglect. A formal decision has therefore been issued which confirms that the proposed demolition of the cottage would fully meet the criteria set out under Class B of Part 11 of the General Permitted Development Order. Therefore, whilst the loss of the building is unfortunate, there would not be sufficient grounds for the Authority to oppose the principle of its replacement subject to ensuring an appropriate form and layout. Because the existing dwelling is not classed as a "small dwelling" the proposed replacement would not be subject to a specific floorspace limit.

11.5 Due to the site's location within the defined settlement boundary of Sway, the general principle of introducing one additional dwelling onto the site of no more than 100 square metres would be acceptable under Policies SP21 and SP19. However, it would be important to ensure the proposed redevelopment of the site would meet the objectives set out under Policy DP34 of the Local Plan (Residential Character of the Defined Villages). This policy seeks to ensure new development would conserve and enhance the built heritage of the defined villages and would be informed by consideration of the character of the local area.

## **Design and Layout**

- 11.6 Following the previously withdrawn scheme the applicant sought to work towards addressing the various concerns raised in relation to design and form through pre-application advice. The negotiations which have subsequently taken place have achieved a significantly reduced depth and scale to the development, particularly with regards to the flank elevations. A less boxy, suburban frontage is now proposed and both units would replicate the Edwardian style of some of the neighbouring properties, with light-weight front canopies, narrow gables and slender window openings. The proposed rear projections would incorporate a greater degree of articulation which has served to break down the perceived scale and bulk of the dwellings. The chimney detailing and moulded stringcourse have also achieved an overall improvement to the quality of the design. Further amendments have also been undertaken following the receipt of this latest application, reducing the size of the dwelling proposed in Plot 2 by 10 square metres. Whilst the existing dwelling currently has UPVC windows, the applicant has agreed that they would be willing to ensure the new dwellings would incorporate timber or aluminium frames.
- 11.7 It has been established that there is no unifying architectural style in the immediate locality and there is also a wide range of dwelling and plot sizes. In this context, and having regard to the significantly improved design of the proposal, it is considered that the proposed development would meet the objectives of Policies DP34 and SP17 in terms of conserving and enhancing the built heritage of the defined villages and re-enforcing local distinctiveness. Notwithstanding this, ensuring an appropriate setting to the development would be key to the overall success of the scheme and it would therefore be necessary to secure further landscaping details prior to development. This would also provide the opportunity to avoid an overly suburban frontage.

## **Ecology**

- 11.8 The ecology report which accompanies the application has concluded that the buildings on site currently have negligible potential for roosting bats, although there are habitats within the development area which may have been colonised by reptiles. Prior to site clearance a precautionary working methodology will be undertaken to ensure the site does not become colonised by reptiles prior to development. Such works would be supervised by a qualified ecologist and vegetation would be removed by hand. To mitigate any potential impacts upon nesting birds any vegetation clearance would take place outside bird nesting season. Ecological enhancement measures have also been put forward and these would include bat tubes within the external walls of the dwelling, swift bricks, hedgehog friendly fencing and native planting.

- 11.9 The site is located 570 metres from the New Forest SPA and within 5.6km of the Solent SPA. The ecology report which accompanies the application has acknowledged that the proposal (which would result in a net increase of one dwelling) would result in additional recreational pressure upon both the New Forest SAC and SPA and also the Solent SPA. It has been confirmed that the applicant is willing to provide the appropriate level of mitigation in respect of both these designations. The submitted ecology survey also proposes that a detailed construction management statement should be submitted to the Authority for approval including details in relation to noise management, pollution control and working hours. The applicant has confirmed that they would be willing to accept a pre-commencement condition requesting further details on this issue. The submitted ecology survey acknowledges the additional impact that the introduction of one additional dwelling would have in terms of increased nitrate input upon the water environment of the Solent and has confirmed that the applicant is willing to accept a condition to ensure an appropriate level of mitigation. The Authority's Ecologist is now satisfied that, subject to appropriate conditions being imposed, the development would not have a harmful impact upon protected species or the SAC and SPA designations which lie close to the site and the proposals would therefore meet the requirements of Policies SP5 and SP6 of the New Forest National Park Local Plan.
- 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.

### **Trees**

- 11.11 A protected walnut tree lies in the rear garden area of the site (part of proposed Plot 1). However the tree protection details which have been included within the application are considered by the Tree Officer to be adequate to ensure the protection and retention of this tree for the duration of construction and thereafter. The layout of the proposed dwellings is such that the development would not give rise to any long term pressures to prune or remove the tree and the proposal is therefore considered to meet the requirements of Policy SP6 of the New Forest National Park Local Plan.

## **Highways**

- 11.12 Initial feedback received from the Highway Authority raised concerns in relation to inadequate visibility splays and also insufficient turning space within the site based upon the proposed layout. In order to address these concerns a further amended site plan (and additional transport information) has been submitted by the agent which now removes the dividing fence between the two driveways as previously proposed. This configuration is proposed to allow for the use of the access and turning areas on a shared basis. It also slightly improves visibility in the process. The Highway Authority has reviewed the amendments and has confirmed that this overcomes their concerns. The updated swept path analysis which has been included within the transport information shows that there would be adequate parking for two cars per dwelling and this meets the standards set out within Annex 2 of the Local Plan. On this basis the proposed development is now considered compliant with the requirements of Policy SP55 of the Local Plan.

## **Neighbouring Amenity**

- 11.13 There would be a distance of just under 1 metre between the flank wall of the dwelling proposed in Plot 1 and the neighbouring property to the south. However, there are no significant windows on the flank wall of the neighbouring property and the only upper floor window proposed on the flank wall of Plot 1 would serve a stairwell and could reasonably be conditioned to remain obscurely glazed. Additionally, the distance between the two dwellings is very typical of the relationship between properties in the immediate locality. The property to the north is set back by over 24 metres from the north boundary of the application site and the private rear garden area which serves this property would not be affected by the proposed development. Whilst an upper floor window is proposed on the north elevation of the dwelling proposed in Plot 2 this would mainly overlook the front driveway area and would also serve a bathroom so could be conditioned to be obscurely glazed. A number of trees provide screening along this boundary (within the ownership of the neighbouring property) and these would adequately mitigate any additional impacts arising from the proposed dwelling in terms of visual intrusion. The rear boundary of the application site is adjoined by the village hall. Overall, the proposals are not considered to give rise to a harmful loss of amenity to neighbouring residents subject to conditions ensuring the upper floor windows to the south and north would be obscurely glazed.

## **Conclusion**

- 11.14 Whilst the loss of the existing dwelling on site is regrettable, this has been accepted in principle by the recent prior notification submission. The applicant has engaged with the Authority through

the pre-application procedure and has sought to address the various concerns relating to design, scale, trees, ecology and access. Consequently, the scheme now proposed is considered to overcome the concerns raised at the time of the previous application and the design put forward is one which is considered to conserve the character of this part of Sway in accordance with the objectives set out within Policy DP34. It is therefore recommended that planning permission should be granted.

## **12. RECOMMENDATION**

Grant Subject to 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        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 DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 3        No windows/doors shall be installed until the following details have been submitted to, and approved in writing by the New Forest National Park Authority.

a) Typical joinery details including window/doors, eaves, verge, bargeboards.

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP2, DP18 and SP16 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 4        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 DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 5 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 DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 Prior to the commencement of development ecological mitigation for the Solent and New Forest Special Protection Areas, Special Areas of Conservation and/or 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 Habitat Mitigation Scheme and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies SP5 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019), the Authority's Habitat Mitigation Scheme and the SRMP.

- 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 hereby approved (Lindsay Carrington, September 2020). The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 8 The development hereby permitted shall not be occupied until:

a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;

b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

The development shall be carried out in accordance with and subject to the above details.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Authority has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Policy SP5 of the adopted New Forest National Park Local Plan (2016 - 2036).

- 9 No development shall take place (including site clearance) until a construction management statement has been submitted to the

New Forest National Park Authority and has been approved in writing.

Reason: To safeguard sites of international ecological importance in accordance with Policies SP5 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019), the Authority's Habitat Mitigation Scheme and the SRMP.

- 10 The trees/hedges 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 tree protection plan (5883-A).

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 11 The first-floor window on the south elevation of Plot 1 and the first-floor window on the north elevation of Plot 2 hereby approved shall at all times be obscurely glazed and non-opening (other than the fan light).

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 12 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, C or D of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 shall be erected or carried out on the site without express planning permission first having been granted.

Reason: To ensure the dwellings remain of a size which is appropriate to the site and their location within the countryside and to ensure sufficient turning space within the site as required by Policies SP55, DP34 and SP17 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 13 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 14 Development shall only be carried out in accordance with Drawing Nos: 5883-A, SBA.3734-7-1 REV D, SBA.3734-1-1 REV C, SBA.3734-7-2 REV E, SBA.3734-7-4 and SBA.3734-7-3 REV

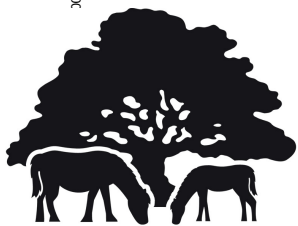
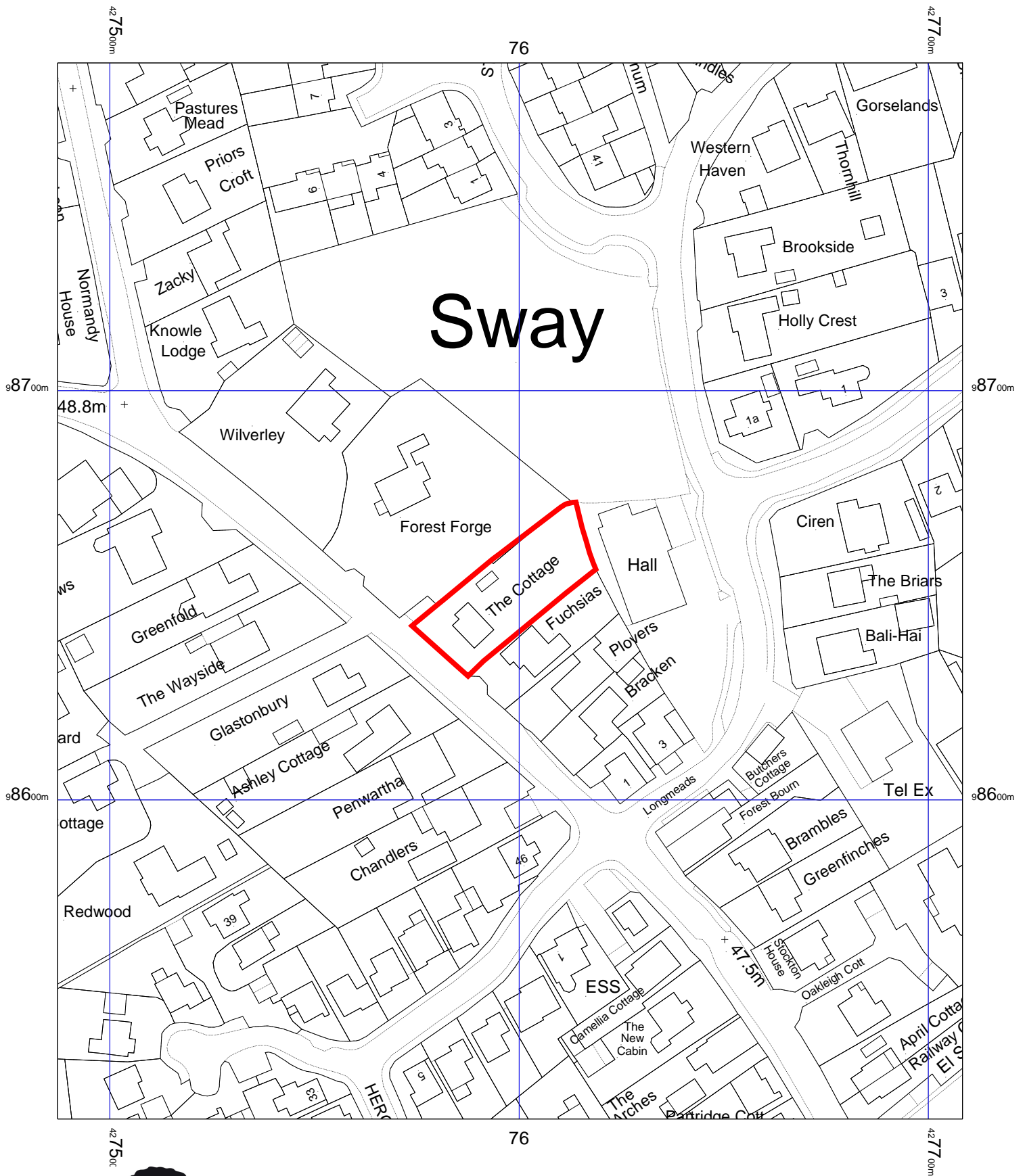
G. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 15 The development hereby permitted shall not be occupied until the arrangements for parking 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 Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019) and Section 9 of the National Planning Policy Framework.



NEW FOREST  
NATIONAL PARK

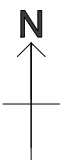
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