



# Sway Parish Council

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27 February 2018

Policy Team  
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Sent by E-mail attachment to: [policy@newforestnpa.gov.uk](mailto:policy@newforestnpa.gov.uk)

Dear Policy Team,

## **NFNPA Local Plan Submission Draft Consultation**

With reference to the NFNPA Local Plan Submission Draft Consultation, this is Sway Parish Council's response which has been unanimously approved by the Parish Council's Planning and Transport Committee.

### **Section 1: Introduction**

Sway Civil Parish comprises one tenth of the population of the New Forest National Park. Sway Civil Parish is entirely within the borders of the National Park and includes one of four defined villages within the National Park. Sway Parish Council has taken an active interest in the Local Plan proposals and through the Sway Parish Council website and through Sway News and the Sway Parish Council Planning & Transport Committee has sought to canvas the opinions of all Sway residents. Sway has produced a Village Design Statement which is adopted as a Supplementary Planning Document by the NFNPA.

A few years ago Sway Parish Council surveyed every household in the Civil Parish separately on questions of Affordable Housing and on priorities for the Parish Council. In previous NFNPA consultations Sway has been pleased to see that our responses have been considered, and we trust the same will be true for this response. David Illsley and all his colleagues have been thorough and hard-working in their pursuit of the best Local Plan for the NFNPA.

Sway's response to the initial main consultation (of November 2016) is appended for ease of reference. This response to the Submission Draft therefore concentrates on three areas:

- Items that Sway still feel could be improved
- Items of the highest importance to Sway that require emphasis
- Items which have arisen since the November 2016 consultation



## Section 2: General remarks.

**There is much to commend and support in the submission draft Local Plan. Most of the large numbers of positive items were covered in Sway's November 2016 response (copy herewith) and we would add:**

- ✓ Sway are pleased to see, as we recommended, that the 400m zone has been re-established and trust that the Local Plan will emphasise the need to avoid development within that zone where possible.
- ✓ Sway are pleased to see, as we recommended, that Policy DP35 – Replacement Dwellings remains as drafted and not any of the alternatives.
- ✓ Sway are pleased to see, as we recommended, less emphasis on Starter Homes and more emphasis on genuine Affordable Housing – including on exception sites and for Commoners, Estate and Agricultural Workers; and in the adoption of SP28 as drafted and not any of the alternatives.
- ✓ Sway are pleased to see, as we recommended, a tightening of Affordable Housing Provision – for instance in the improvements in Policy SP27. Sway would emphasise that this is of vital importance in the New Forest National Park and must be included in the Local Plan. Unlike other Local Planning Authority areas the New Forest National Park Authority will anticipate few larger developments and so the only opportunity for any vital Affordable Housing will necessarily come from smaller developments. Under the current rules Sway have seen two developments, each of five units, adjacent to each other – and hence no affordable housing provision there whatsoever. Sway see Policy SP27 as one of the most important additions to this Local Plan. In a housing needs survey a couple of years ago Sway have an identified affordable housing need for more than 90 dwellings.
- ✓ Sway were pleased to be consulted on the matter of 'Local Green Spaces' in Sway and content to leave matters as they are – there is an excellent degree of protection inside a National Park for our existing stock – although such a designation, or similar protection might be appropriate for the 'Open Space' of the Church Lane site inside the 400m zone (as shown in SP24).
- ✓ Sway are pleased to see an increasing emphasis on water resources including an expanded policy DP8, and paragraphs 5.36 and 5.37 which is a welcome step towards Sway's recommendations on surface water disposal; although Sway feel there is still insufficient emphasis on avoiding the replacement of permeable surfaces in driveways and gardens with impermeable surfaces.
- ✓ Sway also appreciate the addition of Policy SP7 Landscape Character as being in line with the priorities of Sway residents.
- ✓ The addition of an Index to Policies (pages 3 & 4) is welcomed for ease of reference.
- ✓ Sway welcome the confirmation in 7.63 that Neighbourhood Development Plans will be actively supported by the NFNPA as part of the wider Local Plan.

**There are then a number of areas where there may be advantages as well as disadvantages and where perhaps improvements should be made to the new Local Plan:**

- ? Speeding is a major issue for Sway residents and following the decision in the Isle of Wight to reduce speed limits to 20mph in villages, Sway suggest this should be encouraged in the Park area and suggest the NFNPA engage with Hampshire Highways on this issue. There is



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a further suggestion of a 20mph speed limit across the entire civil parish, except for the B3055. This would be inexpensive and would improve the environment for safer walking and cycling. That having been said Sway also recognise that this is probably a peripheral issue for a local plan.

- ? Sway sees a number of 'pop-up' campsites which are only temporary and often not permitted, but by the time enforcement are able to act the season has passed and they return the following year. Perhaps Policy DP47 could be amended to discourage this?
- ? Sway feel that Policy SP38 - Infrastructure Provision and Developer Contributions is vital because Sway has either poor or fully utilised infrastructure and any development must be matched by improvements to roads, public transport, schools, NHS provision, recreation, nature conservation and similar. This could have been strengthened from the previous draft.
- ? Sway would encourage the maintenance of Agricultural Ties, which should be more carefully monitored, by checking every property with an agricultural tie every two or three years – with an appropriate addition to Policy DP31. We would further suggest that any recent permissions granted for large outbuildings for incidental use might also be checked every couple of years to prevent their automatic conversion to residential use on the basis of 10 years flouting of the condition.
- ? Sway feel that SP20 may lack clarity in that this presumably refers to nursing and retirement homes, typically in multiple occupancy. This could be improved by changing "*Proposals which address an identified local need or requirement for specialist housing for older people will be permitted within the Defined Villages of Ashurst, Brockenhurst, Lyndhurst and Sway.*" to read "*Proposals which address an identified local need or requirement for specialist housing for older people (such as nursing and retirement homes, typically in multiple occupancy) will be permitted within the Defined Villages of Ashurst, Brockenhurst, Lyndhurst and Sway.*" It should also be clear that the provision of a mixture of smaller, and/or smaller affordable, housing should be for people of all ages with priority going to those with a local Civil Parish connection, including younger people.
- ? Whilst Sway are pleased to see additional Policy DP40 which is a welcome step towards Sway's recommendation on retaining or expanding retail provision within Defined Villages, we fear this may not be enough to halt the loss of retail provision - which is already below the 40% limit. Sway feel there should be a positive planning incentive to maintaining and adding retail provision in the defined local shopping frontage and the adjacent area. Furthermore Sway note that the shopping frontage in Sway should also include the cluster of shops around the junction of Station Road, Middle Road and Heron Close. Whether this could be best achieved by extending the blue line shopping frontage or adding a small separate section (and in either case perhaps needing to adjust the target percentage) we leave to the drafting skills of the NFNPA Policy Team.
- ? Policy SP55 fails to note the only bus service coming through Sway – which also serves the surrounding communities and suggest that "*e) appropriate improvements to public transport facilities; and*" should be amended to read "*e) appropriate improvements to public transport facilities including safeguarding the local CANGO bus service; and*"

**We also find just a few areas where Sway disagrees with the submission draft Local Plan or would suggest significant changes or additions to improve the soundness of the submission draft:**

- × Policy DP37 Outbuildings is still insufficient to prevent the circumvention of Policy DP37 (equivalent to existing policy DP11). In Sway outer parish in particular we are seeing a



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stream of giant outbuildings being proposed when this is clearly just to get around the 30% limit on floor space increase from extensions. We strongly suggest Policy DP37 needs to be beefed up – perhaps with an indication or examples of the sort and size of outbuildings that may be acceptable and a clear statement that outbuilding applications which are submitted to circumvent Policy DP37 will not be granted. Home-working can quite easily be carried on in the home (the clue is in the wording) – there is no need for vast additional garages with offices above.

- ✘ Sway sees a significant flouting of existing policies which goes un-punished, and hence encourages further transgressions. Over-building and unauthorised change of use and similar are often allowed to continue. For this reason whilst fully recognising the NFNPA Enforcement Policy, Sway suggest a strengthening of the provision and encourage a more forceful (than paragraph 1.21) Enforcement statement of intent be included in the Local Plan. Policy DP44 illustrates a recent case in point: an excellent policy, but little effort was recently made to follow this approach in applications 17/00519 and 17/00520 at Arnewood Turkey Farm, Barrows Lane SO41 6DD.
- ✘ Generally car parking provision for new and replacement dwellings and extensions is woefully short of reality. We must recognise that although we might want to discourage car use, local public transport provision is pathetic so dwellings will inevitable have multiple cars – more than are catered for in Annex 2. Car parking should also be a more prominent consideration when extensions are proposed – such permissions will often increase the size of a household that can be accommodated – and hence more vehicles. We note that the National Association of Local Councils is also lobbying for a change to include such parking issues material planning considerations.
- ✘ Sway are dismayed that no improvement to Parking in Annex 2 is made in the submission draft. Not only are the standards lamentably out of touch with reality, but we also note they still include no standards whatsoever for shops – which are surely one of the major causes of parking congestion. A recent case in point is applications 17/00876 and 17/00403 at Hatch Motors, Sway where parking provision was a major issue. Sway strongly suggest that some guidance on the parking requirements for retail premises should be added in Annex 2. Sway has no public NFDC car park whatsoever so parking is a particular issue in Sway defined village.
- ✘ Boundary treatment: fences, walls, ditches and verges are considered important in Sway in maintaining a New Forest Village so we would urge consideration of a section on these items – perhaps outlining the preferences – perhaps with reference to the Design Guide SPD, summarising the national rules (maximum 1m on highway, 2m otherwise), and with a specific new policy on boundaries. In this respect DP2 c) should extend to existing hedges so that it reads: *development takes opportunities to protect and enhance the setting of groups and individual trees and hedges, and to include new planting of native trees and hedges where appropriate;*
- ✘ Policy DP34 Residential Character of the Defined Villages was better titled as Policy 34 in the November 2016 draft as “Residential Density in the Defined Villages” and DP34 is remarkable wishy-washy with no guidance figures on dwellings per hectare. A recent case in point is applications 17/00876 and 17/00403 at Hatch Motors, Sway where the residential and retail density on a small site was clearly unacceptable but the only figures available for comparison were those for the NFDC – where we might expect to see a greater density.



## **Loop-holes in policies.**

Sway perceive a number of 'loop-holes' in current policies which may be in danger of being carried forwards. We would like to see these addressed if possible, and they include:

- giant outbuildings;
- unchallenged mendacity or error in Applications for Certificate of Lawful Development;
- overbuilding not being noticed or followed up;
- late changes to planning applications (including those after the end of consultation and those significant changes where details are not passed on to the Parish);
- retrospective applications being treated as faits accomplis;
- Agricultural Ties not being followed up (including the raising of a Tie which is then immediately used for agricultural purposes!);
- Planning permission being granted without consideration of permitted development rights (which can then be legitimised in Applications for Certificate of Lawful Development thus providing two bites of the cherry). We recognise and applaud the new condition being applied which allows one or the other but not both;
- Destruction of SPA verges during construction work;
- Developers evading or avoiding making appropriate contributions;
- Fences, walls and gates adjacent to the highway in contravention of national rules and the Sway Village Design Statement;
- New residential development in 'Garden Grab' schemes;
- Permission relating to exact conditions rather than submitted plans – although we do applaud the recent trend for adding a condition limiting developments to the plans as submitted;
- Building at greater density than would be reasonable inside a National Park Defined Village because there are no guidance figures published;
- Small Dwellings being increased by stealth or subterfuge – perhaps through building regulations rather than planning permission;
- Lack of parking being considered when extensions are granted;
- Seasonal pop-up campsites and campsites exceeding the allowed quota of pitches.

## **Section 3: Sway (7.25 to 7.27 and Policy SP24 on pages 61 and 62)**

- Sway warmly welcome the limitation introduced to avoid development inside the 400m zone. This has proved that the previous excessive proposal for 90 dwellings was not already decided. This limitation must be rigorously applied.
- Sway are concerned that the area in question enjoys the common right of pasture, and has also until recently been used for back-up grazing by commoners of the New Forest. Such back-up grazing is in short supply and efforts should be made to retain or replace any which is to be lost. The use of this plot therefore contravenes objectives and other policies in this Submission draft Local Plan. At the very least, satisfactory mitigation measures should be an absolute legal requirement of any development at this site.
- Sway residents are seriously concerned about the overstretched infrastructure of our civil parish and would want to see improvements in areas such as sewage, drainage, roads, public transport, schools, NHS, utilities, parking and similar. Many extensions and outbuildings, as well as some larger replacement dwellings and new dwellings have all added to the strain on infrastructure, without any significant improvements. So before any significant further



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development takes place Sway would want to see the NFNPA seek assurances on infrastructure improvements.

- Sway feel that the start of paragraph 7.25 is insufficiently clear and “The village of Sway (population 2,700)...” should be changed to read “The defined village of Sway (population 2,700)...” to avoid confusion with the Civil Parish of Sway.
- Transport flow along the B3055: The NFDC Local Plan Review shows that there is already considerable commuter traffic flow to the Southampton area. As many of the NFDC proposed housing areas are in New Milton, Hordle and Ashley we fear the B3055 through Sway becoming even busier than it is at present. If any significant new development came to the south of Church Lane that would inevitably add to the problems.
- Sway are concerned over the proposed density of 40 dwellings in 1.1ha – a density of over 36dph – above even a benchmark used by the NFDC. We recommend this be reduced to 28 dwellings – at a density of 25.45dph, to allow for some modest off-street parking and amenity space.
- In SP24 (e) Sway would suggest that all, or as many as possible, of the trees and hedges that fringe the site should be preserved.
- SP24 (h) starts to address just one infrastructure issue, but entirely fails to address surface water drainage, roads, public transport, schools, NHS, internet, phone, gas, water and electricity provision, and parking; all of which are serious issues within Sway.
- This section now mysteriously fails to note that the Sway VDS recognises the area south of Church Lane as a valued open space and a key view in the village. The November 2016 draft correctly included the section below, and this should be reinstated:

*“The Sway Village Design Statement (VDS) was formally adopted as Supplementary Planning Document in 2013 following extensive public consultation. The VDS identifies Jubilee Field as a major open space asset to the village and includes a guideline that any new development should take into account the inclusion of public open space provision. The VDS also states that the preservation of the valued open spaces within the village is a high priority, including the fields between Church Lane and Birchy Hill, which are also identified as one of the key views in the village.”*
- This section now mysteriously fails to note the major parking and congestion problems around the school and Church Lane. The November 2016 draft correctly included the section below, and this should be reinstated:

*“However, there is some conflict between the potential development of this site to meet local housing needs and the aims of the VDS outlined in paragraph 7.24. The area also suffers from problems caused by school parking in the Church Lane and Westbeams Road area and there may be scope to potentially address this issue through future development south of Church Lane.”*
- Any development should comprise a majority of true Affordable Housing: affordable in perpetuity, and not just small houses or starter homes, and should be integrated into any development at this site. SP24 (a) must not be allowed to slip.
- As noted with great clarity in the Sway VDS (see for instance pages 13 and 14) part of the character of Sway is a mix of sizes, designs and styles, and most residents would want to see that in any development, rather than a lot of similar-looking housing with the same number of bedrooms. One, two and three bedroom units should be provided.
- The area within the 400m zone (‘informal green space’ of paragraph 7.25 and marked ‘Open Space’ on the map in SP24) should be protected as far as possible and special measures should be taken to ensure that this remains so in perpetuity.



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Sections 5 and 6 of the response form ask about participation at the oral examination. Subject to Sway's suggestions above not all being fully implemented; Sway would want to participate in the oral examination. The reasons for this request should be self-evident from the foregoing: Sway comprises 10% of the population of the New Forest National Park, it is proposed that Sway should take a substantial share of additional housing in a sensitive area which has the right of pasture and has until recently been used for back-up grazing. Sway identify a number of areas of this Submission draft Local Plan which could lack the appropriate soundness and hence would like the opportunity to participate in the oral examination.

Sway again congratulate the Policy Team for their hard work and emphasise that most of this Submission Draft Local Plan is excellent, evidence based, legally compliant and complies with the duty to co-operate. However, in order to improve the soundness of the final Local Plan Sway would ask that you consider the items we have highlighted above.

Yours sincerely,

Katie Walding

Parish Clerk and Responsible Financial Officer  
on behalf of Sway Parish Council