

**Application Number:** 22/10898 Full Planning Permission

**Site:** LAND OF 24, POPLAR DRIVE, MARCHWOOD SO40 4XH

**Development:** Demolition of attached garaging and erection of infill dwelling

**Applicant:** Mr Cornish

**Agent:** Southern Planning Practice

**Target Date:** 21/09/2022

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of proposed development
- 2) Impact on character and appearance of the area and trees
- 3) Impact on residential amenities
- 4) Impact on highway safety
- 5) Impact on sewage and drainage, and flood risk
- 6) Air quality
- 7) Impact on ecology on site and sites designated for nature conservation

This application is to be considered by Committee because of the PAR4 objection received from Marchwood parish council.

## 2 SITE DESCRIPTION

The application site is a detached property that is set within a residential area characterised by properties of a similar design and scale. The property is set within a small cul-de-sac of properties which share access and turning space. The immediately surrounding properties occupy reasonable sized plots and are spacious in their setting. The site abuts a public footpath to the north-west and Long Lane, which is an unclassified road, to the south-west.

## 3 PROPOSED DEVELOPMENT

The proposed development is a full planning application for the construction of a 3-bed detached dwelling, following a demolition of two garages attached to the side of 24 Poplar Drive.

The proposed new dwelling would be provided with a garden at rear and would be accessed via a shared vehicular access from Poplar Drive. Three on-site car parking spaces would be provided within an area of hardstanding to the immediate front (north east) of the proposed dwelling.

Bins and cycle storage would be provided on site.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
22/10699 Demolition of attached garaging and erection of infill dwelling	25/07/2022	Withdrawn by Applicant	Withdrawn	
20/10136 Demolition of attached garaging and erection of infill dwelling (Outline Application with access & layout details only)	14/07/2021	Refused	Appeal Decided	Appeal Dismissed
08/93393 Detached house; demolition of attached garages (Outline Application with details only of access & layout)	23/02/2009	Refused	Decided	
08/92707 Detached House (Details only of access and layout)	08/09/2008	Refused	Decided	
95/NFDC/57280 Addition of a double garage	13/09/1995	Granted	Decided	
77/NFDC/08546 Erection of 35 houses and construction of pedestrian/vehicular access.	23/12/1977	Granted Subject to Conditions	Decided	
76/NFDC/06336 Residential development of 14 dwellings with the construction of pedestrian/vehicular access.	02/06/1977	Granted Subject to Conditions	Decided	
NFDC/76/04349 Residential development as per development brief for area.	29/07/1976	Granted Subject to Conditions	Decided	

## 5 PLANNING POLICY AND GUIDANCE

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy CCC1: Safe and healthy communities

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

### **Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development. Adopted June 2022

SPD - Parking Standards

Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021)

## **Relevant Advice**

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

## **Constraints**

NFSFRA Fluvial  
Flood Zone  
Article 4 Direction  
Plan Area

## **Plan Policy Designations**

Built-up Area

## **6 PARISH COUNCIL COMMENTS**

Marchwood Parish Council would like to raise a strong objection to this application- PAR 4

Concerns raised previously by the Committee and subsequently submitted to the planning authority for planning application 22/10699 were reiterated. Members were concerned that the material issues raised had not been considered or addressed in the resubmission of the application.

'The proposal is likely to have inadequate provision for the parking and manoeuvring of vehicles clear of the highway (Long Lane) which would result in vehicles interfering with the free flow of traffic on the adjoining highway to the detriment of highway safety and cause inconvenience to other highway users.

In addition to this, the proposed new access and parking arrangements for the new dwelling are likely to encourage vehicles leaving the site to do so in a reverse gear due to the inadequate space for the turning of vehicles within the site and the excessive width of the proposed access onto the highway. The proposal would therefore be contrary to policy CS2 of the New Forest District Council Core Strategy By reason of its siting and massing the proposed new dwelling would introduce built form into an open area. This would result in an intrusive form of development, that would be imposing within the street scene, and would erode the spaciousness of the area. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 12 of the National Planning Policy Framework.

The proposal would adversely affect the spatial characteristics of the area by virtue of the height, width and depth of the proposed dwelling which would be unsympathetic to its setting and would close an important visual gap. Combined with the design of the proposed dwelling, the development would be considered

contextually inappropriate in this location, contrary to policy CS2 of the New Forest District Council Core Strategy.

The proposed new dwelling would as a result of the increased level of car parking and associated hard surfacing, result in a form of development that would be out of character with the appearance of this area and give rise to a cramped form of development. As a result, the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

No adequate guarantee has been received that will protect the protected trees on site. Whilst the Design Statement shows the trees will be protected above ground it does not mention anything about protecting the root structure of these trees. This is particularly important in protecting the water-seeking roots.

Marchwood Parish Council is working closely with Hampshire County Council and others in promoting a safe walking route through Long Lane. Allowing a development with a dropped curb and associated traffic movements that cross this safe walking route would not benefit its users'.

The Parish Council would like the application to be submitted to the NFDC Planning Committee for determination to allow proper consideration of the concerns raised by the local community and Parish Council who have local knowledge on the issues raised.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Environment Agency**

No objection, subject to a condition.

### **Environmental Health Contaminated Land, Appletree Court**

I have no concerns with this application.

### **Ecologist**

No objection, subject to ecological enhancements being provided to demonstrate biodiversity net gain (can be agreed by condition).

### **HCC Highways**

No objection, subject to conditions.

### **NFDC Tree Team**

No objection Subject to a condition.

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- neighbour amenity impacts, overlooking, overshadowing.
- Safety concerns over the use of the gate to the rear of No. 24, adding a hazard to pedestrians, no space for car when opening/closing gate
- Increased vehicular traffic
- Highway safety concerns

- Noise
- Cramped development, negative visual impact, over-development, not in keeping
- Problems with sewerage/drainage system
- Risk of flooding
- Inadequate car parking provision and overflow of parking in the area;
- No established vehicular access from Long Lane, unsafe access
- Loss of hedgerow – negative visual impact

For: 0

Against: 4

## 10 PLANNING ASSESSMENT

### Principle of Development

The application site is located within the defined built-up area of Marchwood where new residential development is supported in principle, subject to compliance with policies safeguarding quality design, residential amenity, highway safety and ecology.

The western corner of the application site is located within Flood Zone 3 according to the Environment Agency Flood Zone Map and Zone 3b as shown on the New Forest Strategic Flood Risk Assessment (NFSFRA).

Comments from Environment Agency are set out below.

### Appeal dismissal of 20/10136

The previous outline planning application (under planning reference 20/10136) was refused by members of the Planning Committee on grounds the proposed development would constitute an unduly cramped form of overdevelopment of the site that would consequently be out of character with the pattern of development in the surrounding area.

A subsequent appeal to the Planning Inspectorate (under Appeal reference APP/B1740/W/21/3287728 - the Appeal Decision Letter, dated 6th May 2022, is attached as Appendix A to this report) dismissed the appeal, but only on grounds of the effects of the development in relation to European sites would be unmitigated, giving rise to conflict with the development plan.

In assessing this current planning application, officers would advise it is a significant material consideration that in coming to his decision, the Inspector found the previously refused proposal under planning reference 20/10136 to be acceptable in terms of:

- the effect of the development on the character and appearance of the area
- access and parking provision
- neighbour amenity
- flood risk

The Inspector summarises and concludes at paragraph 28 of the Appeal Decision Letter, that:

*'The development would otherwise provide a single additional dwelling in an accessible location, helping to make better use of the site. However, notwithstanding the social and economic benefits this would deliver, including in relation to the*

*Council's shortfall, they would be clearly outweighed by the potentially adverse environmental effects of the scheme.'*

#### Design, site layout and impact on local character and appearance of area

The site is currently occupied by a notably large quadruple garage attached to the side of 24 Poplar Drive, which forms part of a group of 3 detached 2-storey properties of two different designs arranged around two sides of a central hard surfaced space. To the immediate rear of the existing attached garage is a further rectangular single storey garage building of approx. 36 sq.m footprint.

These properties in turn form part of a relatively modern (late 20th Century) suburban estate of two storey properties which are generally arranged in small groups off cul-de-sacs from Poplar Drive. As noted by the Planning Inspector, the size, design and spacing of dwellings varies, as does the size and shape of their gardens.

The current proposal is a full planning application and consists of a dwelling which would have a footprint, scale, height, mass, design and general appearance accordant with that of existing dwellings on site and in the immediate surrounding area.

The proposed dwelling would be positioned alongside No 24, similarly facing onto the central space/access area to the immediate NW. Again, as noted by the Planning Inspector, the positioning of the proposed new dwelling would not require atypically close spacing and would complement the existing arrangement.

The proposed scale, design and appearance of the proposed new dwelling are considered generally consistent with that of adjacent dwellings - the final specification of external facing materials can be secured by condition.

In terms of the proposed garden space, whilst this would be more compact than is typical within the wider estate at large, it remains proportionate and would provide an adequate level of outdoor amenity space. As noted by the Planning Inspector, it is unlikely that this would be generally perceived, as the back garden would only be partially exposed to views from Long Lane, which itself lies outside the estate and from this vantage point, the garden would not appear obviously at odds with other gardens which back onto the road. The Inspector concluded:

*'For this and the above reasons the development would not appear cramped, or the site overdeveloped.'*

#### Impact on trees

Within the rear garden of 24 Poplar Drive are 2x Hornbeam trees (marked T1 and T2 on the submitted Helen Brown Treescapes report) T2 has been removed under consent for removal due to its poor condition (application TPO/19/0532) replacement tree planting is a condition of this decision.

The proposed new vehicular access onto Long lane and the associated driveway will encroach the root protection area of the retained Hornbeam, however, the applicant has submitted a Tree Survey and Arboricultural Method Statement (Helen Brown Treescapes Ref:HBD1923IAMS1 dated 14th May 2020) which provides a specification for tree protection measures to be taken, including the installation of the specialist driveway.

The Council's Tree officer has considered these matters and is satisfied that if these measures are followed, the proposed layout can be constructed without significantly impacting the trees (on and adjacent to the site).

The Tree officer has noted that additional parking at the front of proposed dwelling will require the partial removal of a Cypress hedge - she does not consider this hedge to constitute a constraint to development.

The Tree Officer is content to raise no objection, subject to a condition to ensure the trees on the site which are shown to be retained on the approved plans are protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement.

#### Highway safety, access and parking

In terms of car parking provision, the proposed dwelling would accommodate 3 bedrooms and would require the provision of 2.5 on-site car parking spaces to be accordant with the Council's Parking Standards SPD. The proposed site layout plan demonstrates the provision of 3 on-site car parking spaces, which meets this requirement.

In respect of car parking provision for the existing dwelling, 3 car parking spaces have also been shown on the submitted site layout plan. Two spaces have been positioned within the rear garden of 24 Poplar Drive, to the south-west of the dwelling. These spaces would be accessed from Long Lane and would require the construction of a new vehicular access.

Hampshire County Council as Highways Authority have considered the proposals and raise no objection, subject to conditions in respect of details of visibility splays (Long Lane access), a Construction method Statement and access provision (dropped kerb) prior to the commencement of development.

The planning agent has confirmed that the hard surfacing of the access from Long Lane would consist of breathable tarmac to avoid spilling of loose particles onto the highway.

An objection has been raised by Marchwood Parish Council on the basis that the new access and the associated traffic movements would not benefit pedestrian walking along that route. However, as previously noted by Hampshire County Council Highways, this access onto Long Lane (an unclassified road) could be constructed without planning permission, therefore it is considered refusing the application on this basis would not be justifiable in this case.

A third party representation has been made with regard to rights to cross third party land (to the NE of the application site, from Poplar Drive), to provide access to the proposed new dwelling. The Council as local planning authority is content that notice of the application for the proposed development has been appropriately served on the owner(s) of the third party land (under Certificate B, refer to application form). Officers advise that the availability (or otherwise) of legal rights to cross third party land are a private, civil matter between landowners and do not, for the purposes of this application, constitute a material planning consideration.

#### Residential amenity

Concerns have been raised in third party representations with regard to potential impacts on neighbour amenity arising from the proposed development, and in particular with regard to overlooking and overshadowing impacts.

The proposed new dwelling would be detached and of two storey form, of similar scale, form and design to existing dwellings within the surrounding area. The front (NW) facing elevation would include windows at ground and first floor level which would have views primarily over the access/parking area at the front of the site and would not give rise to the undue overlooking of neighbouring houses or gardens.

The rear (SE) facing elevation would also include ground and first floor windows - these would primarily have views over the rear garden of the property and the road (Long lane) beyond. There would be a degree of mutual overlooking from proposed first floor rear facing bedroom windows (at an angle) of the rear gardens of number 25 and 24, however such arrangements and relationships are commonplace within residential estate developments and this would not, in officer's opinion, constitute an undue degree of overlooking or an unacceptable relationship between the properties.

The west facing side elevation of the proposed new dwelling would abut the public footpath running from Poplar Drive to Long Lane. Within this side facing elevation is a proposed single casement window at first floor level (serving the internal staircase) which it is proposed will be obscure glazed, to preserve the amenity of the adjacent property at number 25. Provided this window is obscure glazed (to be secured by a planning condition), it is considered no undue overlooking would result.

There are no windows or openings within the proposed east facing elevation.

By reason of the appropriate scale and form of the proposed new dwelling, subject to the obscure glazing condition described above, it is considered the proposal would not have undue amenity impacts on adjacent dwellings. In these respects, the proposed development is considered accordant with the provisions of local plan policy ENV3, which has regard to design quality and standards of amenity.

Officer's note that in considering the previously refused proposal, the Planning Inspector considered:

*'Further concerns in relation to overlooking could be addressed by condition as appropriate, and there is no reason to believe that any unacceptable effect in relation to shading would occur when taking the relative orientation of dwellings into account.'*

#### Impact on sewage and drainage, and flood risk

The application site is partially within the designated Environment Agency Flood Zone 3 and NFSFRA fluvial flood zone 3b. The affected area is the south westernmost corner of the proposed rear garden of the new property, constituting approximately 6 square metres in area.

The area affected is not within the proposed footprint area for the new dwelling and does not intercept the proposed access/egress for the proposed dwelling.

The Environment Agency (EA) were consulted and raise no objection to the proposal, subject to a condition requiring that the development is carried out in accordance with the submitted Flood Risk Assessment (FRA).

Subject to the condition requested by the EA, the proposed development is considered to be acceptable in terms of flood risk.

#### **Impact on sewage**

Objections have been raised on the grounds of existing problems with sewage and drainage and the proposed development increasing the risk of flooding.



Whilst existing problems with sewage/drainage should be raised with Southern Water, it is considered that surface water drainage and foul drainage issues on site can, at this stage, be controlled through an appropriate Condition requiring details of a foul and surface water drainage strategy to be agreed prior to the commencement of development.

Officers note that Southern Water were consulted on the application and, whilst no specific response has been received for this current application, they have previously not raised an objection (20/10136), subject to a standard informative to the applicant in respect of new connections to public sewer and with regard to soakaways and possible existing sewer location.

#### Air quality

In accordance with the Council's Air Quality in New Development Supplementary Planning Document (SPD), adopted on 1 June 2022, the proposed development will be required to demonstrate, through the submission of an Air Quality Statement, how mitigation measures to be implemented by the applicant to reduce emissions to air from the proposed development.

The requisite Air Quality Statement can be made a requirement by planning condition.

#### Ecology

##### **On Site Biodiversity and protected species**

The Council's Ecologist has assessed the proposal and considers the likelihood of significant ecological impacts to be low. The Ecologist recommends that in-built ecological enhancements are provided to demonstrate biodiversity net gain in line with the NPPF and the Local Plan e.g. bird boxes. Integrated swift bricks are strongly favoured as they are readily used not just by Swifts by other species of bird, including starling, house sparrow and tits.

Therefore, in accordance with the Council's Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021), an appropriate biodiversity enhancement scheme is recommended to be secured by a planning condition.

##### **Affect the integrity of the New Forest and Solent Coast European sites**

###### a) Habitat Mitigation and off-site recreational impact

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 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement (or unilateral undertaking) to secure an appropriate habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has agreed in principle to enter into a Section 106 legal agreement (or unilateral undertaking), which secures the required habitat mitigation contribution.

###### b) Nitrate neutrality and impact on the Solent SPA and SACs

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 permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

### Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution of £5,597
- Non-infrastructure contribution of £813
- Bird Aware Solent contribution of £735
- Air quality monitoring contribution of £91

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	92.6	88.5	4.09	4.1	£80/sqm	£418.83 *
Subtotal:	£418.83					
Relief:	£0.00					
Total Payable:	£418.83					

## 11 CONCLUSION

The application site is located within the defined built-up area of Marchwood where new residential development is supported in principle.

The proposal would provide a single additional dwelling in an accessible location, helping to make better use of the site and would be accordant with policies safeguarding quality design, residential amenity, highway safety and ecology.

The flood risks associated with the proposed development can be adequately mitigated in accordance with the measures set out within the submitted FRA.

## 12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- (i) the completion by the landowner, of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) to secure habitats mitigation and air quality monitoring contributions, as set out within Section 10 of the officer report, and
- (ii) the imposition of the conditions set out below.

### **Proposed 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. The development permitted shall be carried out in accordance with the following approved plans:

NF-NM-343.1.01 SITE LOCATION PLAN  
NM-343.1.03 PROPOSED BLOCK PLAN  
NF-NM-343.1.04 PROPOSED SITE PLAN  
NF-NM-343.1.05A PROPOSED PLANS & ELEVATIONS  
ARBORICULTURAL IMPACT ASSESSMENT & METHOD STATEMENT  
FLOOD RISK ASSESSMENT  
FLUVIAL FLOOD RISK ASSESSMENT REPORT  
APPENDIX 1- DETAILED FLUVIAL & SURFACE WATER FLOODING MAPPING

Reason: To ensure satisfactory provision of the development.

3. Before development commences above ground level, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the aims and objectives of the NPPF and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (entitled 'Fluvial Flood Risk Assessment', dated 31 March 2021, by Simon Jones-Parry (Chartered Civil Engineer)), and the following mitigation measure it details:

Finished floor levels shall be set no lower than 11.66 metres above Ordnance Datum (AOD) (Section 1.3 of the FRA).

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements and the measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

6. 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.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

7. The new dwelling hereby permitted shall not be occupied until the spaces shown on plan NF-NM-343.1.04 (Site plan as proposed) for the parking of motor vehicles have been provided. These spaces shall be retained and kept available for the parking of motor vehicles for the dwelling hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest outside of the National Park.

8. The development hereby permitted shall not commence until the spaces shown on plan NF-NM-343.1.04 (Site plan as proposed) for the parking of motor vehicles associated with the existing dwelling at 24 Poplar Drive have been provided. These spaces shall be retained and kept available for the parking of motor vehicles for the existing dwelling at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest outside of the National Park

9. No development shall take place until scheme for biodiversity protection and enhancement has been submitted to and approved in writing by the local planning authority. The measures thereby agreed shall be implemented as part of the development and maintained thereafter.

Reason: To enhance existing features of nature conservation value within the site in accordance with the Council's Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021) and saved policy DM2: Nature Conservation of the Local Plan Part 2: Sites and Development Management.

10. Prior to first occupation, provision shall be made for the convenient installation of charging points for electric vehicle(s) (associated with the new dwelling) on the site, the details of which shall have been first submitted to and agreed in writing by the Local Planning Authority, and the approved details shall thereafter be retained for their intended purpose at all times.

Reason: To ensure suitable provision is made and in accordance with Policy IMPL2 of the Local Plan Part 1 2016-2036 Planning Strategy

11. The cycle storage facility shown on the approved plans shall be provided before first occupation of the dwelling hereby approved, and shall thereafter be retained for its intended purpose at all times.

Reason: To ensure adequate cycle parking provision, and in the interests of sustainable development.

12. The first floor window on the north west facing side elevation of the approved dwelling shall be permanently glazed with obscured glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

13. The development hereby permitted shall not be occupied until:

(i) 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; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and

(ii) 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

(iii) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

14. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (1) A programme of and phasing of demolition (if any) and construction work;
- (2) The provision of long term facilities for contractor parking;
- (3) The arrangements for deliveries associated with all construction works;
- (4) Methods and phasing of construction works;
- (5) Access and egress for plant and machinery;
- (6) Protection of pedestrian routes during construction;
- (7) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (8) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In the interests of amenity and Highway safety.

15. The new access (off Long Lane), including the footway and/or verge crossing shall be constructed with lines of sight of 2.4 metres by 43.0 metres and the lines of sight splays shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety

16. Before development commences above ground level, an air quality statement setting out a minimum of three mitigation measures (as detailed within Appendix 1 of the Council's Air Quality Assessments in New Development SPD) shall be submitted to and agreed in writing by the local planning authority.

Development shall be carried out in accordance with the agreed air quality mitigation measures.

Reason: In the interests of amenity and public health, in accordance with the provisions of the Council's Air Quality Assessments in New Development SPD.

17. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

**Further Information:**

Warren Simmonds

Telephone: 023 8028 5453



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## **Appeal Decision**

Site visit made on 20 April 2022

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

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

**Decision date: 06 May 2022**

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**Appeal Ref: APP/B1740/W/21/3287728**

**24 Poplar Drive, Marchwood SO40 4XH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr A Cornish against the decision of New Forest District Council.
  - The application Ref 20/10136, dated 5 February 2020, was refused by notice dated 14 July 2021.
  - The development proposed is described as demolition of attached garaging and erection of infill dwelling.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The application was made in outline with appearance, scale and landscaping reserved for future determination.

### **Main Issue**

3. The main issues are the effects of the development on:
  - the integrity of European sites in relation to: (a) nutrients, (b) recreation and (c) air quality; and
  - the character and appearance of the area.

### **Reasons**

#### *European sites*

4. The development would support an increase in population within reasonably close proximity to a number of European sites. In this regard, considered alone and in combination with other plans or projects, the development would have a likely significant effect on the integrity of the Solent and Southampton Water SPA and Ramsar sites, Solent and Isle of Wight Lagoons SAC, and Solent Maritime SAC (the nutrient-sensitive sites) as a result of nutrients in wastewater entering the catchment via water treatment works, and on the New Forest and the Solent and Southampton Water SPA/SAC/Ramsar sites (the recreation-sensitive sites), as a result of increased recreational pressure.



In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) Appropriate Assessment (AA) is therefore required.

5. The designation of the above sites relates to the range of protected priority habitats and species that they support. Where available, their conservation objectives seek to maintain or restore integrity, including that of qualifying features. Increased recreational use and eutrophication would, respectively, be at odds with these objectives.
6. Two separate AAs of the scheme in relation to nutrients and recreation have been undertaken by the Council. These have helped to inform my assessment.

*(a) Nutrients*

7. Recent guidance produced by Natural England (NE) both sets out its position in relation to nutrients, and provides advice on calculating nitrogen budgets, offsetting, and achieving nutrient neutrality. Though the Council is working on strategic solutions in line with NE's advice, this work has not been concluded. Whilst the Council has made further general reference to schemes which enable credits to be purchased, no details of these schemes, their current availability, or the eligibility of the development in question to access them has been provided. Thus, aside from implementing generic water efficiency measures which would limit but would not eliminate the production of wastewater, no means of mitigation has been proposed, specifically identified or secured in relation to either appeal scheme.
8. The Council has instead suggested that mitigation could be secured at a later stage by use of a Grampian condition. This would not explicitly require the appellant to enter into a planning obligation or other agreement, though it is unclear how else mitigation would be secured. Here the Planning Practice Guidance (PPG) states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases, and only then in exceptional circumstances.
9. The Council has highlighted a 2020 appeal decision in which the Inspector agreed to use of a Grampian condition in relation to nutrients. However, that case differed markedly from the cases subject of the current appeals in that whilst a scheme of mitigation actually appears to have been secured, it was considered that this would be better secured in the context of an emerging overarching agreement. There is therefore no direct parallel between the schemes. In the absence of any other evidence, it is otherwise unclear how representative this 2020 appeal decision is, particularly given the unusual circumstances.
10. The Inspector in the 2020 appeal additionally considered that the Council's lack of a demonstrable 5-year supply of deliverable housing sites (5YHLS) provided exceptional circumstances justifying a departure from the PPG. The Council continues to lack a 5YHLS. Exactly what role nutrients plays in this unclear. Insofar as the need to secure mitigation otherwise acts as an impediment to housing delivery, use of the

proposed condition would not resolve the issue. Nor would it address other issues which might have a bearing on the Council's 5YHLS position. I therefore find that the Council's lack of 5YHLS is not an exceptional circumstance justifying use of the proposed condition.

11. As such, use of the proposed condition would be clearly contrary to the PPG. As I have no clear indication of what form mitigation would take, the proposed condition would further fail to meet the test of precision and would provide no

certainty of mitigation. Given that nutrient neutrality has not been secured and given the absence of an appropriate mechanism by which it could be secured, adverse effects on the integrity the nutrient-sensitive sites cannot be excluded.

12. Alternative solutions which would have a lesser impact on the integrity of the nutrient sensitive sites clearly exist. Indeed, properly evidenced, scaled, and secured avoidance/mitigation could potentially address the likely significant effects identified above. As such and given the failure of the scheme in this regard, allowing the appeal would be contrary to the Habitats Regulations. It would also conflict with saved Policy DM2 of the New Forest District (outside the National Park) Local Plan Part 2: Sites and Development Management 2014 (the SDM), and Policy ENV1 of the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy (the LP) which together support the process of AA and require development to mitigate its impact on international nature conservation sites.

*(b) Recreation*

13. The Council's strategy for achieving mitigation of increased recreational pressure on European sites is currently set out within the Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document 2021 (the SPD), and the Solent Recreation Mitigation Strategy 2017 (SRMS). In each regard mitigation comprises funding for provision of sites of alternative natural green space (SANGS), and provision of site access management and monitoring measures (SAMM). The SPD indicates that funding will be through a mix of CIL and financial contributions, and the SRMS, through financial contributions.
14. The SRMS contains a general endorsement from NE, and NE has provided general advice to the Council confirming that it will not object to schemes provided mitigation is secured in line with local strategy.
15. Though work commenced on preparation of a Unilateral Undertaking (UU) to secure the required contributions during 2021, none has been provided to date. In the absence of full mitigation for the increased recreational pressure to which the scheme would give rise, adverse effects on the integrity of the recreation-sensitive sites cannot be excluded. As considered above, this matter could not be properly addressed through the imposition of a Grampian condition.

16. The scheme would therefore fail to mitigate the likely adverse effect it would have in relation to the recreation-sensitive sites. Again, alternative solutions would have lesser effect exist, insofar as provision of appropriately secured mitigation would address the scheme's likely significant effects. As such and given the failure of the scheme in this regard, allowing the appeal would be contrary to the Habitats Regulations. It would therefore again conflict with saved Policy DM2 of the SDM and Policy ENV1 of the LP as outlined above.

*(c) Air quality*

17. The decision notice additionally references a failure to mitigate adverse effects in relation to air quality, though this is not addressed within the Council's AAs.

18. Air quality is however covered within Policy ENV1 of the LP in relation to the New Forest SPA and SAC. The supporting text states that the deposition of nitrogen and ammonia from vehicle exhausts is a risk factor which requires a financial contribution to cover monitoring.

19. Notwithstanding the Council's reason for refusal, the stated purpose of monitoring is to identify whether adverse effects are occurring or likely to occur, rather than to mitigate them. Whilst likely significant effects on the integrity of the New Forest SPA and SAC cannot therefore be ruled out, given evident uncertainty, it is unclear whether any mechanism exists by which adverse effects can in fact be excluded.

20. Thus, had I been otherwise minded to allow the appeal it would have been necessary for me to seek further information and evidence in relation to this matter, and to extend my AA accordingly. Given my findings in relation to matters (a) and (b) above however, this is unnecessary.

*Character and appearance*

21. The site is currently occupied by a garage attached to the side of 24 Poplar Drive. This forms part of a group of 3 detached 2-storey properties of two different designs arranged around two sides of a central hard surfaced space. These properties in turn form part of a relatively modern suburban estate of 2-storey properties which are arranged in small groups. The size, design and spacing of dwellings varies, as does the size and shape of their gardens.

22. The proposed dwelling would be positioned alongside No 24, similarly facing onto the central space. This would not require atypically close spacing and would complement the existing arrangement. Scale and appearance are both reserved matters, however in each regard a design generally consistent with that of adjacent dwellings could be secured.

23. The proposed garden space would be more compact than is typical within the estate at large. However, it is unlikely that this would be generally perceived. Indeed, the back garden would only be partially exposed to view from Long Lane, which itself lies outside the estate. From this vantage point the garden would not appear obviously at odds with other gardens which back onto the road. For this and the above reasons the development would not appear cramped, or the site overdeveloped.

24. I conclude therefore that the effect of the development on the character and appearance of the area would be acceptable. It would therefore comply with Policy ENV3 of the LP which amongst other things requires development to be sympathetic to its context.

### **Other Matters**

25. Interested parties have raised a number of concerns not shared by the Council. These include the lack of safe or convenient parking, and related adverse effects on neighbour amenity in relation to traffic, light and air pollution. Given that space already used for parking would be utilised, additional parking would be provided to the rear of No 24, and screening could be introduced, I see no reason to reach a different view. Further concerns in relation to overlooking could be addressed by condition as appropriate, and there is no reason to believe that any unacceptable effect in relation to shading would occur when taking the relative orientation of dwellings into account.

26. A small part of the rear of the site falls within Flood Zone 3. In this regard the Environmental Agency and Council disagree over the acceptability of the development based on the submitted Flood Risk Assessment. On the basis that the proposed dwelling would have a smaller footprint than the building it would replace, both it and its access would fall outside Flood Zone 3, that a precautionary approach could be taken in relation to finished floor levels, and that No 24 would continue to have access from the front, I share the Council's view that the development would not be subject of or give rise to unacceptable risks in relation to flooding.

27. As noted above, the Council lacks a 5YHLS, and the appellant has accordingly drawn my attention to the 'tilted balance' set out in paragraph 11 of the National Planning Policy Framework (the Framework). However, given my findings in relation to European sites, and the application of paragraph 182 and Footnote 7 of the Framework, the tilted balance is not applicable in this instance.

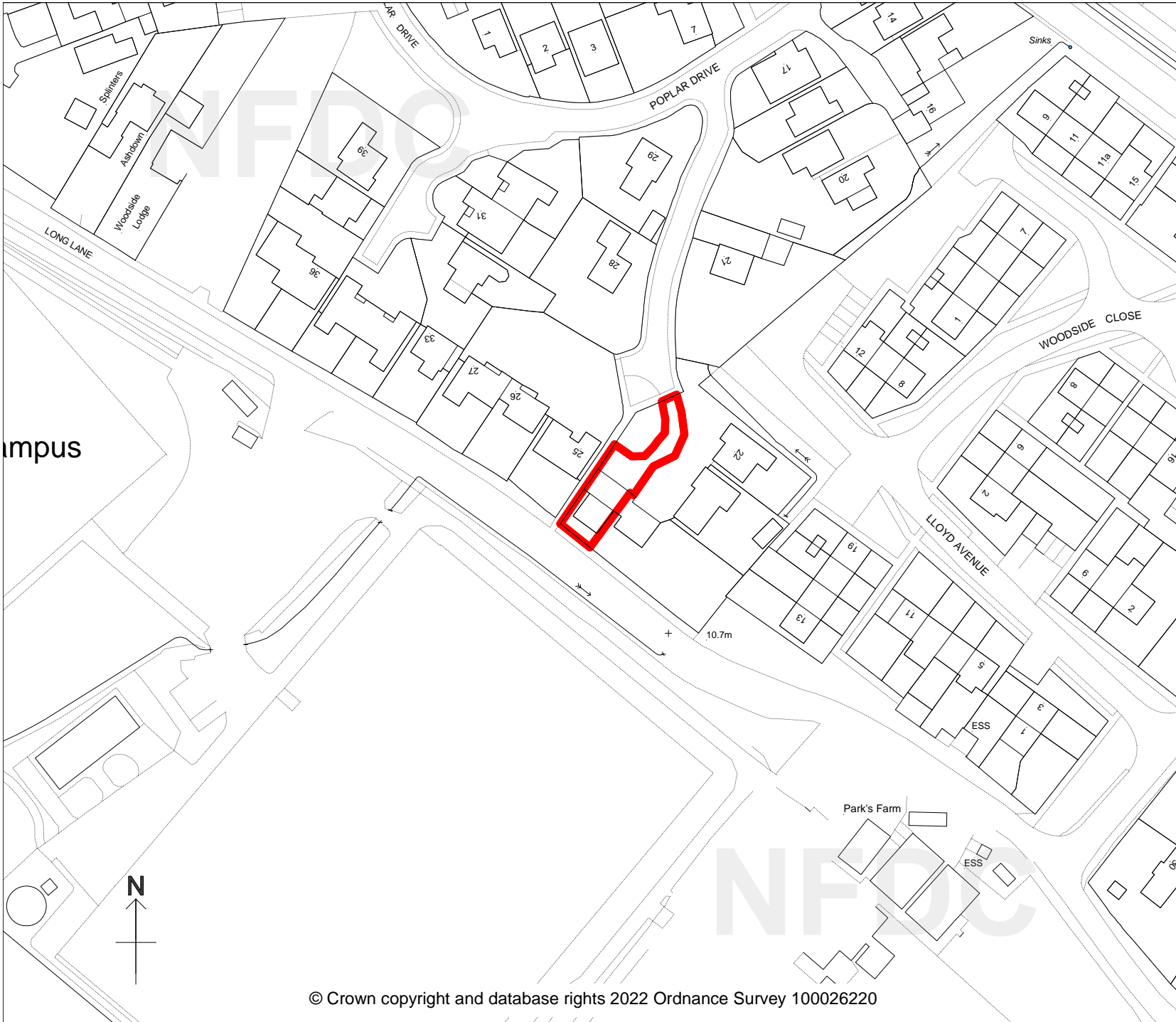
28. The development would otherwise provide a single additional dwelling in an accessible location, helping to make better use of the site. However, notwithstanding the social and economic benefits this would deliver, including in relation to the Council's shortfall, they would be clearly outweighed by the potentially adverse environmental effects of the scheme.

### **Conclusion**

29. The effects of the development in relation to European sites would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

*Benjamin Webb*

INSPECTOR



# New Forest

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## PLANNING COMMITTEE

October 2022

Land of 24 Poplar Drive  
 Marchwood

22/10898

Scale 1:1250

N.B. If printing this plan from  
 the internet, it will not be to  
 scale.