
APPLICATION NO.	21/02943/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	07.10.2021
APPLICANT	Mr Tom Mitchell
SITE	Land west of Finkley Farm Road, East Anton, Andover, ANDOVER TOWN (ROMANS)
PROPOSAL	Erection of 130 dwellings and a 375sqm Class E retail convenience store, including access, parking, open space, landscaping and a sustainable urban drainage system (SuDS)
AMENDMENTS	Letter received 10 th January responding to LLFA's comments
CASE OFFICER	Mrs Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application has been brought to the Northern Area Planning Committee at the request of a ward member for the following reasons:

1. To determine/highlight the proactive (or lack of), marketing for community and commercial buildings. This to include the assumptions made during the original planning and consequent expectations.
2. Once the marketing period ended, or indeed as the trigger point was being reached, what discussions or potential opportunities were there to seek alternative design? Such as additional parking, community garden, landscaped amenity land.
3. What can we now do to readdress this?

We should also be seeking at least a more "pleasing" layout than simply allowing additional houses, which will impact on vista, parking, traffic, school capacity, medical capacity all intrinsically linked to the additional resident population which was not originally expected.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located within the East Anton Major Development Area. It is located to the south of the Smannell Road and immediately adjacent to Finkley Farm Road to the east and Dairy Road to the south. The site at present is mown grass with part of the land being used as material storage and compound by the developer. The YMCA nursery is adjacent to part of the southern boundary of the site. The site slopes from a high point on the south boundary to a lower point on its northern boundary. To the north of the site is the open space area adjacent to Smannell Road which is a mix of grass, tree planting and also has a Locally Equipped Area for Play (LEAP) and Multi Use Game Area (MUGA) within it.

3.0 **PROPOSAL**

- 3.1 This application seeks full planning permission for the erection of 130 dwellings and a 375sqm Class E retail convenience store. The scheme would include access, parking, open space, landscaping and a sustainable urban drainage system (SuDS)
- 3.2 The site is already served by two road spurs, one from Finkley Farm Road and the other from Dairy Road. A further access point is proposed from Dairy Road to serve the commercial unit and apartments above this commercial unit located in the south east corner of the site. To the north of the site an infiltration basin is proposed in the Public Open Space adjacent to Smannell Road.
- 3.3 The application has been submitted with the following documents:
- Planning Statement
 - Design and Access Statement
 - Flood Risk Assessment and Drainage Strategy
 - Preliminary Ecological Appraisal
 - Transport Assessment
 - Residential Travel Plan
 - Statement of Community Involvement

4.0 **HISTORY**

- 4.1 TVN.09258 – Outline permission granted for Erection of 2,500 dwellings, employment, schools, local centres, playing fields, parkland, public open space, structural landscaping and associated infrastructure Permit 13.08.2008

5.0 **CONSULTATIONS**

5.1 **Policy – No objection**

Implementation of East Anton as a strategic allocation

This parcel incorporates the Southern Local Centre (SLC) which provides facilities and services to meet the needs of the new neighbourhood.

The S106 agreement linked to the outline planning permission for the site (re. TVN.09258) sought the provision of the following uses, subject to marketing, on the SLC:

- Convenience store (approx. 250sqm)
- Retail units
- Pub/restaurant
- Health/medical centre
- Place of worship
- Day nursery
- Recycling facility
- B1 uses
- Dwellings (but only where attempts have been made to accommodate the above facilities first). Dwellings may include a care or nursing home (in agreement with the Council).

The obligation under the S106 to market the various uses, including the land for the place of worship, ceased at the 2000th occupation which was occurred in approximately January 2020. A final marketing report was received in January 2020 showing that marketing was carried out satisfactorily in accordance with the agreed marketing strategy.

The site layout plan indicates the location of the Indoor Sports Facility (ISF). While the ISF doesn't form part of this application, any subsequent application would need to ensure there is sufficient space to accommodate the ISF and associated activities (e.g. parking, loading and delivery, plant etc) and not constrain this use from coming forward.

- 5.2 The proposals also do not show the provision of the recycling facility. This should be shown in an accessible location for users and commercial vehicles in delivering/emptying recycling receptacles. The Council's Environmental Services should be consulted to provide advice on this matter.
- 5.3 **Policy T1: Managing Movement** - Requires the development to be connected with existing and proposed pedestrian, cycle and public transport links to key destinations and networks. The drawings should show these connections more clearly. There is a shared use pedestrian/cycleway on Finkley Farm Road along the edge of the proposed development and the application should show a clear route for cyclists to link from this to cycle parking for the convenience store.

The path connection to the open space to the north and west is welcomed and provides a clear and convenient route from the school and YMCA through the development to the play area and open space to and the convenience store.

Policy T2: Parking Standards - Parking is required to be well designed and appropriately located so as to be convenient to users. The supporting text to Policy T2 goes further by saying that where parking poorly relates to the building they are intended to serve, the likely result is parking in locations not intended for that purpose. There is concern over the relationship between the parking and the properties they are intended to serve. For example, plot 28 in the NW extent and plot 52 in the SW corner of the site. The allocated parking spaces are too separated from the properties and not conveniently located. This is likely to result in parking in the road nearest to the most convenient entrance to the property. In addition, surveys on other new developments has shown that nose to tail parking arrangements are underused, with only one car occupying both spaces. Spaces also need to be designed to allow doors to open fully in order for them to be fully utilised.

It is not clear on the layout plans the location and quantity of cycle parking for the convenience store. A minimum of 2 cycle spaces are required for the proposed 375 sqm for the store, preferably covered.

Visitor parking in accordance with the standard in Annex G should be provided in suitable locations. This should be addressed to reduce the risk of conflict over parking in inappropriate places. The layout plan shows visitor parking

adjoining allocated parking for residential properties close to the boundaries of properties (e.g. at plot 30). This is likely to result in a lack of distinction between privately allocated parking and visitor parking. Annex G of the Local Plan requires 1 visitor space per 5 residential properties which equates to 26 visitor parking spaces. Page 34 of the Design and Access Statement shows sets out only 23 visitor spaces, a shortfall of 3. This shortfall should be addressed or justified.

5.4 **Policy E5: Biodiversity – (Nitrate neutrality)**

Policy E7: Water efficiency

Policy ST1: Skills and Training - requires contributions towards enhancement of skills training and the provision of apprenticeships where a development has a significant impact on the labour market. On 9 November 2016, the Council agreed to seek an Employment Skills Plan (ESP) to be secured through a S106 Agreement detailing construction training and construction placements for developments of 50 dwellings or more for residential development or 1000 square metres for commercial development. The applicant will be required to provide an ESP prior to commencement that reflects the Construction Industry Training Board (CITB) Client Based Approach. The Council's Economic Development Officer should be consulted to advise on the details of the ESP.

Community Infrastructure Levy (CIL)

This site is not a strategic allocation that has been nil rated for the purposes of CIL. It will therefore be CIL liable. Both the residential properties, except for the affordable housing, and the retail/convenience store, will attract a CIL charge in accordance with the Council's adopted CIL Charging Schedule. The CIL Officer should be consulted to advise on potential future levy calculations.

5.5 **National Planning Policy Framework (NPPF)**

Paragraph 74 of the NPPF requires the Council to demonstrate a minimum of 5 years housing land supply (HLS) with a 5% buffer. An assessment of the HLS position as at 1 April 2020 has been undertaken. This uses the housing requirement established in policy COM1 and has regard to the conclusions of the Inspector's Report on the Examination of the Local Plan. The HLS position for Northern Test Valley, as at 1 April 2020 was 6.27 years of supply. This is reported against a target of 5.00 years.

The existence of a five year HLS enables the Council to give weight to the policies of the adopted plan (in the context of footnote 8 of the NPPF). The demonstration of a five year HLS does not in itself cap development and any application must be assessed on its merits.

5.6 **Housing – Objection**

The Revised Local Plan and the Affordable Housing Supplementary Planning Document, classes Andover as Un-Designated Area and therefore, under Revised Local Plan (RLP) Policy COM7: Affordable Housing applies:-

The Council will negotiate on housing sites:-

15 or more dwellings (or sites of 0.5ha or more) for up to 40% of dwellings to be affordable.

Therefore based upon the 130 new dwellings (and 375 sqm of retail space) the affordable housing dwellings required to satisfy COM7 will be 52. The 52 affordable dwellings will be required on site.

5.7 Accommodation schedule should provide a mix of First Homes, Affordable Social Rent and Shared Ownership Tenure. The Housing Team acknowledge that the applicant has submitted their own accommodation schedule. However, this does not reflect the guidance given in the previous pre-application consultation response, and does not meet the demonstrable need in the area, and this is a further reason for my objection. In addition the required mix must now include First Homes.

5.8 In order to be acceptable for the inclusion in the Homes England Affordable Housing Programme, all affordable dwellings unit sizes shall be no more than 15% below or 30% above the Nationally Described Space Standards

The affordable housing units must be fully integrated in clusters of no more than 10, spread evenly across the development, such that they are indistinguishable from the market housing to achieve mixed and inclusive communities as specified in the Affordable Housing Supplementary Planning Document and Revised Local Plan. The plan submitted with the pre-application documents (page 36 of the Design and Access Statement Part 1) shows the affordable housing located in clusters which are significantly larger than 10 units, and I am therefore raising an objection to that matter.

5.9 Where there is a demonstrable need for a wheelchair adapted home, the home should be constructed in accordance with Building Regulations Part M4 (Category 3) revised edition 2015 or successor regulations. Development of adaptable/adapted homes contributes to the aims of the Councils Housing Strategy and will be encouraged in light of up to date evidence of need on the Housing Register. **At present we do have a need for 2 and 3 bedroom adapted houses.** Further discussions will need to be had over this topic in the following months as the need/demand for such dwellings changes on a regular basis.

5.10 It is recommended that the applicant makes contact with Affordable Housing Providers as soon as possible in order to obtain an indication of transfer prices that can be expected for the rented and shared ownership units. A list of AHPs who work in partnership with Test Valley Borough Council can be provided on request.

A pre application response from housing was submitted to Planners on the 4th August 2021 which clearly stated the requirement for First Homes including an acceptable mix for the First Homes and all of the affordable dwellings in terms of property size, type of property and tenure. This proposal has not been adhered to given that the proposed mix.

The proposed mix of the affordable dwellings is **unacceptable**, the expectation that all of the rented flats are put forward for the affordable dwellings does not represent or encourage mixed and sustainable communities and once again, I refer to the suggested information above. Furthermore, the layout of the affordable dwellings on page 36 of the Design and Access statement is unacceptable. The affordable homes should be indistinguishable from the open market dwellings and dispersed throughout the site, in clusters of no more than 10 dwellings and not only clustered in the very corners of the site.

5.11 Landscape – Objection

Across the development, it is noticed that there is still an over provision of alleyways/cut throughs which are not needed; whilst it is considered good connectivity is essential, this over provision could be better reconfigured to give a better layout and more attractive setting across the site.

Brick walls are shown as boundary features across the site, which in principle are a good quality and robust boundary treatment, however where the site has introduced tandem parking throughout this has walls wrapping around single spaces i.e. plots 38,39, 51, vehicles will be hemmed in and spaces may even become unusable. This is poor quality design which would create harsh and in many instances unusable spaces.

A landscape management plan has been provided which provides a robust management strategy for the site.

Check tree pit calculations have been considered for hard landscaping

Plot 1 – Potential for one large legacy tree instead of two small trees

Plot 14 – Confirmation what is garden space and what is public space, who owns and maintains what?

Plot 24 – Remove property and open up the view through of Public Open Space, will significantly improve the quality of this space. Existing design is poor.

5.12 Plot 35 - hedgerow and grass, show more grass in front of the hedge, make space more attractive and usable

Plots 42/43 and 44/45 - the access achieves the same purpose

Plots 48/49 – due to the large garden, take tree out of residential ownership and integrate as part of public space. Potential for large tree here and quality walkway through.

Plot 54 Landscaping to the north, what is it, who maintains it – defensive hedgerow to soften the impact

Plot 67 Potential conflict - Relationship between property and POS

Plots 69-77 Trees proposed should match trees adjacent

Plot 88 – Clarification of soft landscaping, who owns what and what's its purpose

Plot 103 – Hedge along frontage should go the length of the pathway, create degree of separation between private and public space

Plots 105-108 – Wasted space between properties, could be better laid out

Plots 113-118 – Parking in front of neighbouring properties is poor quality layout, need to reconsider parking options. This does not create a good neighbourhood

5.13 Highways – Objection

Transport Assessment assumes that the residential traffic would be offset by the reduced traffic from the commercial and community uses. The Highway Authority disagree as at present there is insufficient information on trip generation assumptions from the outline application and the proposed land uses for this application.

Site has good accessibility to wider routes and employment. However internal road and pedestrian provision does not provide good links to existing bus stops and crossing provisions

Access Points

(opposite Cashmere Drive)

Two visibility splays offered the larger splay encroaches onto private gardens the Highways Authority would need to adopt the full splay. Swept path analysis shows that an 11.2metre refuse vehicle would encroach onto the opposite side of the internal access road which may cause conflict with other vehicles and would not be acceptable.

(access to shops and flats)

Two splays to bellmouth junction being shown need clarity on which is being put forward.

5.14 Issues with internal layout which include;

- Parking on Spine Road
- Access to storage areas to plots 4-12 need re thinking
- Inconsistent visibility standards between plots 14 and 34
- Remote allocated parking
- 24 visitor spaces required

Travel Plan requires further amendments

The applicant has not sufficiently assessed the impact of the proposed development on the local highway network and how the changes in land use may result in higher number of external trips across all modes. In addition the internal layout requires further work to ensure a safe and suitable road network.

5.15 Crime Prevention – Objection

Access to private dwellings from the public realm must be prevented, all dwellings must sit within an area of private space. All rear private gardens should have 1.8metre fencing, all side and front semi private areas should be enclosed by 1 metre fencing. Examples are plots 67, 92,96 and 97 (there may be others).

Access to apartment blocks from public realm must be prevented. Blocks should sit within an area of semi-private space enclosed by a robust boundary treatment of 1.2m high. Windows on the ground floor must be protected by planting.

Layout has provided public access to rear of dwellings which have very little natural surveillance. Rear gardens should have lockable gates.

POS is more unsafe than public highway, to cross the development pedestrians must use the POS encouraging pedestrians to use an unsafe transit route. The POS should be well lit, planting should not obscure natural surveillance

For the reasons of defensible space, rear connectivity, rear parking and lighting it is considered that the layout does not meet Policy CS1 of the RLP.

5.16 **Ecology – Comment**

This application is supported by a Preliminary Ecological Appraisal (RPS, July 2021), which appears to have been conducted in a thorough, professional manner, and I am satisfied represents the current condition of the site.

The site appears to mainly consist of well-kept semi-improved grassland, with few features of ecological interest.

A single pyramidal orchid was noted on site, and I would advise that a method statement for the retention/translocation of this protected plant species, as well as the creation of areas of wildflower meadows should be incorporated within the proposed scheme.

I would also ask for further details regarding the ecological enhancement measures proposed within the current scheme. I would advise that proposed measures should include the planting of areas of wildflower meadow (as outlined above), tree and hedgerow planting, enhancement of proposed wetland areas (e.g. pond area in the northern section of the site). I would advise that species selected within the proposed planting scheme should consist of native species, consistent with those found within the local area.

Proposed enhancement measures outlined within the submitted ecology report include the provision of bird and bat boxes. I would advise that the number and location of these is submitted, along with the proposed landscaping scheme.

- 5.17 Measures to enhance the site's biodiversity value should also be included in the submission. National planning policy encourages measures that would result in biodiversity gains, while Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 sets out that local authorities: 'must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) clarifies that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Policy E5 of the Test Valley Revised Local Plan DPD also encourages opportunities to incorporate biodiversity in and around developments. The ecology report should therefore also include measures to provide ecological enhancements, and these should be reflected in other application documents such as landscaping plans. Enhancements may include native and locally appropriate planting to provide habitat and food sources for species such as birds and invertebrates, creation of wildflower areas and other habitats, creation of ponds and other habitat features such as habitat (log) piles, and provision of bird, bat and insect boxes.

5.18 **Environmental Protection: Comment and Suggested Conditions**

Relationship to off-site uses:

School and YMCA nursery

School and nursery use can impact upon residential amenity due to noise from children. Most usually, this is a particular risk where outdoor play areas are located in close proximity to spaces used for relaxation by residents. I have not viewed the approved plans for both facilities, but it appears that such play areas are either remote from or shielded by intervening building mass and so, are probably unlikely to pose a risk of significant adverse impact to this development. I note that the YMCA building also advertises rooms for hire for community use. If such uses involve loud music especially late at night and if the building has not been designed to contain such uses, this could cause significant adverse impact upon residential amenity. I have viewed the Council's public register and it does not appear that the YMCA building has a premises licence permitting regulated entertainment. Provided that the use does not involve the use of loud amplified music the proposed relationship to residential uses would not be objectionable.

Relationship to indoor sports facility

If the current proposals introduce residential use closer to this facility than previously anticipated, the design of this facility should be reviewed to ensure that noise from plant and sports activities would still be acceptable.

Relationship to MUGA and LEAP

These facilities can impact upon residential amenity. I note that the layout limits residential gardens in the close vicinity of these facilities and overall expect the risk to amenity will not be significant.

5.19 **Local Lead Flood Authority – No objection subject to Condition**

5.20 **Archaeology: No objection**

Archaeology for this site has been considered under the original Outline, not raise any further archaeological issues.

5.21 **Andover Ramblers – Comment**

No public footpath cross the site. There is a public right of way Andover 7711 to the east. It would be useful to link this right of way with the non-right of way between Smannell Road and River Way.

5.22 **HCC (Rights of Way) – No objection**

5.23 **Leisure – Comment**

MUGA in close proximity to flats as MUGA's can be used until late evening (10pm) this could cause a noise issue
SuDs basin in POS has increased in size since the pre-application would want to see more information on this. Would want to understand the open space typologies in more detail and how it is to be maintained

5.24 **Waste and Recycling – Objection**

Waste vehicles can access development. More information needed on bin stores for all flatted blocks and in particular the flats above the shop as the domestic waste stream needs to be separate from the commercial waste stream. Query about the Local Waste Recycling Centre which is not shown on plans.

5.25 **Economic Development – Comment**

The applicant will be required to provide an ESP prior to commencement that reflects the Construction Industry Training Board (CITB) Client Based Approach. – This can be secured by Condition.

5.26 **Early Years Education – Objection**

This planning application for 130 dwellings which include flats, 2-4 bedroom houses of which 52 are classed as social housing, is likely to have some requirement for childcare places where there is probability of young couples/ small families buying/leasing these affordable homes. Whilst small on its own it adds to the overall increased housing in the Augusta Park development and contributes to concern that there would not be sufficient childcare places within the development or within the Andover Romans ward as ongoing building continues. The existing plan for childcare to support the 2500 dwellings is over subscribed for the 2 x current full day care provision on site which are well attended and operating at full capacity.

There are 47% of the EYE funded children, who reside in the ward, need to access childcare in other wards in Andover due to lack of availability of EYE funded places. These parents are seeking childcare in the neighbouring wards of Andover St Marys, Andover Downlands and beyond. It would therefore mean that parents and carers would have to continue to source/travel beyond the housing development and ward area to secure childcare, which creates further demand in neighbouring wards. The context for the immediate and surrounding area is that currently within the Andover Romans ward there are 4

x Full day care settings, where 2 are located on the Augusta Park housing development with a capacity of 171 birth to five childcare places and 10 EYE registered childminders.

5.27 The neighbouring wards of Winton and Andover St Marys has 2 Full Day Care, 4 Preschools and 8 EYE registered childminders collectively. All settings currently offer the extended entitlement (30 hours) to support childcare for working parents. Demand from the housing development is already high, especially for children with SEN and we anticipate that will continue. In conclusion this small development is likely to contribute to further stress for parents from these new dwellings, wishing to access childcare and their early years entitlements in the locality, and that the developer needs to come up with a proposal on how the childcare might be met.

6.0 **REPRESENTATIONS** Expired 04.02.2022

6.1 **Andover Town Council: Objection**

The Planning Committee is extremely concerned that there is insufficient information to make a considered decision. A hard copy of the plans should be requested from Test Valley Borough Council so that this application can be considered at a future meeting. This application should be considered by Test Valley Development Control Committee. A Town Council representative should attend the meeting to address concerns raised by residents.

6.2 **Hampshire Swifts**

- Recommend installing one swift brick per dwelling
- Request details on bird boxes

6.3 **22 x letters of objection** from the occupants of 56 Hedgerow Walk; 29 Long Barn Road; 19 Olympic Park Road; 15 Blackthorn Road; 48 Hedgerow Walk; 38 Cowslip Way; 2, 12 Tapestry Road; 19 Copper Box Close; 49 Draper Close; 14 Romney Road; 21 Eton Dorney Walk; 1 Weave Crescent; 8, 24 Heddle Road; 38, 79 Cashmere Drive; 41 Merino Road; 37 Angora Road; 26 Shuttle Road (All addresses above on Augusta Park); 21 Livia Close, Roman Way; and 9 Sobers Square, Cricketers Way. These letters object to the application on the following grounds:

- Another 130 houses without necessary infrastructure is unnecessary
- Do not consider land has been marketed correctly
- Over the last couple of years the pandemic has changed the economic climate.
- Land should be used for the enjoyment of the community until the original plans can be completed.
- TW should publish a report as to why the social hubs (church/pub) have failed to materialise.
- More houses will come at a cost of those that already live here.
- Was told by Taylor Wimpey that no more houses would be built on this land.
- Insufficient information with regard to additional traffic from this development.

- Flow of traffic from houses would be different to those from a Local Centre.
- Traffic already backs up on the Smannell Road.
- Mitigation of traffic should be considered.
- Understand limited interest in some of these uses but what is the reasoning for this; current economic climate or TW land prices.
- More houses over 2500 will detract from original masterplan.
- Number of houses reduced and green areas expanded.

6.4

- Missed opportunity if amenities are not delivered.
- Land could be kept open to help with health or planted with trees.
- This was not mentioned when I recently purchased my house.
- Should it be built so close to YMCA Nursery.
- Development looks like it is heading north in the town when all facilities to south. No more houses until a joint way to develop is found.
- Not providing amenities like the Southern Local Centre means more travel by car required.
- Do not need another shop or indoor sport facility we need outdoor space.
- Well laid out development is in danger of becoming an overcrowded estate.
- TVBC Green Space Strategy 2021 should be considered.
- Drainage problems on Smannell Road roundabouts
- Insufficient parking on existing parcels

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 – Settlement Hierarchy

COM7 – Affordable Housing

COM15 - Infrastructure

E1 – High Quality Development in the Borough

E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

E5 – Biodiversity

E8 – Pollution

LHW1 – Public Open Space

LHW4 – Amenity

T1 – Managing Movement

T2 – Parking Standards

CS1 – Community Safety

7.3 Supplementary Planning Documents (SPD)
Affordable Housing
Infrastructure and Developer Contributions

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Highway Matters
- Residential Amenity
- Character and appearance of the area
- Community Safety
- Ecology
- Obligations
- Public Open Space
- Rights of Way
- Archaeology
- Noise
- Drainage and Flood Risk
- Waste and Recycling
- Education

8.2 **Principle of Development**

The site is located within the wider East Anton Major Development Area and within the Settlement Boundary for Andover as defined by Policy COM2. Within the settlement boundary area applications for development and redevelopment are considered acceptable in principle.

8.3 The application site incorporates land that was allocated for the Southern Local Centre (SLC) an area of commercial and community facilities to serve the wider development. The SLC was required to be marketed and the details for marketing and the methods for marketing of both the Northern Local Centre and SLC are set out in the S106 for the outline planning permission signed on 12 August 2008. For the SLC, it required a marketing strategy to be agreed by the occupation of 300 dwellings south of Smannell Road. Subsequently and in accordance with this, the marketing strategy for the SLC was agreed by the Council in May 2016.

8.4 The uses for the SLC were marketed altogether by the developer (or agents on their behalf), showing a breakdown of each of the uses, and was distributed in local media, on the marketing agents website, on central commercial property web databases as well as several marketing boards around the site in various locations. The outcome of these were submitted to the Council as private and confidential marketing reports. The Council reviewed the information and methods of marketing against the agreed marketing strategy, interest in the site and how the marketing agent recorded that information.

- 8.5 Under the terms of the S106, the developer was legally required to market the SLC uses until the 2,000th occupation. Provided marketing was undertaken satisfactorily in accordance with the marketing strategy, at the end of the marketing period, the land is no longer required to be set aside for those uses contained in the S106. Therefore the developer is entitled to consider alternative uses for that land. The Council received Marketing reports from the developer on the SLC in February 2017, May 2017, December 2018, February 2019 and February 2020. These Marketing Reports allowed consideration of the information and methods of marketing against the agreed marketing strategy. A final marketing report was received in January 2020 around the time of the 2,000th occupation. The marketing report shows little commercial demand for office, pub and a place of worship that can be taken forward.
- 8.6 Since the time of the original planning permission there have been changes in demand and interest for the SLC. The health/medical use has not come forward as it is not required by the health authorities delivering primary care. This is due to changes in the model in how they commission and deliver health care i.e. supporting existing facilities instead of creating new facilities.
- 8.7 It is considered that the area of the site that was proposed to be the SLC was marketed in accordance with the Marketing Strategy as submitted under the requirements of the original S106 that accompanied the Outline planning application TVN.09258. The submitted Marketing reports demonstrate that there was insufficient interest from providers to bring the proposed uses forward. It is concluded that the principle of this land being used for alternative uses including residential is acceptable and in this regard the scheme complies with policy COM2.

8.8 **Highway Matters**

Policy T1 of the RLP requires development to not have an adverse impact on the function, safety and character of the local or strategic highway network. Development should have good connectivity to existing pedestrian, cycle and public transport links and any internal layout should be safe, attractive functional and accessible to all. Policy T2 requires development to have the appropriate level of car parking in accordance with Annexe G of the RLP.

- 8.9 The application site is at present undeveloped land within the wider East Anton development. Two vehicle access points have been constructed. A further two access points are proposed off Dairy Road.

8.10 Access and Manoeuvring

The proposed access to the parcel to the south of the site between plots 52 and 57 has two visibility splays submitted by the developer. The longer visibility splay 2m by 45 metres would incorporate land within proposed private gardens. All land within the visibility splay would need to be in the control of the Highway Authority, the Highways Officer has advised that. *“The direction we have from the HCC Asset Management Team is that visibility splays should*

be dedicated as highway. Only rare occasions should they be restricted covenant by agreement with Asset Management. HCC do not see the circumstances of this site as a rare occasion and therefore Asset Management agreement is very unlikely to be forth coming and these need to be dedicated". There is also no clarity on which visibility splay is being used so it cannot be concluded at this time that this access point provides adequate visibility and would be safe to use. This junction also shows that an 11.2 metre refuse vehicle would have to encroach onto the opposite side of the internal access road which would bring it into conflict with other road users.

- 8.11 The proposed access to the apartments and shops again shows two possible visibility splays. The Highways Officer is seeking clarity on which is to be provided but is not raising any issues with either splay. This issue could be dealt with by Condition
- 8.12 The internal road network also shows an inconsistency in visibility splay standards between plots 14 and 34, with visibility splays of 2.4m x 25m and 2.4m x 43m being shown, there is no explanation for this inconsistency and it is not clear which visibility splay would be used. However the Highways Officer is not indicating that there is an issue with providing either of these visibility splays and therefore it is not considered that this needs to be a reason for refusal. The Highway Officer also raises a number of other issues regarding pedestrian pathways and surfacing. These issues are detailed design points on the layout like some verges would need to be hard surfaced, or paths need to end at a different point than shown. The Highways Officer has confirmed that these are not issues that are insurmountable and would not give rise to Highways reasons for refusal.
- 8.13 It is considered that the proposed access to the parcel between plots 52 and 57 would not be safe and would have an adverse impact on the function and safety of the local highway network and would not accord with Policy T1 of the RLP.
- 8.14 The development is located within the wider East Anton development which has good accessibility to existing bus routes, cycle routes and walking routes. Internal accessibility should be attractive and provide appropriate desire lines to all existing infrastructure. The Highways Officer has raised issues about routes to access existing bus stops and crossing provisions. For example the path that fronts plots 58-66 should align with the existing crossing point on Dairy Road to the school site opposite to ensure all users remain safe. Whilst this is noted the existing crossing point would be visible from the path that fronts plots 58-66 and with existing pavements it is considered that the pedestrian accessibility of the site would be legible. It is considered that whilst internal accessibility could be improved it is not so harmful as to warrant a refusal. It is considered that the pedestrian accessibility of the site does accord with Policy T1 of the RLP.

8.15 Travel Plan

Policy T1 of the RLP supports and promotes the use of sustainable transport which includes the submission of a site Travel Plan. The applicant has submitted a Travel Plan for the development and this seeks to encourage more sustainable forms of travel and reduce reliance on the car. At present the document is lacking in detail, the Highways Officer has advised that this document requires more information as it does not adequately address the developers sustainable travel policies, if the developer does not have any sustainable travel policies then there needs to be a statement of support at the very least from a senior member of staff at Taylor Wimpey. It is expected that a Sustainable Travel Voucher would be offered to each resident and this has not been included in the measures of costings. A travel questionnaire is required and a minimum 35% response rate is required which would need to be incentivised at present there is no clarity on this. As such the submitted Travel Plan does not accord with Policy T1 of the RLP.

8.16 Parking

The application seeks two distinct uses, residential and commercial and both have differing parking requirements.

Residential

A 130 residential units of the following mix are proposed:

- 14 x 1 bed units
- 47 x 2 bed units
- 59 x 3 bed units
- 10 x 4 bed units

This mix of housing requires 256 parking spaces and these are either on plot or within communal parking areas in accordance with Annexe G of the RLP. However on the issue of visitor parking the amount provided does not accord with Annexe G of the RLP. 1 visitor space is required per 5 dwellings. The proposed development would generate the need for 26 visitor spaces, however only 22 are proposed. The justification for this in the accompanying Planning Statement was to balance the need to provide landscaping and any shortfall in visitor parking could be picked up in nearby car parks. Whilst this is noted the surrounding car parks were not constructed to accommodate visitor parking for residential parcels and this development would need to provide its own visitor parking. Inadequate visitor parking is likely to result in visitors parking on the internal road network which is not designed to provide opportunities for parking or visitors would utilise allocated spaces, resulting in homeowners having to find alternative parking provision. Inadequate visitor parking would likely result in on street parking which would impact the operation and safety on the internal road The proposed visitor parking does not thereby accord with Policy T2 of the RLP.

8.17 The development also shows pedestrian access onto Dairy Road from units 1-12 and 43 – 52. In these instances it is likely that cars associated or visiting those properties that face onto this road would park on Dairy Road. In other parts of East Anton where this same layout exists, railings have been put across the front of these properties so pedestrian access to the properties is impeded and makes parking on the road less desirable. Whilst this could be overcome, it is noted that there is an access from Dairy Road that would serve the bin store for Apartments 4 -12 this would effectively prohibit the ability to erect railings along this stretch as access to the bin store would be required. It is not clear at present how the access to the bin store would be resolved and as such the provision of this access is likely to result in cars parking along Dairy Road which would result in on street parking which would impact the operation and safety on the internal road network which would conflict with Policy T1 of the RLP.

8.18 Policy T2 requires parking provision to be well designed and convenient. The parking for Plots 113-118 is poorly designed in terms of its relationship with the dwelling it is allocated to. For example one of the allocated spaces for plot 113 is located directly in front of plot 114. Plots 28, 51, 52, 67, 94 and 95 have allocated parking that is somewhat remote from the unit it serves with distances in the region of 30 to 80 metres. It is not considered that this parking layout is well designed or convenient and as such the proposed layout is not considered to accord with Policy T2 of the RLP.

8.19 The whole site is located on a slope and as such the plans show that there are a number of retaining walls across the site, some of these walls are around allocated parking spaces, and they vary in height from 0.1 metres to 0.9 metres in height. Parking spaces are required to be 2.4 metres by 4.8 metres, however where they are constrained on one side by walls or landscaping then this should be increased to 2.7 metres and if constrained on both sides this width should be increased to 3 metres. Parking spaces that are restricted on one or both sides will result in potentially unusable spaces resulting in cars having to park elsewhere on the development which could be on roads which would impact the operation and safety on the internal road network. A number of plots are impacted by having retaining walls on either one or both sides and these plots are 15, 16, 17, 18, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 78, 79, 89 and 90. It is not considered that the parking for these plots accords with Policy T2 of the RLP.

8.20 Commercial Parking.

A retail unit is proposed as part of the development, this retail development would be 375sqm. Parking standards for retail premises requires 1 space per 20sqm of covered areas. This would require 19 spaces, the plans show 26 unallocated spaces adjacent to the commercial use which are additional to the parking for the flats that are above the retail shop. These spaces would meet the requirements of Policy T2 of the RLP.

8.21 Residential Amenity

Policy LHW4 sets out that development will be permitted provided that:

- a) It provides for the privacy and amenity of its occupants and those of neighbouring properties;
- b) In the case of residential developments it provides for private open space in the form of gardens or communal open space which are appropriate for the needs of residents; and
- c) It does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels

Paragraph 8.19 of the supporting text to policy LHW4 sets out that the public should not experience an overbearing impact on their living conditions.

8.22 The proposed layout of the development would not give rise to unacceptable overlooking to existing and proposed dwellings and neither would it reduce levels of sunlight and daylight to below acceptable levels on either existing or proposed dwellings. The development would therefore accord with Policy LHW4 of the RLP.

8.23 Private Amenity Space

Policy LHW4 requires development to have private open space in the form of gardens or communal open space. The majority of the dwellings across the development do have gardens, although some of them as noted above are small. However units 4-12, 13, 24, 53, 69-77, 80, 106 and 123-130, which are all either apartment blocks or flats above garages do not have any private or communal amenity space accompanying them and therefore do not accord with Policy LHW4 of the RLP.

8.24 Impact on the character of the area

Both the NPPF and the National Design Guide support and promote good design. Good design should function well and add to the overall character of the area and should be visually attractive. The National Design Guide has broken design down into 10 key characteristics including context, identity and built form. The National Design Guide advises in Paragraph 71 that “Proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition...” East Anton has been built out over a number of years and as a new community has created its own identity and context. Policy E1 of the RLP requires development to be of high quality in terms of design and local distinctiveness. Policy E2 of the RLP requires development to protect, conserve or enhance the landscape of the Borough.

8.25 Dwelling Design

The proposed dwellings would be a mix of two storey houses, flats over garages (FOGS) and apartment blocks. The proposed dwellings would utilise standard developer house types and it is considered that in principle these are acceptable. The apartment blocks would be three storey and would occupy prominent positions within the development. The design of the apartment blocks would be a mix of brick and render and would not be dissimilar to other apartment blocks within the wider East Anton development. Notwithstanding this there are examples across the development of poor relationship between proposed buildings and the surrounding area.

8.26 The apartment blocks would be much larger buildings than those that surround it and in the case of the flats above the retail shop on higher ground than most of the rest of the scheme and as such would have an unacceptably dominant and unduly prominent appearance within the development. There are a number of examples of FOGS on the layout, these are located along the elevation facing across the Public Open Space (POS) adjacent to Smannell Road and central landscape area and internally within the plots. The design of the FOGS results in a blank front elevation at ground floor, these blank walls would be adjacent to the POS and pedestrian routes through the development. It is considered that the poor design of the both the FOGS and the Apartment buildings would result in bland, oppressive and overbearing buildings that would fail to improve the character and quality of the area and as such would not accord with Policy E1 of the RLP or paragraph 71 of the National Design Guide

8.27 Materials are important as they contribute to the character and appearance of the development. The development proposes a mix of properties that are either rendered, red brick or a buff/cream brick. The plots that are to be rendered within the development are spread through the development in pairs and would be surrounded by larger clusters of dwellings of differing brick finishes. The apartment blocks and the following plots (as indicated on the Materials Plan) 22, 23, 25, 26, 33, 34, 43, 44, 58, 59, 81, 82, 90, 91, 92, 93, 102, 103, 107, 108, 121, 122 utilise render. Whilst this material is present across East Anton it is a material that the developer has moved away from in the last few years. Para 60 of the National Design Guide also encourages a move away from less successful design attributes of an area "*Where the character of an existing place has limited or few positive qualities, then a new and positive character will enhance its identity*". The contrast of these dwellings against the other dwellings is not considered to represent a cohesive approach and would look quite stark. In such small numbers they would stand out against the backdrop of the wider development and landscaping and would not complement the character of the surrounding development. It is considered that the render will not result in a development that would complement the character of the area and as such would not accord with Policy E1 of the RLP.

8.28 Levels

The site slopes from south to north and there is also some undulation east to west as well. The preliminary levels plan shows that to accommodate the levels across the site, there is a need for retaining walls and overbuilding and underbuilding. The levels plan advises that an overbuild is where external ground is up to 600mm above finished floor level or ground floor level. Underbuild is where external ground is greater than 150mm below finished floor level or lower than ground floor level resulting in exposed brickwork. For example the apartment block accommodating units 69-77 shows that there is a need for an underbuild along the north-east, north-west and south-west elevations. There is also along the southwest elevation overbuilding. There also a number of retaining walls shown across the site, some of these are modest at 0.2m but others are more prominent with retaining walls of 0.6 to 1.2m. The higher retaining walls are set out in the table below:

Location	Height of Retaining Wall (RW)
Adj Plot 3	0.5m
Adjacent to Plots 4-12	0.75m
Plot 21	0.6m
Plot 22/23	0.6m
Plot 30/31	0.6m
Plot 35/36/37/38/39/40/41	0.6m
Plot 64	0.6m
Plot 65	0.7m
Plot 66	0.6m
Plot 78/79	0.6m
Plot 86/87	0.9m
Plot 92	1.2m
Plot 94/96	0.6m
Plot 100-103	0.7m -0.9m
Plot 104/105	1.1m
Plot 120-122	0.6m
Adj to Substation	0.8m

At these heights these walls would draw attention and appear contrived, incongruous, alien feature that would be unsympathetic to existing land levels. They will impact on the wider layout in terms of views through the development and the relationship of built development with landscaping. It is considered that the layout needs to work with the levels to reduce the instances where there is prominent underbuild and high retaining walls. It is considered that at present the layout does not respect the character of the sloping site and as such does not accord with Policy E1 of the RLP.

8.29 Landscaping

The proposed layout shows dwellings facing outwards with parking to the rear, this was to create a frontage onto the landscaped area that crosses the site and to also present front elevations to the roads and POS. Whilst it was accepted that this approach would create large car parking areas to the rear of

dwellings, the proposed layout is not considered successful in how it has approached these areas. There is a lack of landscaping within these parking areas creating large areas of hard surfacing, this is particularly noticeable to the rear of the apartment blocks, landscaping is side-lined to small areas that surrounding plots and car parking spaces. The resulting layout is therefore dominated by hard surfacing which does not allow the development to positively integrate into the landscape character of the area and would not accord with Policy E2 of the RLP

8.30 Trees

The avenue of trees that have been planted along Finkley Farm Road are part of a wider strategy of tree planting along the main routes through the development. The proposed layout shows dwellings being in close proximity to these trees. Plots 67, 92 and 123 -130 have very little set back from these trees and as such this will potentially impact their long term retention and health, as these trees mature and grow occupiers of these dwellings may request that these trees are pruned or felled due to the lack of separation between them and the dwellings.

8.31 The landscaping plans show tree planting across the development and whilst this is in principle positive much of this planting is squeezed into areas around the development. It also means that there are areas that lack any significant landscaping making the layout somewhat hard. The areas around units 4-12 and 69-77 are an area where car parking dominates. Landscaping in these areas is minimal and marginalised. The rear parking areas are similar in approach with small pockets of land being provided for landscaping. It is considered that the proposed development would not positively integrate into the landscape character of the area and therefore does not accord with Policy E2 of the RLP.

8.32 Infiltration Basin

The application also shows the provision of an infiltration basin within the existing POS that is to the north of the application site adjacent to Smannell Road. This area of Public Open Space (POS) is for informal recreation with a wide open area of grassland with tree planting that straddles Smannell Road and continues to the east beyond the roundabout. There is no shortfall of this type of POS within the Ward and the presence of an infiltration basin if designed and planted appropriately could enhance this natural space by providing an alternative open space. The proposed infiltration basin would be a wide structure, at present there is no information on how deep it would be or the proposed landscape treatment, it is likely that the basin would be dry for most of the year and without any details on its depth or planting it cannot be concluded that it would not be a visually intrusive feature within the landscape. Whilst in principle there may be scope to accommodate an infiltration basin within the POS further clarification is required of its final size, depth and planting to be able to fully assess the impact of the feature within the POS and as such it does not accord with Policy E2 of the RLP.

8.33 It has not been concluded who will maintain the landscaping within the development including the infiltration basin. Without future maintenance and management the landscaping would have a detrimental impact on the appearance of the immediate area and would not accord with Policy E2 of the RLP

8.34 **Obligations**

Affordable Housing

Policy COM 7 of the RLP requires development to provide affordable housing in line with its policy which would be secured through a S106 Agreement. On a site of 130 houses, 40% of the dwellings would be required to be affordable with the housing being provided on site, this would amount to 52 dwellings. There is also a preferred mix of tenure. The Council has also adopted an Affordable Housing Supplementary Planning Document (AHSPD) in September 2020 which supplements the existing policy COM7 and provides advice on how it is implemented. The AHSPD recommends that affordable housing is clustered in no more than 10 units. The tenure and mix of affordable housing is negotiated by our Housing Team based on need.

8.35 The application provides 52 affordable dwellings across the development of these 15 would be provided as shared ownership and 37 will be provided as affordable rented. They would be in clusters ranging from 7 to 14. Two clusters exceed the required 10 units per cluster as required by the AHSPD units 1, 2, 3, 4-12, 13 and 67, 68, 69-77, 78, 79, 80. The Housing Team have advised that the following mix of tenure is preferred to meet the need:

Affordable Housing Tenure	Number of dwellings
First Homes	13
Affordable/Social Rent	27
Shared Ownership	12

Whilst the quantum of affordable housing (52 units) is agreed at present the application does not adequately address the clustering and tenure of the proposed affordable dwellings and no S106 has been signed to secure the affordable housing. The development does not accord with Policy COM7 or the AHSPD.

8.36 Public Open Space

Policy LHW1 of the RLP requires new development where there is a net increase in population to provide open space to a standard of 3 hectares per 1000 population and this should comprise of outdoor sports facilities, parks and public gardens, informal recreation areas, provision for children and teenagers and allotments. The Design and Access Statement accompanying the application advises that the development provides 1.103ha of POS. This POS is largely shown as open space or part of the SuDS network of swales,

the swales are undulating and would at times of high rainfall potentially have water in them. Swales would also normally be planted out meaning that access to them would be restricted. It is considered that the proposed swales are not suitable to address the shortfall of POS within the Ward which is shown in the table below:

8.37

POS type	Area per 1000 population	No Persons/1,000	Area Required
Parks and Gardens	0.4	0.2855	0.11
Provision for children and teenagers	0.6	0.2715	0.16
Allotments	0.2	0.2855	0.06
		TOTAL	0.33

The application does not at present adequately address the shortfall of POS in the Ward, no Legal Agreement has been signed that agrees either on site provision or contributions. In light of the shortfall of certain POS in the Ward it is considered that the application does not meet the requirements of Policy LHW1 of the RLP.

8.38 **Ecology**

The site is located within the centre of the East Anton development and has been maintained as a close mown open grass area. Policy E5 of the RLP requires development in the Borough to conserve and where possible restore and or enhance biodiversity.

8.39 The application was submitted with a Preliminary Ecological Appraisal and the Council's Ecologist is satisfied that this represents the current condition of the site. A single pyramidal orchid has been found on site and there would need to be information on how this would be relocated. Further information is required about how ecological enhancement schemes proposed are to be established. The Council's Ecologist is not raising any objections to the development but is seeking additional information that could be covered by condition or amended plans. Hampshire Swifts have also commented on the application and have requested mitigation in the form of swift bricks and bird boxes, additional mitigation for specific species could be conditioned if necessary.

8.40 Nitrate Neutrality

There is existing evidence of high levels of nitrogen and phosphorous in the water environment across the Solent, with evidence of eutrophication at some designated sites. An integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and

wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development would require measures to address this issue to ensure that overall new development does not contribute to net increases in nutrients entering these designated sites.

- 8.41 As such, the advice from Natural England (June 2020 version 5) is that applications for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.
- 8.42 Natural England advises that one way to address the uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens. In this instance, a nutrient budget calculation was undertaken by the applicant identifying that the proposed scheme, in the absence of any mitigation generated, will generate a total additional nitrate output of 412/kg/yr and this is agreed by the LPA. An Appropriate Assessment has not yet been carried out with Natural England.
- 8.43 The developer has calculated the nitrogen load for the development and proposes mitigation in the form of purchasing credits from Roke Manor a former pig farm that is currently selling nitrogen mitigation credits to developers/Councils. Notwithstanding this proposed solution, at present, a Legal Agreement has not been signed that secures off site mitigation to offset the development. As such, it cannot be concluded that the proposal will not result in a likely harmful significant effect on the internationally designated nature conservation sites in the Solent, in accordance with the requirements of the Conservation of Habitats and Species Regulations and as advised within guidance from Natural England. As such, the proposal fails to comply with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

8.44 **Community Safety**

Policy CS1 of the RLP states; *Development will be permitted provided that it delivers safe, accessible and liveable environments and that design takes account of the need to reduce the opportunities for crime and other anti-social behaviour.*

The Designing Out Crime Officer has raised concern with regard to the proposed layout as they are of the opinion that the current layout allows easy public access to private dwellings and apartment blocks, lacks natural surveillance and utilises public open space as a main route through the development.

8.45 Access to dwellings

The Designing Out Crime Officer has raised concern about access to the elevations of dwellings adjacent to POS. Of those houses that adjoin the POS only one has an elevation other than a front elevation that directly abuts the POS, all other dwellings either have space to the side or face onto the POS.

Plot 67 would have an elevation that would not have any defensible space between the blank side elevation and the POS. The Designing Out Crime Officer advises that this significantly increases the opportunity for crime and disorder and recommends a side garden with a robust boundary treatment of at least 1m high to protect this property. Plot 67 has a blank elevation facing the POS and a rear garden that would be enclosed by a 1.8m fence. It is considered that in light of the blank elevation and robust rear boundary this plot is acceptable and would not be at significant increase of crime and disorder and thereby accords with Policy CS1 of the RLP.

8.46 Apartment Blocks

The proposed apartment blocks are more open with little to no defensible space around them and this could result in occupiers having people in close proximity to their living space. Apartments 69-77 show parking hard up against the building and this would be directly outside people's living spaces. The Designing out Crime Officer has raised concern about the access to the elevations of the apartment blocks and it is considered that with access to ground floor windows there is opportunity for crime or anti-social behaviour. and as such is contrary to Policy CS1

8.47 Parking

The layout of the development incorporates rear parking areas. The Designing Out Crime Officer is concerned that these rear parking areas have little natural surveillance. These areas would have little natural surveillance due to layout and the presence of 1.8 metre boundary fencing. It is considered that the rear parking areas do not benefit from sufficient natural surveillance increasing the risk of crime and anti-social behaviour. and as such is contrary to Policy CS1

8.48 POS

An area of POS runs north to south and east to west across the development and the Designing Out Crime Officer has advised that areas of POS are statistically more unsafe than the public highway for pedestrians. They believe that the current layout encourages pedestrians to use an unsafe route to transit the development. The POS in the centre of the development has a number of houses facing directly onto it, lighting from the houses will illuminate the area and any pedestrians would not be walking in an area of POS that is obscured from natural surveillance. Planting can be controlled by Condition as can lighting and it is considered that this area of POS would not be an unsafe route for pedestrians and accords with Policy CS1 of the RLP

8.49 On balance it is considered that the Designing out Crime Officer's concerns re lack of defensible space adjoining dwellings of which there is only one dwelling impacted and their concerns about pedestrian access through an area of POS cannot be supported for the reasons set out above. It is considered that the lack of defensible space surrounding the Apartment blocks and the insufficient natural surveillance of the rear parking areas would give rise to an increased risk of crime and anti-social behaviours and as such would be contrary to Policy CS1 of the RLP.

8.50 **Rights of Way**

Policy T1 requires development to not have an adverse impact on the rights of way network in terms of function, safety and character. The site has no public rights of way surrounding the site and the closest right of way would be Andover Footpath 7711 to the east which follows the line of the Finkley Farm Road and would be unaffected by the proposals. HCC Rights of Way have not raised any objection to the proposal. The Andover Ramblers also acknowledge that no rights of way would be affected but have requested if it is possible to create a link between the non Right of Way Path that runs from Smannell Road to River Way. It is not considered that there is an adverse impact on the RoW network that justifies the suggested mitigation by the Andover Ramblers. . It is considered that the proposal accords with Policy T1 of the RLP.

8.51 **Archaeology**

The site was part of the wider Outline application for the East Anton MDA, as part of the Outline application the area was surveyed and excavated including an excavation of a Bronze Age ring ditch within the current development site. Conditions which have been discharged were attached to the Outline permission. The County Archaeologist has not raised an objection and the application accords with Policy E9 of the RLP.

8.52 **Noise**

The application is adjacent to the existing YMCA Nursery, MUGA and play area, it also proposes a retail outlet. Policy E8 is concerned with pollution in all its forms including noise. The policy states that development will be permitted provided it would not cause unacceptable risks to general amenity.

8.53 MUGA/Play Area

The proposed dwellings would be in close proximity to these facilities and some of the dwellings would overlook these facilities. The Council's Leisure department has raised some concern about nuisance occurring from the use of the MUGA late into the evening particularly during the Summer months. The Environmental Protection Officer acknowledges that these types of facility can sometimes be problematic but notes that the layout limits residential gardens in close proximity to these facilities and does not consider the risk to amenity to be significant

8.54 YMCA Nursery

The YMCA Nursery has outside play space, children playing can be problematic where it is adjacent to outside relaxation areas. The play space for the YMCA is to the south of the building whilst the proposed development is to the north would be over 45 metres away as such the Environmental Protection Officer is of the view that there is unlikely to be a significant risk to amenity.

8.55 Indoor Sports Facility

The Indoor Sports Facility is proposed adjacent to the YMCA and would share a boundary with the residential parcel. No application has been submitted for this facility and as the developer is to build this facility they are aware of the relationship of the site with the residential parcel. Consideration of the residential parcel will be considered with regard to noise from this facility.

8.56 It is considered that issues of potential contaminated land, construction and lighting could be conditioned. As such the proposed development accords with Policy E8 of the RLP.

8.57 **Drainage and Flood Risk**

Policy E7 of the RLP requires development to comply with national guidelines on flood risk, not deteriorate groundwater quality and achieves good levels of water consumption in accordance with BREEAM standards,

Flood Risk

The application is supported by a Flood Risk Assessment that advises that the site is within Flood Zone 1 and there are no records of surface water/groundwater flooding in the area. It is not considered that the site is at risk of flooding and in this aspect accords with Policy E7 of the RLP.

8.58 Sustainable Urban Drainage System (SuDS)

It is proposed that the site would be served by a SuDS system which would deal with surface water. Foul drainage would connect to Southern Water's sewer. This SuDS system would utilise swales and an infiltration basin. The Lead Local Flood Authority (LLFA) have reviewed the strategy and the additional information submitted on the 10th January 2022 and advised that subject to a Condition they raise no objection to the proposed SuDs system and accords with Policy E7 of the RLP.

8.59 **Waste and Recycling**

The Council's Refuse Section have raised some concern about the bin stores for the proposed new Apartments. The requirement for Apartments is one 1100 litre (l) bin per 6 households as set out in TVBC Guidance for developers on bin storage (2017). The apartment blocks would have eight flats in each requiring 2 x 1100l bins for waste and 2 x 1100l bins for recycling. The floor plans show that the bin stores can accommodate the required bins, These would need to be secured by a digi lock and again this is set out in the TVBC Guidance for developers and this could be conditioned. Concern was also raised re the proposed local Recycling Centre that was to be located on the Southern Local Centre and was set out in the S106 requirements as noted in para 8.3 above. Whilst this can no longer be required the developer has indicated a willingness to provide this facility and this would be included in any application for the indoor Sports Facility where there is sufficient room for this facility.

8.60 Education

A consultation is currently being carried out with Hampshire County Council as Education Authority to ascertain whether the proposed development would generate increased demand for school places at primary and/or secondary levels, such that mitigation for the additional burden that the proposed development would place on the existing educational provision would be required in the form of a financial contribution towards additional educational provision. This will be updated in the Update Report to NAPC

- 8.61 With regards to provision for Early Years places for children, the comments from Hampshire County Council are noted. However as these services are generally provided by private operators, it is difficult to secure a financial contribution towards this provision. The developer has previously set aside land for a third party provider to build an early years setting and this was realised by the YMCA. Given the size of the site and scale of the proposed development (130 houses), it is considered that it would be unreasonable to require the applicant to set aside further land on which a third party provider could build an early years setting in this instance, and would accord with Policy COM 15 of the RLP.

9.0 CONCLUSION

- 9.1 It is considered that the proposed development is acceptable in principle. However it has not been demonstrated that the development would not cause harm to the operation and safety of the highway network. The proposed layout and design of the development is not considered to integrate, respect or complement the character of the area and neither would it protect, conserve and enhance the landscape character of the Borough. The proposed layout of the development would not reduce opportunities for crime or anti-social behaviour. No S106 has been signed to secure POS, Affordable Housing, Landscape Maintenance or Nutrient Neutrality. It is considered that at present the proposed development does not accord with policies E1, E2, E5, T1, T2, COM7, COM14, LHW1, LHW4 and CS1 of the RLP.

10.0 RECOMMENDATION

REFUSE for the reasons:

- 1. The development has failed to demonstrate adequate visibility splays on the internal road between plots 52 and 57 which would have an adverse impact on the function and safety of the local highway network and would not accord with Policy T1 of the Test Valley Borough Revised Local Plan (2016).**
- 2. The development has failed to demonstrate that the Swept Path analysis of the internal road between plots 52 and 57 can accommodate an 11.2 metre refuse vehicle without it encroaching onto the opposite side of the internal access road which would bring it into conflict with other vehicles as such this would not be safe and would have an adverse impact on the function and safety of the local highway network and would not accord with Policy T1 of the Test Valley Borough Revised Local Plan 2016.**

- 3. The submitted Travel Plan does not support and promote the use of sustainable transport and as such it does not accord with Policy T1 of the Test Valley Borough Revised Local Plan 2016.**
- 4. There is a shortfall in 4 visitor spaces across the Parcel for which no adequate justification has been put forward that would allow for a reduction in visitor spaces against the standards as set out in Annexe G of the RLP, which is likely to result in on street parking that would impact the operation and safety of the internal road network and therefore does not accord with Policy T2 of the Test Valley Borough Revised Local Plan 2016.**
- 5. Plots 1-12, 44-52, 67 and 68 are likely to encourage on street parking along Dairy Road and Finkley Farm Road. Parking on the road will hinder the free flow of traffic along these routes resulting in an adverse impact on the safety and character of the local highway network and would be contrary to Policy T1 of the Test Valley Borough Revised Local Plan 2016.**
- 6. The parking for plots 113-118 is poorly designed in terms of its relationship with the dwelling it is allocated to. Plots 28, 51, 52, 67, 94 and 95 have allocated parking that is somewhat remote from the unit it serves. It is not considered that parking for these plots is well designed or appropriately located and therefore does not accord with Policy T2 of the Test Valley Revised Local Plan 2016.**
- 7. Parking spaces are required to be well designed and practical. A number of parking spaces are constrained on one or both sides by retaining walls, in these instances parking spaces should be 2.7 metres wide if constrained on one side and 3 metres wide if constrained on two sides, Plots 15, 16, 17, 18, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 78, 79, 89 and 90 are impacted in this way, however the car parking spaces for these units are still measuring 2.4 metres wide. This is not considered to be well designed parking and as such is contrary to Policy T2 of the Test Valley Revised Local Plan 2016.**
- 8. It is considered that the proposed development does not represent high quality development as required by Policy E1. The layout relies on retaining walls and underbuilding which are an incongruous and alien feature that are considered visually intrusive. The elevation design of the Apartment Blocks and the FOGS results in bland, oppressive and overbearing buildings that would fail to improve the character and quality of the area. Also the use of render as a material throughout the development presents a stark addition against the backdrop of the wider development and the landscaping. It is not considered that the development would accord with Policy E1 of the RLP or paragraph 71 of the National Design Guide.**
- 9. The proposed Plots 67, 92, and 123 -130 are located in close proximity to the existing trees that have been planted alongside Finkley Farm Road as such this will potentially impact the long term retention and health of these trees through requests for the trees to be pruned or felled as they mature and grow.**

- The proposed development is contrary to policy E2 of the Test Valley Borough Revised Local Plan (2016).
10. The proposed layout has resulted in large areas of parking with little or no significant landscaping resulting in large areas that are dominated by hard surfacing which is detrimental to the overall landscape character of the area and does not integrate, complement or enhance the character of the Borough As such does not accord with Policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016.
 11. Insufficient information has been submitted with the application to demonstrate that the proposed infiltration basin is required to be the size, depth and shape as proposed it therefore cannot be concluded that the infiltration basin would not be a visually intrusive feature within the landscape. As such this feature would not accord with Policy E2 of the Test Valley Borough Revised Local Plan 2016.
 12. The POS as proposed is made up of open space and Swales, the latter of which are undulating and at certain times of the year likely to have standing water within them, this does not address the shortfall of the specific type of POS within the Ward. In the absence of a legal agreement to secure the shortfall of specific type of POS within the Ward the proposed development fails to provide sufficient public open space required to serve the needs of the future population and no arrangements for its long term maintenance have been made. The proposal would therefore result in unnecessary additional burden being placed on existing public open space provision adversely affecting the function and quality of these facilities, to the overall detriment of the area and users of the open space. The arrangements for the long term management and maintenance of the proposed POS have also not been secured. The proposal is contrary to policies COM15 and LHW1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document (2009).
 13. In the absence of a legal agreement to secure the provision of and financial contribution towards on site new affordable housing, including their subsequent retention in perpetuity to occupation by households in housing need and ensuring that the units are dispersed throughout the development and meet local need in terms of the size, type and tenure of the units in accordance with the Affordable Housing Supplementary Planning Document the proposal is contrary to policy COM7 of the Test Valley Borough Revised Local Plan (2016) and the Infrastructure and Affordable Housing Supplementary Planning Document (2021).
 14. The layout and design of the proposed development fails to provide defensible space to vulnerable elevations of the Apartment blocks and would not allow for adequate natural surveillance of the rear parking areas leading to a greater risk of crime and anti-social behaviour The proposal is contrary to policy CS1 of the Test Valley Borough Revised Local Plan 2016.

- 15. In the absence of a Legal Agreement to secure off site mitigation for nutrient neutrality the development at this time does not achieve nutrient neutrality. As such, it cannot be concluded that the proposal will not result in a likely harmful significant effect on the internationally designated nature conservation sites in the Solent, in accordance with the requirements of the Conservation of Habitats and Species Regulations and as advised within guidance from Natural England. As such, the proposal fails to comply with Policy E5 of the Test Valley Borough Revised Local Plan (2016).**
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