
APPLICATION NO.	22/01359/OUTS
APPLICATION TYPE	OUTLINE APPLICATION - SOUTH
REGISTERED	23.05.2022
APPLICANT	Mr R Wickins
SITE	Land East Of Furzedown Road, Furzedown Road, King's Somborne, KING'S SOMBORNE
PROPOSAL	Outline application for 18 dwellings (with all matters other than access to be reserved) and Full Permission application for change of use of land from agricultural to allotments with associated access, erection of a storage/toilet building and car parking area
AMENDMENTS	Soil health and suitability – August 2022 Amended site plan – July 2022 Gradient Plan – September 2022
CASE OFFICER	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of a local ward member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is split into two distinct areas. The western part of the application site is currently laid out and used as allotments with a pedestrian access from Furzedown Road. The site sits on an elevated position compared to the road. The land immediately to the east of the existing allotments is currently in agricultural use and has no access from Furzedown Road. It is generally flat rising gently to the south eastern corner of the site.

3.0 PROPOSAL

3.1 The western part of the site which is currently used as allotments is proposed to be developed for 18 dwellings. Outline consent is sought with all matters reserved except access. A new vehicle access is proposed from Furzedown Road to the residential site at the same location as the existing pedestrian access to the allotments

3.2 The eastern part of the application site which is currently in agricultural use will be laid out as allotments. The new allotment site will be an area of 9,617m². This will replace the allotments lost on the adjacent land and provide an extra 200m² of allotment land – 49 allotments are proposed. An area of parking for 8 cars, including disabled bays, is proposed along with a communal storage shed and toilet.

3.3 In planning terms the use of land for horticulture falls within the definition of “agriculture” (Section 336 of the Town and Country Planning Act 1990). In this respect planning permission is not required to use the land in the cultivation of crops. Planning permission is however needed for ancillary buildings and operations on the land that facilitate the use of the land for the growing of crops etc.

4.0 **HISTORY**

4.1 19/02899/OUTS - Erection of 18 dwellings in Outline with all matters reserved except access Full - change of use of land to allotments with new access off Furzedown Road and erection of a storage building – Refuse (Dismissed at appeal – ref: 3276031)

Reasons for refusal:

01. The proposed development results in the direct loss of an established, and well used allotment site that is meeting, and would continue to meet, local demand for this community resource. In considering the location of the proposed new allotment site, this site: (i) sits at a higher and exposed ground level (elevated topography); (ii) is proposed to be accessed by a convoluted and long torturous footway route through the new housing development, and (iii) is proposed to also be accessed via Furzedown Road that does not, and will not, have a pedestrian footway separated from vehicular traffic, and (iv) is accessed via Furzedown Road that has a particularly steep incline; means that the location of the alternative allotment does not represent an equivalent or better provision to that which it replaces. The result is that the new site is not as inclusive to the community taking into account age, disability or levels of car ownership/mobility. Consequently the loss of an established allotment site within the settlement results in the unacceptable loss of allotments to serve the needs of the community to the detriment of their health, welfare and leisure needs, contrary to Policy LHW1(f) of the Test Valley Borough Revised Local Plan (2016) and Paragraph 97 of the National planning Policy Framework. In reaching this conclusion the Council recognises the social, environmental and economic benefits that might otherwise arise from the proposal, including the delivery of both open market and affordable housing to meet the general housing requirements of the Borough, but these factors are not sufficient to outweigh this principle issue.

02. The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of a completed legal agreement securing the proposed off site mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended)

03. In the absence of a legal agreement to secure the provision of new affordable housing, including their subsequent retention in perpetuity to occupation by households in housing need the development fails to comply with, and is therefore contrary to policy COM07 of the Test Valley Borough Revised Local Plan 2016 thereby exacerbating an existing need for such housing in the locality.
04. In the absence of a legal agreement to secure the provision and future maintenance arrangements of new public open space (informal recreational space) at the site of the residential development the proposal fails to provide sufficient public open space required to serve the needs of the future population. The proposal will 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 proposal is contrary to Policy LHW1 (a-c) of the Test Valley Borough Revised Local Plan (2016).
05. In the absence of a legal agreement to secure the provision of new infrastructure at the proposed new allotment site (comprising a programme of soil enrichment to achieve a comparable growing condition to the existing site; stock fencing to the perimeter; 5no. functioning water taps; all weather paths and raised beds in certain location(s) to aid those holders with physical/mobility issues; landscaping; replacing sheds and polytunnels that are unable to be relocated, and professional support for 5 months to assist allotment holders to move to the new site) and the subsequent maintenance of the new allotments (comprising a financial contribution of £500 per annum for 5 years towards the cost of water supply) the development fails to comply with, and is therefore contrary to policy LHW1(f) of the Test Valley Borough Revised Local Plan 2016 and Paragraph 97 of the National Planning Policy Framework in that the proposed development would not provide for replacement allotment provision equivalent or better in respect of quantity and quality to that which would be lost at the existing allotment site. Without such Obligations the proposal would not provide suitable provision for the continuing needs of the community.

5.0 **CONSULTATIONS**

5.1 Policy – Objection

Test Valley Borough Local Plan (2016)

COM2 – part of the application site lies within the settlement boundary (northern parcel), with part located beyond the settlement boundary within the countryside (southern parcel and connection between parcels).

Case officer clarification – the application site is one red edge

In relation to the area within the settlement boundary (proposed for residential development), the principle of development is acceptable subject to it being appropriate in relation to other policies in the Local Plan.

- 5.2 **HCC Highways** – No Objection
- 5.3 **Ecology** – No Concerns subject to conditions
- 5.4 **Natural England** – Update to follow
- 5.5 **Landscape** – No Objection
- 5.6 **Housing** – No objection
- 5.7 **HCC Lead Local Flood Authority** – No Objection subject to condition
- 5.8 **Southern Water** – Comment
Require formal application to connection to mains sewer
- 5.9 **Trees** – No Objection
- 5.10 **Refuse** – No Objection
- 5.11 **Archaeology** – Comment
Residential development
Recommend archaeological conditions

Allotment site

Marginal differences in this impact which would be insufficient to merit the burden of any archaeological condition

6.0 **REPRESENTATIONS** Expired 18.08.2022

6.1 King's Somborne Parish Council – Objection (summarised)

- Unsuitability of the proposed allotment site to make it suitable for allotment use - NIAB Soil health and Site suitability report July 2022
- Status of the Site: The allotment site has been in used for more than 110 years.
- Community Consultation: In the 2016 Parish Survey for the NDP, 353 residents advised these allotments should be preserved. More than 150 residents opposed the previous application for development and feeling remains high in the village with just under 40 persons attending the recent presentation by Shorewood Homes.
- Open Space. The NPPF, paragraph 99, states that existing Open Space should not be built upon
- The current allotment site has been Designated a Green Space: KSPC meeting, February 2022.
- The current allotment site is an Asset of Community Value: TVBC – June 2013, renewed June 2018.
- The current allotment site is a Heritage Asset:
- The current allotment site is a Wildlife Rich Habitat:

- Location of Future Housing Development: The NPPF, paragraph 93 states that in determining applications, local planning authorities should: *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- Landscape & Visual Constraints
- Effect on Neighbouring Properties and the loss of privacy
- Long-Term Site Management Costs
- Accessible Services that Support Communities' Health, Social and Cultural Well-being
- Soil Quality and Suitability
- Topography and Lack of Wind Protection

It is against everything that NDP, Green Space, Open Space, Assets of Community Value, House of Commons and Localism legislation and guidance seek to achieve, to achieve if against the communities wishes, development of this site is granted agreement by the Borough Council.

6.2 39 x letters/emails and a Petition with over 180 signatures – Objection (summarised)

- There has been no consultation with the Diocese - the land owner - which has chosen not to engage with the village over this application. As an organization charged with pastoral overview of the community this is deeply regrettable.
- The site is an active open space and is not therefore developable
- This does not support identified housing need which is addressed within the NDP
- Number of dwellings and their density is too high for a rural location and especially in this particular location when compared to existing housing
- No precedence for this style of development
- Large houses on small plots is out of character
- Dangerous access
- Traffic Congestion / additional traffic
- Moving the allotment would sabotage well over 100 years of cultivation in terms of soil quality.
- The proposed allotment will be significantly steeper than the existing allotment
- The proposed allotment will be more exposed and open to the north and eastern sides and potentially the west. They would be exposed to wind.
- The screening offered would take years to establish
- There are a significant number of Plot holders who can trace their families' presence on site back several generations. In addition, many other current Plot holders have worked Plots for decades and are part of a continuous and evolving growing community in the village.
- The proposed shed provides very little storage space it is likely to be used by a small number of plot holders and is unlikely to help with social mix.

- Toilets on the site whilst being welcomed by some also have the potential for nuisance through use by non-allotment holders at times when there is either no one on or single persons on site.
- A small shed for individual plot holders - this would be a better solution.
- Close to the Conservation Area
- Visible from 4 important zones in the Conservation Area
- Visible from the curtilage of a significant number of Listed Buildings
- Farm land should be protected for food production
- The field left is a small and irregular shape for future farming
- Impact on the farmed open countryside setting
- Could potentially encourage future development
- The biodiversity of the growing environment is critical to its health and significant steps will need to be taken to recover bio diversity. Overall the necessary remediation of the proposed new site will likely take a number of years.
- The current layout plan of the housing has the potential to block out sunlight and to over view private gardens diminishing privacy

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

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

COM2: Settlement Hierarchy

COM7: Affordable Housing

E1: High Quality Development in the Borough

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

E5: Biodiversity

E7: Water Management

LHW1: Public Open Space

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

7.3 Neighbourhood Plan

Draft King Somborne Neighbourhood Plan – Not Adopted

7.4 Supplementary Planning Documents (SPD)

King's Somborne Village Design Statement

Affordable Housing

Infrastructure and Developer Contributions

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Public Open Space
- Impact on Landscape Character and Visual Amenity

- Heritage
- Highway impacts
- Affordable Housing
- Impact on Neighbouring Amenities
- Ecology
- Nitrate neutrality
- Trees
- Water management
- Archaeology

8.2 **Principle of development**

The main issues of principle comprise:

- Providing for new residential development in the defined settlement boundary;
- Providing for new residential development resulting in the direct loss of existing allotment provision;
- New allotment provision on land in the defined countryside

8.3 Test Valley Revised Borough Local Plan 2016. Policy COM2: Settlement Hierarchy

This Policy states:

Within the boundaries of the settlements identified in the hierarchy (Table 7) and identified on inset maps 1 - 55 the principle of development and redevelopment will be permitted provided that it is appropriate to the other policies of the Revised Local Plan.

Development outside the boundaries of settlements in the hierarchy (as identified on map 1 - 55) will only be permitted if:

- a) it is appropriate in the countryside as set out in Revised Local Plan policy COM8-COM14, LE10, LE16- LE18; or*
- b) it is essential for the proposal to be located in the countryside.*

8.4 **Providing for new residential development in the defined settlement boundary:**

The TVBRLP 2016 inset map 28 includes the existing allotment site within the settlement boundary of King's Somborne. As such, and in compliance with Policy COM02 the principle of development for new residential development is acceptable subject to the proposal being appropriate in relation to other policies in the Local Plan.

8.5 **Providing for new residential development resulting in the direct loss of existing allotment provision:**

A significant "other" policy of the TVBRLP that COM2 alludes to and which is relevant to the determination of the current application, is in respect of the proposed loss of allotment space and this is included in Policy LHW1 "Public Open Space". This policy falls into two parts (i) the requirement for the delivery of new public open space, and (ii) the framework by which existing open spaces or recreational facilities could be lost. Only Part (ii) is relevant to this part of the appraisal and an extract from Policy LHW1 is set out below:

Development proposals that would result in the loss of existing open spaces or other recreation facilities will only be permitted if:

d) the space or facility is not needed to meet the full range of leisure and recreational needs of the local community;

e) the proposed development is for an alternative open space, sport or recreation facility for which there is such a need as to outweigh the loss; or

f) any space or facility to be lost would be replaced by an equivalent or better provision in terms of quantity and quality and be in a suitable location

8.6 An assessment of the proposal against these criteria, together with an assessment of compliance is, as follows:

Criterion D – there is no suggestion in the applicant’s case for redeveloping the site for residential use that allotment provision within the community of King’s Somborne is not needed or, required. Indeed, during the course of this application and previous planning history it is clear that evidence arising from both existing allotment holders and the views of the Parish Council clearly demonstrate such a need exists now and will continue to be so into the future. In this respect there is no disagreement as to the value of allotment space to the community and the proposal must therefore be assessed against either criterion E or F.

8.7 **Criterion E** – the proposal is for, principally, residential development and does not propose a different form of open space to that which exists on the land at present i.e. allotments. This part of the Policy is not therefore relevant or engaged for this proposal.

8.8 **Criterion F** - Compliance, or otherwise, with this criterion is therefore critical to the outcome of the current application. It is clear from the representations made by both the community and the allotment holders themselves that the existing site is a much valued and loved resource within the community. Significant effort has been made over the years to raise and maintain the quality of the infrastructure, soil, environment, bio-diversity and community cohesion to provide for the social, recreational and culinary needs of parts of the community. Indeed there is a strong desire within many of the representations received that there is value/preference to the existing situation remaining and the existing allotment site preserved.

8.9 However, the Policy does not explicitly protect existing facilities, or the land on which they sit. The policy is ‘permissive’ in that it does permit a proposal to come forward that replaces the existing ‘open space’, subject to certain criteria being met. In that sense it is for the applicant to demonstrate that the alternative site will provide for “...an equivalent or better provision in terms of quantity and quality and be in a suitable location”. This is assessed individually:

8.10 Is the proposal the equivalent or better in terms of quantity?

The submitted information sets out that the existing allotment has 48 plots. The proposed site offers 49 plots illustrated on drawing no 7683/D105_REV E, titled proposed allotment site plan. This comprises 30 half plots and 19 full plots. Plots 1 - 8 have the potential to be used by those with a mobility impairment and can include raised beds and all weather paths. The applicant also advises that all plot layout and sizes are proposed to be agreed with the allotment association. In this respect it is considered in terms of quantity the proposal is one more than the existing plot number. The type of plots available in terms of variation of size and type is considered to be better than existing.

8.11 Is the proposal the equivalent or better in terms of quality?

Soil

The existing allotments are indicated within the Council's Public Open Space Audit (2018) as being 0.96ha in size and being of good quality. Plots at the allotments are currently well cultivated and have been for many years resulting in topsoil that has improved markedly through physical cultivation and the incorporation of organic material. Both the applicant and the Parish Council have provided independent soil quality reports.

The report submitted by the applicant sets out that the key differences between the soils at the current and proposed sites are:

- slightly greater topsoil depth and better structure at the existing site;
- excessively high major nutrients at the existing site; and
- higher organic matter content at the existing site.

8.12 These outcomes are also seen in the Parish Council's submitted report which sets out that there are high concentrations of potassium, phosphorus and magnesium at the current site and highlights the soil organic matter percentage. These results show that the physical soil structure is poorer at the proposed site and references chalk depth and compacted soil layers. Both reports also make recommendations in respect of creating a new layer of top soil at the proposed allotment site. The applicant's submission concludes that *"a proposed course of action and a timetable will need to be agreed with the Allotment Association and their agronomist but could involve amelioration of the soils on the proposed site by stone picking from the surface and topsoil of the proposed site and the addition of organic matter as farmyard manure and green waste, with the results monitored on a regular basis to achieve an equivalent organic matter content and topsoil depth prior to the establishment of new allotment plots; and/or translocating an equivalent 5cm depth of topsoil from the existing site to the proposed site, again following stone sieving of the existing topsoils."*

8.13 The submission from the Parish Council highlights potential issues with this work including some likelihood that not all characteristics of the soil at the current site would be retained. Also that the structure of the soil at the current site would be generally lost and this could therefore have an impact on features such as soil porosity, drainage and water retention in addition to increasing the vulnerability of the soil to compaction. Furthermore possible compaction from heavy machinery involved in moving the soil could be

created, mixing of soil could distribute any localised soil-borne diseases present at the current site across a broader area of the proposed site. This mixing of soil may bring buried weed seeds, which are currently dormant, to the soil surface where they would germinate. Finally, the mixing of soil would also likely disrupt earthworm populations and soil microbial communities and impede the services they provide to soil ecosystems.

- 8.14 The previous planning application detailed above at paragraph 4.1 did not include any soil analysis work. A condition was recommended by the Officer as follows:

No development shall commence until a soil quality analysis and mitigation strategy for the replacement allotment site has been submitted to and approved in writing by the Local Planning Authority. Detail including the measures required to bring the soil to an acceptable standard for allotment use and the timing of works required to achieve that shall be included in the strategy. Development shall be undertaken in accordance with the approved details.

Reason: To ensure the replacement of an equivalent or better allotment provision in terms of quantity and quality and in a suitable location in accordance with Test Valley Revised Borough Local Plan 2016 policy LHW1.

- 8.15 The previous application was subsequently refused at Southern Area Planning Committee. Reason for refusal 1 reads as follows:

The proposed development results in the direct loss of an established, and well used allotment site that is meeting, and would continue to meet, local demand for this community resource. In considering the location of the proposed new allotment site, this site: (i) sits at a higher and exposed ground level (elevated topography); (ii) is proposed to be accessed by a convoluted and long torturous footway route through the new housing development, and (iii) is proposed to also be accessed via Furzedown Road that does not, and will not, have a pedestrian footway separated from vehicular traffic, and (iv) is accessed via Furzedown Road that has a particularly steep incline; means that the location of the alternative allotment does not represent an equivalent or better provision to that which it replaces. The result is that the new site is not as inclusive to the community taking into account age, disability or levels of car ownership/mobility. Consequently the loss of an established allotment site within the settlement results in the unacceptable loss of allotments to serve the needs of the community to the detriment of their health, welfare and leisure needs, contrary to Policy LHW1(f) of the Test Valley Borough Revised Local Plan (2016) and Paragraph 97 of the National planning Policy Framework. In reaching this conclusion the Council recognises the social, environmental and economic benefits that might otherwise arise from the proposal, including the delivery of both open market and affordable housing to meet the general housing requirements of the Borough, but these factors are not sufficient to outweigh this principle issue.

This reason does not state any concern with matters of soil quality being able to be achieved to a better or equivalent standard. This application was then the subject of appeal (ref: 3276031). The Appeal Inspector identified 3 main issues with the application:

- the effect of the proposed allotments on the living conditions of the occupants of The Herra and Oakfield with regard to privacy;
- whether the proposed allotments would be suitable in terms of access, topography, microclimate and space for landscaping as a replacement for the existing facility; and
- the effects of the proposal on the Solent and Southampton Water Special Protection Area and Ramsar site and The River Test Site of Special Scientific Interest (SSSI).

Soil quality was not considered by the Planning Inspector nor was it mentioned in the planning balance undertaken in the decision. This application offers further information from specialists in soil which have not been previously received. The information provided by both parties demonstrates that whilst there are some concerns from the Parish Council's specialist report in creating an adequate top soil surface, this is a realistic solution for the proposed site. This proposal is supported by the applicant's soil specialist report. As such, it is considered appropriate to apply a condition similar to that previously recommended at condition 6 of the recommendation securing analysis and mitigation strategy submission for adequate soil provision.

8.16 *Other improvements offered*

Whilst the existing allotments would be lost the proposal includes a new location for the allotments providing an equivalent or better provision with the introduction of

- car parking,
- pedestrian and vehicle access,
- a storage building,
- toilet,
- fencing,
- all weather paths,
- raised beds,
- running water

8.17 Where the applicant has indicated agreement to the provision of a suggested requirement which has previously been suggested by the allotment association the legal agreement will secure this point. As such the recommendation within the legal agreement includes:

- Stock fencing around the perimeter of the site
- 5 Water taps at locations to be agreed with the allotment association
- A contribution of £500 per year for 5 years towards water costs.
- All weather paths in the area of the allotments where plots for disabled users are identified to ease of access.
- Provide replacement (like for like) sheds on site for any existing allotment holders who have sheds at the current allotment site that can't be relocated.

- Provide on-site support for a period of 5 months (October to February) to help allotment holders move to the new site once the soils have reached a suitable quality (as specified above).

8.18 The applicant advises the Diocese see the need for allotments in the village and the benefits they bring and as such are prepared to re-provide elsewhere within close proximity to the existing allotments. In light of the above detail including appropriate conditions and a legal agreement it is considered that the proposed allotments are providing equivalent and better quality of allotment provision.

8.19 Is the proposal in a suitable location?

Previous submission

As seen above at paragraph 8.15 the previous application was refused due to the location of the proposed new allotment site which:

- (i) *sits at a higher and exposed ground level (elevated topography);*
- (ii) *is proposed to be accessed by a convoluted and long torturous footway route through the new housing development, and*
- (iii) *is proposed to also be accessed via Furzedown Road that does not, and will not, have a pedestrian footway separated from vehicular traffic, and*
- (iv) *is accessed via Furzedown Road that has a particularly steep incline; means that the location of the alternative allotment does not represent an equivalent or better provision to that which it replaces.*

The result is that the new site is not as inclusive to the community taking into account age, disability or levels of car ownership/mobility. Consequently the loss of an established allotment site within the settlement results in the unacceptable loss of allotments to serve the needs of the community to the detriment of their health, welfare and leisure needs, contrary to Policy LHW1(f) of the Test Valley Borough Revised Local Plan (2016).

8.20 The Planning Inspector's subsequent decision stated at para 22 "*The new allotments would be more distant for much of the village population and on a hill and whilst a new road access would be provided, there would be a slight loss of overall accessibility. Additionally, the slope and exposed nature would be disadvantageous albeit not fundamentally. Consequently, in terms of the comparative test in Policy LHW1, the proposed allotments would be less favourable, but with the benefits above, only to a limited extent.*"

The fundamental issue with this previous scheme set out by the Planning Inspector was the combination of the amount of screen planting required to screen adjacent neighbouring properties and the resultant reduction in plot numbers which would be required which would undermine the adequacy of the provision. As set out above the further distance travelled between the existing and proposed site would be disadvantageous but not fundamentally. In any event this current proposal provides an alternate location located directly adjacent the current site. This offers a simpler route through the existing site to the proposed site beyond.

8.21 Other concerns included within representations state that the proposed allotment site would be more exposed and that the screening offered would take years to establish without becoming dense enough to provide sufficient shelter. The applicant has submitted a gradient plan RAC/9623/1 which shows a maximum gradient of 9-10 degrees. The 9 – 10 degree gradient is located in the south eastern corner of the proposed allotment site partially across three plots. A gradient of 7 – 9 degrees is annotated across a wider area in the same corner of the site, completely covering 4 plots and partially covering to different extents 10 plots. The remaining plots gradient is less than 7 degrees and this covers at least 27 plots. This colour annotation of less than 7 degrees also covers the entire existing allotment site. The increase seen in the south eastern corner of the site would be between 1 and 3 degrees. This minor increase in gradient offers an equivalent level which is not significantly different to that on the existing allotment site and would therefore comply with Policy LHW1.

8.22 *Site availability*

The applicant is of the view that there are no available sites elsewhere in the village. Appendix A of the Planning Statement shows an annotated map of the village and the following table copied from the planning statement sets out the considerations of each site.

Site	Available	Adjacent to the village	Pedestrian Access by dedicated path or footpath alongside road	Distance from existing allotments as the crow flies (metres)	Impact on Landscape
A	Yes	Yes	Yes via housing scheme	Adjacent	Well related to settlement.
B	Yes	Yes	Yes via housing scheme	Adjacent	Visually secluded due to undulating land form and vegetation.
C	No	Yes	Yes via Eldon Road	251	Well related to the settlement and enclosed by vegetation
D	No	Yes	Yes	248	Open views to wider landscape
E	No	Yes	No	540	Open views to wider landscape
F	No	No	No	738	Open views to wider landscape

Site	Available	Adjacent to the village	Pedestrian Access by dedicated path or footpath alongside road	Distance from existing allotments as the crow flies (metres)	Impact on Landscape
G	No	Yes	No	400	Open views to wider landscape

8.23 Within the last application Site B was seen as the most suitable. Following the recent appeal decision it is clear that site B is not viewed as acceptable and the next best site has been considered, and that is site A (the land now being proposed for allotments) which is directly adjacent to the existing allotment site to the east. The site's location in close proximity to the existing site means that existing users do not have to travel to a different part of the village or any more than a marginal difference in distance than the existing. Pedestrian access to the site is the same as to the existing allotment site. A new vehicular access will be created off Furzedown Road to access the allotments through the proposed housing estate. The application also sets out that the land is available for purchase unlike any of the other land that was considered.

8.24 Previous information from the applicant also advises that based on the information available the majority of existing allotment users live in the part of the village nearest to the existing and proposed allotments and as such relocating them to other parts of the village, particularly the north, would result in a significantly longer walk for many users. 25 out of 29 allotment holders who live in the village live within 500 metres of the allotments.

8.25 Noting the above data and site search and in considering the lack of land available within the settlement boundary whilst also taking into account the horticultural use of an allotment which could (with the exception of other development described such as the parking area/toilet block etc) be undertaken at any time on this existing agricultural field without the requirement for further planning permission it is considered that the land proposed for the allotments is in a suitable location.

8.26 **New allotment provision on land in the defined countryside**

Development outside the settlement boundary will only be permitted under policy COM2 if either criteria a) or b) of policy COM2 is satisfied. The Planning Policy Officer has raised an objection. However, the applicant has provided a response setting out that the Allotments are a community facility, which although not statutorily required to be provided are proposed to be replaced as the value to the community is recognised. It is argued, principally because the application includes the loss of existing allotment provision and that Policy LHW1(f) is engaged and requires a suitable replacement to be provided that this part of the proposal complies with Policy COM2(b) in that it is essential for the replacement allotments to be provided in the countryside.

8.27 The applicant has sought to identify whether it is possible to provide a site for new allotments elsewhere, but within the defined (as per the Inset Map of the TVBRLP) King's Somborne settlement. This study reveals that there are no sites large enough that could accommodate the replacement allotments and equally there are no undeveloped and available sites in the village that are within the settlement boundary. All undeveloped sites are excluded from the settlement boundary. Furthermore option A has been the subject of a planning appeal which was dismissed as discussed above at paragraph 8.23. The applicant also makes the point that the settlement boundary is so tightly drawn around the village that all allocated sites for residential development in the

draft Neighbourhood Plan are all outside of the settlement boundary. While this latter point is a matter to resolve through the NP process (and any review undertaken by the Borough Council in the next Plan period) it is considered clear that development of any kind, with the exception of the proposed housing site at the existing allotment, has to be located outside of the settlement boundary.

8.28 In the context of Policy COM02 and LHW1(f) this rationale is not without merit. It is equally recognised that this is also a rather circular argument in that if the existing status-quo had remained there would be no need for this land to be used for the proposed allotments that would justify the release of land in the countryside for allotment provision. That said, and in respect of the current proposal releasing land in a countryside location for the provision of new allotments is considered to be justified as essential and requiring a countryside location, and accords with Policy COM2(b) of the TVBRLP.

8.29 Emerging King's Somborne Neighbourhood Development Plan

The Parish of King's Somborne was designated as a neighbourhood area in 2015. Since this date, a Neighbourhood Development Plan (NDP) is being prepared. A Regulation 14 stage draft NDP was published for consultation, setting out a range of proposed policies and allocations. The NDP regulation 14 consultation expired on the 12th September 2022. Policy E8 of the draft NDP proposes to designate the existing allotments site at Furzedown Road as a Local Area of Green Space (referred to in paragraphs 99 to 101 of the NPPF). The draft NDP sets out an additional housing requirement, indicating that development will only be permitted within the settlement boundary of the Local Plan or on those sites identified as suitable. The sites indicated for allocation do not include the current application site, however the housing proposed is within the adopted Local Plan settlement boundary, as identified above. The proposed policies also cover the phasing and scale of sites coming forward. Policy F3, regarding community facilities, also seeks to safeguard such provisions to avoid their loss or reduce their viability – the identified list of such assets includes the existing allotments on Furzedown Road. Paragraph 48 of the National Planning Policy Framework (NPPF) indicates the considerations when giving weight to relevant policies in emerging plans. In this context, limited weight can be given to the King's Somborne NDP in the determination of this application given its status as a draft.

8.30 A site options and assessment draft report was issued in February 2021 which included on pages 52 and 53 the allotment site – named site 186 allotments as - *The site is potentially suitable, available and achievable*. The proposed allotment location to the east of the allotments – site 79 is annotated as *The site is not appropriate for allocation due to landscape and visual sensitivity and lack of feasible access*. Page 35 of the Regulation 14 stage draft NDP does not identify any land currently proposed for housing or allotments within this application for housing allocation. Given the documents status as a draft this carries limited weight.

8.31 Assets of Community Value

Assets of Community Value are derived from the Localism Act 2011. The principal idea behind the legislation is that, once an asset is registered as an ASV (pub, shop or whatever it may be), then there is a moratorium on the land owner disposing of the ASV to allow the local community an opportunity to purchase – though the land owner is not obliged to accept any offer. In principle, registration as an ASV is a material planning consideration to be weighed in the balance along with all other considerations relevant to a proposal. In this instance limited weight can be given to this consideration. It is understood that the parish council put in a formal bid to buy the Allotments in October 2018, that bid was for £25,000 and was rejected on 19th March 2019. Given the opportunity was given and the land owner did not accept the offer there is no formal requirement for the land to be retained for that purpose, in this instance, an allotment. As such whilst this consideration is relevant it is not considered to carry significant weight in the overall planning balance of this application.

8.32 Conclusion on principle of development

There is a principle for the development of housing on the allotment site due to the sites location within the settlement boundary of King's Somborne. Whilst the existing allotment site is an Asset of Community value it is owned by the Diocese of Winchester and the bid for purchase by the parish council was rejected, the land owner is not required to retain the land for this purpose. The King's Somborne neighbourhood plan is still at draft stage and is not adopted resulting in little weight being put on its content during the course of determining this application. The existing allotment site offers a principle for residential development which can deliver housing including a provision for 40% affordable whilst ensuring the delivery of an alternate allotment provision to an equivalent or better standard which can, subject to condition and/or legal agreement provision, be achieved in the location proposed. The proposals are considered to comply with policy COM2 of the Test Valley Revised Borough Local Plan 2016. Whilst a principle has been established other material considerations are relevant and they are considered as follows.

8.33 **Policy LHW1: Public Open Space** POS as a result of new housing

Policy LHW1 also seeks the provision of public open space in conjunction with net housing developments. As set out in paragraph 8.4 of the Local Plan, the starting point is on site provision of public open space except where the proposed development is not of sufficient size to make the appropriate provision feasible, or where it is preferable to seek contributions towards a specific facility in the locality. Any off site contributions towards this type of infrastructure would be met through any CIL liabilities based on the items set out in the Regulation 123 List. Within the Planning Statement submitted with the application, it is put forward that on site provision would be made for all types of public open space referred to in policy LHW1 other than outdoor sports facilities.

- 8.34 The 2018 Public Open Space Audit identifies deficits of provision of parks and gardens (not normally sought in rural locations) and provision for children and teenagers within the Parish. Taking this into account, should public open space be delivered on site, the following would be sought based on LHW1 and the local deficits in provision:

POS Type	Area per 1,000 population		No Persons /1,000		Area Required	
Provision for Children and Teenagers	0.6	x	0.0335	=	0.02	ha

The Planning Statement refers to the provisions of public open space within the site, including the additional allotment provision as part of the separate parcel of land being brought forward as replacement allotments. The indicative site layout shows that there is space available centrally within the site to accommodate POS land. The legal agreement includes the requirement for this provision. Any update to the completion of this agreement will be confirmed in the update paper.

8.35 Impact on Landscape Character and Visual Amenity

Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough reads as follows:

To ensure the protection, conservation and enhancement of the landscape of the Borough development will be permitted provided that:

- a) it does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located;
- b) it is designed and located to ensure that the health and future retention of important landscape features is not likely to be prejudiced;
- c) the existing and proposed landscaping and landscape features enable it to positively integrate into the landscape character of the area;
- d) arrangements for the long term management and maintenance of any existing and proposed landscaping have been made; and
- e) it conserves the landscape and scenic beauty of the New Forest National Park or the North Wessex Downs Area of Outstanding Natural Beauty where applicable; and
- f) does not result in the loss of important local features such as trees, walls, hedges or water courses.

- 8.36 The existing allotment site is located on a treed part scrub/hedged bank and little is seen of the allotments/horticultural apparatus on site from Furzedown road. The current allotments have a partial informal hedged boundary to open fields to the east. There are views of the rear of Camp Field dwellings with post and rail fence from within the allotments site. The high bank with trees on the Lane also screens 4 individual dwellings set to the south of the existing allotments site, east of the lane. They are accessed from one hard surfaced single informal drive set from Furzedown lane. This access is the last vehicular access point on the east side of the lane. A steep, informal track up to the allotments appears to run from this drive access, a view into the site is opened up when heading north along the lane at this corner. A single small dwelling

access at 'Hillcrest' is on the southern edge/last plot and west side of Furzedown lane. 1-6 New Cottages, north of the site are set up away from the lane also and are not in view on the lane due to set back, height and intervening vegetation. Furzedown lane is a rural lane with only one side of footpath on part of the northern west side towards the main village centre - the only evidence of street lighting is a small lamp post on the corner of Eldon Road, and one opposite new cottages within the tree canopy and a few heritage style columns further north towards the village centre. Dwellings on the west side of the lane (aside from Bere Cottage & Hillcrest) are also set up a bank and addresses Eldon Road/Close not Furzedown Lane – it is a partially sunken lane in effect along this section.

8.37 The main changes in the landscape of the area would be the addition of a new vehicle access from Furzedown Road, the formalisation of existing agricultural land to provide 18 dwellings on the existing allotment land and the creation of allotments on part of an agricultural field. Initial comments from the Landscape Officer on this submission suggested a more robust buffer around allotment perimeter to better integrate the proposals within the wider landscape. Subsequently the applicant has increased the perimeter hedgerow around the allotments to a 6m - 7m buffer. It is not considered that the presence of the allotments in this position extending out into the field would create any significant impacts on the wider landscape. The appearance may be more formalised with the subdivision into plots and likely sporadic placement of sheds and other allotment paraphernalia. However, the horticulture use proposed has similar characteristics to the agricultural use already undertaken here. Any views given of the developments would be in the context of the existing settlement of King's Somborne and are not considered to harm the wider Borough landscape as a result. This can be further secured through appropriately worded conditions and within any detailed reserved matters application. It is considered that the development can be provided in accordance with policy E1 of the BLP ensuring the protection, conservation and enhancement of the landscape of the Borough development.

8.38 **Heritage**

The application site is not located within the King's Somborne Conservation Area. The boundary with the Conservation Area is located to the north of the application site. This boundary is directly adjacent the existing allotment for approx. 47m directly next to 1 New Cottages. The Conservation Area then follows the boundaries with existing housing in the village which results in the remaining areas of the proposed housing site and allotment sites being located between 50m and 60m from the Conservation Area boundaries. The presence of housing on the existing allotment infilling between New Cottages and the group of four dwellings to the south is not considered to create any significant detrimental impact on the character and appearance of the Conservation Area. Details of the proposed housing, layout, scale, height and massing etc will be considered further with any reserved matters application. The proposed allotment site would be visible from the properties to the North in the Conservation Area but the presence of an allotment in this location for use by the village is not considered to create any significant impacts on the setting of the Conservation Area.

8.39 The closest Listed Buildings to the application site are located within the village to the North over 100m away with several other dwellings located between the site and the Listed Building. It is not considered that the proposals would create any harm on the setting of these Listed Buildings. It is considered that the developments can be provided in accordance with policy E9 of the RLP as the proposal will have a neutral impact on the setting of the designated heritage assets.

8.40 **Highway Impacts**

The illustrative site plan remains largely unchanged from the previous proposal save for the through-route access to the proposed relocated allotment element to the rear and associated access and parking. In regard to the assessment of the residential scheme element, the submitted supporting Transport assessment relies upon the assessment provided for the previous proposal which culminated in no objections from the Highway Authority. The previous application was subject to a number of responses from the Highway Authority which raised various concerns and required further additional items of assessment. These were assessed on their merits as they came forward and culminated in no objections raised. These assessment elements remain valid and are summarised as follows.

8.41 In order to inform the assessment a volumetric survey was undertaken between the 27th of March and 3rd April 2019. The survey demonstrated circa 90 and 50 vehicle flows in a northerly and southerly direction respectively during the AM peak hours and circa 75 and 130 during the PM peak hour. Initial TRICS data was reviewed and was considered to be potentially inadequate due to the age of the data being more than 5 years old. In line with this, the applicant had undertaken more recent interrogation of the database and the relevant TRICS data had been supplied. The dataset utilised was considered to be sufficiently robust and representative and as such had been treated as a sensitivity test against which the original data supplied could be assessed against. Following review, and setting of the data against the proposal, the proposed development would not be considered to generate a level of additional traffic that would result in a material detrimental impact upon the safety and/or efficiency of the local and wider highway network and the proposed development would be considered acceptable in this regard. The proposed access design was subject to a Stage 1 Road Safety Audit which resulted in a number of changes and culminated in a satisfactory Designer's Response. The present scheme relocates the allotment element to the rear of the site with access proposed via a shared surface arrangement. The presently submitted assessment provides vehicle tracking for an 11.2m refuse vehicle for the proposed access which is considered to be acceptable. The plans submitted also demonstrate adequate vehicular visibility for the site access. In light of this advice from the Highways Officer and subject to appropriate conditions it is considered that the development can be provided without significant harm to highway safety in accordance local plan policy T1.

8.42 **Affordable Housing**

The site which is proposing market and affordable housing, has been identified as being inside of the settlement boundary and therefore under the Revised Local Plan (RLP), Policy COM7 will apply. The RLP and the Affordable Housing Supplementary Planning Document, classes King's Somborne as a Designated Rural Area and therefore, under 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 18 new homes the affordable housing dwellings required to satisfy Policy COM7 will be 7.2. 7 units and a financial contribution for the 0.2 part unit is required. Under Revised Local Plan policy COM7, whole dwellings will be sought on-site and where the number sought does not equate to a whole number units, the remaining part dwelling will be sought as a financial contribution. Therefore a financial contribution for the part unit (eg 0.2) will be required, and will be secured via legal agreement, this equates to £8,983.00. The recommendation is subject to completion of this legal agreement to secure the part unit contribution and 7 affordable houses. Subject to completion of the legal agreement it is considered that the development complies with policy COM7 of the Revised Borough Local Plan 2016.

8.43 **Impact on residential amenity**

The existing allotment site proposed for housing is bordered by fields to the east. To the west lies detached properties on the opposite side of Furzedown Road which whilst located opposite the proposed access point are sufficient distance away from the site not to be significantly affected in terms of overlooking, overshadowing or loss of light. New Cottages lies to the north and a group of four dwellings at Caen Brae is located between the existing and proposed allotment sites. The indicative layout shows that 18 dwellings can be accommodated on this site with reasonable distance between rear elevations of proposed dwellings and boundaries with existing neighbours. Given this is an outline application, the final layout of the development has yet to be confirmed. It is clear that buildings can be designed and laid out in such a way so as to avoid any adverse impact with regards to overshadowing or an overbearing impact on existing properties.

8.44 The proposed allotment site extends to the east opposite houses at Campfield and King's Acre to the North. It is acknowledged that the outlook from these properties would be altered but the allotment boundary would be between 44m and 66m away from the boundary with this neighbour and as such it is not considered that the proposal would have a significant impact on these neighbours' amenity.

8.45 It is recognised that increased traffic along Furzedown Road, would impact the residential amenity of existing properties here, and it is clear that this harm could not be mitigated by planning condition. Whilst the harm is acknowledged, it is clear that there are no alternative access points which would cause less harm. Furzedown Road is also likely to be the access for construction traffic to the site. To mitigate the level of disturbance and disruption to existing residents during the construction period a condition to secure a Construction Method

Statement (which would help to secure times deliveries outside of peak hours and wheel washing facilities) is proposed together with separate conditions to secure working hours and delivery hours. Whilst the impacts to existing residents are noted, the impact must be weighed against the need for the Council to deliver housing land to support growth. This scheme would deliver both market housing and affordable housing to the local area. Taking these matters into account, it is considered that the benefits of the scheme would outweigh the harm in this case.

8.46 **Ecology**

The main considerations in relation to ecology and protected species is the potential loss of a mature allotment with a high biodiversity value. The proposal to build dwellings on this land would result in a net loss in biodiversity.

8.47 Measures have been proposed to provide a net gain for biodiversity on site, and the metric now demonstrates a net gain for biodiversity in the long term. Due to the loss of mature allotment habitat, the proposed development is likely to result in a loss in biodiversity in the short and medium term. Policy E5 of the Revised Test Valley Local Plan states:

“Development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted unless:

- a) the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;*
- b) it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and*
- c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development.”*

Measures have been proposed which would result in biodiversity net gain in the long term, as demonstrated by the biodiversity metric submitted. Subject to appropriately worded conditions it is considered that the development can be provided in accordance with policy E5.

8.48 **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.

8.49 As such, the advice from Natural England (February 2022) is that the applicants 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.

8.50 The applicant has confirmed that they would enter into a legal agreement to secure off site mitigation land to be taken out of production in perpetuity. An appropriate assessment has been carried out and this has been reviewed by Natural England. It is concluded that the development can achieve nutrient neutrality by offsetting the increase in the nitrogen load and would therefore not result in an adverse effect on the integrity of the Solent designated sites through water quality from nitrate impacts. The development would therefore satisfy Policies E5 and E8 of the RLP in this regard.

8.51 **Trees**

Mature trees are predominantly located at the periphery of the existing allotment site. There is a group TPO on trees on the southern boundary with dwellings within the development of Carn Brae but it is considered that these trees can be retained and protected. The submitted Arboricultural report provides a comprehensive assessment of the tree constraints of the site. The Council Tree Officer has no objection to the proposals noting this is an outline application only. The application layout indicates that housing can be provided in this location without significant harm to surrounding trees. Subject to appropriate conditions ensuring the protection and retention of the mature trees around the boundaries of the site it is considered that the development can be provided in accordance with policy E2 which seeks to retain existing landscape features.

8.52 **Water management**

Water consumption

Policy E7 of the RLP seeks to ensure that all new residential development achieve a water consumption standard of no more than 110 litres per person per day. A condition is recommended to ensure that this requirement is fulfilled.

8.53 Drainage

The County Council has reviewed the application and confirmed that the information provided has addressed the key concerns in relation to the recorded borehole groundwater levels and undertaken a comparison with site levels. While this will not fully substitute for groundwater monitoring, it does provide a level of reassurance that there would be sufficient depth to allow a 1m unsaturated zone for infiltration drainage. As such no objection is raised to the outline application subject to a condition to ensure updated and more detailed information is provided when available. Subject to this condition it is considered that the development can be provided in accordance with policy E7 which concerns water management.

8.54 **Archaeology**

Residential Development

Although there are no archaeological sites currently recorded at this location, it is close to the medieval and Saxon village of King's Somborne. Archaeological monitoring on the land across the road revealed medieval pit suggestive that occupation may have extended this far out of the village. To the south cropmarks revealed a ploughed down Bronze Age barrow cemetery. The site has a high archaeological potential – that is the potential to encounter archaeological sites which are as yet unrecorded. The County Archaeologist recommends that archaeological conditions are attached to any planning permission which might be issued to address the assessment of the site and an appropriate level of archaeological mitigation.

8.55 Allotment site

The allotment site does contain cropmarks which betray the presence of below ground archaeology but of a date and character that are unknown. However the impact of past ploughing and the impact of the tilling of the allotments will have a similar effect. It is likely that the allotment tilling will largely impact the upper level already tilled by the plough. Although there may be marginal differences in this impact they would, in the County Archaeologists opinion, be insufficient to merit the burden of any archaeological condition

8.56 **Planning Balance**

The area where the proposed housing is to be sited lies within the Settlement Policy Boundary, where such development is considered to be acceptable in principle, in accordance with policy COM2 of the Revised Borough Local Plan 2016. The site is currently used for allotments and the proposal seeks to relocate the allotment use on fields to the east which is directly adjacent the existing allotment site. Included in the proposal is how the delivery and function of the new allotments site would be of equal or better in quality, quantity and locationally, compared to the existing allotment provision. The proposal also therefore complies with Policy LHW1 of the TVRBLP. The proposal would deliver housing and therefore contribute to the councils housing land supply as well as other benefits such as providing 40% affordable housing. Whilst it is acknowledged that there will be impacts of permitting this development, the report details that these impacts are not so significant so as to outweigh the benefits, and therefore, on balance it would be appropriate to support the proposed development on this site. Subject to the completion of a satisfactory legal agreement and conditions related to both the new housing site and the new allotments, the proposal constitutes sustainable development in accordance with the TVBRLP, and the NPPF.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the development plan.

10.0 **RECOMMENDATION**

Delegate to the Head of Planning and Building to:

- **Receive a satisfactory response from Natural England in respect of nitrate neutrality and then**

Complete a legal agreement to secure:

- **Mitigation measures to ensure the proposed development does not adversely affect The Solent with regard to the effect of nitrates;**
- **On-site delivery of affordable housing and a financial contribution in lieu of a part-affordable housing unit**
- **The delivery of additional benefits at the proposed allotment site to include;**
- **Stock fencing around the perimeter of the site**
- **5 Water taps at locations to be agreed with the allotment association**
- **A contribution of £500 per year for 5 years towards water costs.**
- **All weather paths in the area of the allotments where plots for disabled users are identified to ease of access.**
- **Provide replacement (like for like) sheds on site for any existing allotment holders who have sheds at the current allotment site that can't be relocated.**
- **Provide on site support for a period of 5 months (October to February) to help allotment holders move to the new site once the soils have reached a suitable quality (as specified above).**

Then OUTLINE PERMISSION for the new housing land, and FULL PERMISSION for the new allotments, subject to:

1. **The development of the proposed allotment site hereby permitted shall be begun within three years from the date of this permission. Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **Applications for the approval of all the reserved matters for the proposed housing site shall be made within a period of five years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:**
 - i) **five years from the date of this permission: or**
 - ii) **three years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.****Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.**
3. **Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (herein after called "the reserved matters" shall be submitted to and approved in writing by the local planning authority in writing before the development is commenced.**
Reason: To comply with Article 4 of the Town and Country Planning (General Management Procedure) (England) Development Procedure Order 2015 (or any order revoking and re-enacting that Order).
4. **The development hereby permitted shall be carried out in accordance with the approved plans as follows:**
 - 7863_D106 Rev F Allotment site plan**
 - 7863_D 103 N Site Plan**
 - 7863_D 104 Rev F Block Plan**
 - 7863_D 106 A Section**

7863_D 200 C Storage block and elevations

7863_D300 A Street scene

7863_D301 A Street scene

7863/L01 B Site location plan

TPP-KC/KSALLOT/001 B Tree protection

Reason: For the avoidance of doubt and in the interests of proper planning.

- 5. Prior to any work being undertaken on the site of the new housing development the new allotments shall be made available for allotment use and the land and facilities provided to an appropriate standard. The appropriate standard shall include a soil quality to that agreed in condition number 6, the laying out of allotments, access, parking and toilet block as proposed on drawing number 7683/D105_Rev F proposed allotment site plan.**

Reason: To ensure the replacement of an equivalent or better allotment provision in terms of quantity and quality and in a suitable location in accordance with Test Valley Revised Borough Local Plan 2016 policy LHW1.

- 6. No development shall commence on the housing or allotment site until a soil quality analysis and mitigation strategy for the replacement allotment site has been submitted to and approved in writing by the Local Planning Authority. Detail shall include but not be limited to the measures required to bring the soil to an acceptable standard for allotment use. This acceptable standard shall be at better or equivalent level as set out in paragraph 4.8 of Reading Agricultural Consultants – King’s Somborne Allotments Soil Health and Site Suitability report, August 2022. Details shall also include the timing of works, soil improvement works and translocation of top soil required to achieve the required soil quality and this shall be included in the strategy. Development shall be undertaken in accordance with the approved details.**

Reason: To ensure the replacement of an equivalent or better allotment provision in terms of quantity and quality and in a suitable location in accordance with Test Valley Revised Borough Local Plan 2016 policy LHW1.

- 7. No development shall take place, including any site clearance works, until a detailed Site Clearance and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the site clearance and construction period. The Statement shall provide for:**

- i. the means access for construction traffic from the public highway;**
- ii. the parking and turning of vehicles of site operatives and visitors (all to be established within one week of the commencement of development) to be kept available for the duration of the site clearance and construction activities so as to ensure that all vehicle parking associated with the construction activities is contained within this site;**

- iii. loading and unloading of plant and materials within this site (i.e. not upon the public highway);
- iv. storage of plant and materials used in constructing the development within this site;
- v. the provision of onsite turning facilities to be kept available for the duration of the site clearance and construction activities so that all vehicles enter and leave the site in a forward gear only;
- vi. the provision of an onsite holding area within the site to enable the controlled release of vehicles leaving the site in order to avoid undue interference with the safety and operation of the public highway.
- vii. the management, coordination and advance planning of all deliveries and collections including deliveries of plant and materials and the disposing of waste resulting from demolition and or construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.30) and PM peak (16.30 to 18.30) periods.
- viii. vehicle and wheel washing facilities with associated drainage measures, etc, to prevent loose debris and surface water from migrating into the public highway;
- ix. measures to control the emission of dust and dirt during construction

Reason: In the interest of highway safety and residential amenity in accordance with Test Valley Borough Revised Local Plan (2016) Policies T1 and LHW4.

8. No development shall take place (including site clearance and any other preparatory works) until the trees to be retained on site have been protected as set out on approved drawing TPP-KC/KSALLOT/001 B. Such barriers shall be erected prior to any other site operations and at least three working days' notice shall be given to the Local Planning Authority that it has been erected. Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2 (2016).

9. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

10. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: 151.5004/FRA/4 revE, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- b. Groundwater monitoring to be undertaken between November and April with locations across the site to demonstrate there is a 1m unsaturated zone to the base of infiltration features.
- c. Updated detailed drainage plans (where required following groundwater monitoring) to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- d. Updated detailed drainage calculations (where required following groundwater monitoring) to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.

Development shall be carried out in accordance with the approved detail.

Reason: In the interests of water management in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

- 11. Prior to first occupation of the dwellings the access point at the proposed housing site for 18 dwellings shall be constructed with the visibility splays of 2.4m x 43m and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1metres above the level of the existing carriageway at any time.
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 12. Development shall proceed in accordance with the measures set out in the Ecological Assessment (Peach Ecology, May 20022). Prior to the commencement of works, a detailed planting and landscape plan shall be submitted to the Local Planning Authority for written approval. Development shall proceed in accordance with approved details.

Reason: To ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.

- 13. The reptile receptor site and mitigation habitat must be fully established and suitable to support the exceptional population of reptiles prior to the translocation, in accordance with measures outlined within the Requirements and recommendations para 5.0 onwards (Peach Ecology, May 2022). A written assessment of the condition of the receptor site conducted by a suitably qualified ecologist, as well as photos of site, must be submitted to the Local Planning Authority for written approval prior to the commencement of the translocation of reptiles. Translocation shall then proceed in accordance with approved details, as outlined within the Mitigation and Enhancement Plan letter (Peach Ecology, January 2021).

Reason: To ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.

- 14. Prior to the commencement of works, a 30 year management strategy will be submitted to the Local Planning Authority for written approval. This should include the management of all mitigation and enhancement habitats outlined within the Ecological Assessment (Peach Ecology, May 2022), and include habitats created and enhanced within the nitrate offset strategy. Development shall proceed in accordance with the agreed management strategy, with photographic evidence of these measures submitted within 6 months following the completion of works. Thereafter, the mitigation and enhancement features shall be permanently maintained and retained in accordance with the approved details.**

Reason: To ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.
- 15. External lighting will follow best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK). A detailed lighting strategy will be submitted to the Local Planning Authority for written approval, demonstrating that dark corridors (with no artificial light spill) will be achieved along retained, enhanced and created bat foraging and commuting habitats.**

Reason: To prevent disturbance to protected species in accordance with the National Planning Policy Framework and the Revised Test Valley Local Plan DPD.
- 16. Prior to commencement, a Construction Environmental Management Plan (CEMP), incorporating measures to avoid impacts on the adjacent designated sites shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.**

Reason: To protect notable locally designated sites in accordance with Policy E5 of the Revised Test Valley Local Plan DPD.
- 17. No development shall take place within the proposed allotment site including site clearance within the application site/area indicated red, until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work, in accordance with a written brief and specification for a scheme of investigation and mitigation, which has been submitted by the developer and approved in writing by the Local Planning Authority.**

Reason: The site is potentially of archaeological significance in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.
- 18. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.**

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

- 19. No development shall take place until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials, minor artefacts and structures (e.g., refuse or other storage units etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include: planting plans including a 7m hedgerow buffer around the proposed allotment site, site specific written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

Notes to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 - 2. Separate permission is required under the Highways Act 1980 to construct/amend/close an access. Please contact the Head of Highways, Hampshire County Council, Jacobs Gutter Lane, Hounslow, Totton SOUTHAMPTON, SO40 9TQ, Tel. No. 03005551388 or at roads@hants.gov.uk at least 12 weeks prior to the access works commencing.**
 - 3. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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