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<b>APPLICATION NO.</b>	22/01992/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	04.08.2022
<b>APPLICANT</b>	Taylor Wimpey West London
<b>SITE</b>	Land West of Finkley Farm Road, Andover, <b>ANDOVER TOWN (ROMANS)</b>
<b>PROPOSAL</b>	Erection of 102 dwellings and 350sqm Class E retail convenience store, and sub-station, including access, parking, public open space, landscaping, drainage and associated earthworks
<b>AMENDMENTS</b>	Amended Design and Access Statement received 17 August 2022 Amended Landscape Plans received 17 October 2022 Additional plans showing Alternative Junction Arrangements received 30.10.2022 Additional Highway Technical Note 09 November 2022 Amended Soft Landscape Proposals 01 December 2022 Highways Technical Note 16.January 2023
<b>CASE OFFICER</b>	Mrs Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

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## 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 reason:

- Traffic flow impact and access, due to Estate expansion and the delays in the Finkley Arch junction opening.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located within the East Anton Major Development Area as defined under the previous Local Plan. 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 for material storage and the siting of a compound used 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 an area of public open space 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 The application seeks full planning permission for the erection of 102 dwellings and a 350sqm retail convenience store (Use Class E) in addition to the erection of a sub-station and associated access, parking, public open space, landscaping, drainage and earthworks.

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.

### 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

4.2 21/02943/FULLN - 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)

Refused by NAPC on the 04.04.2022 with 16 reasons for refusal this decision has been appended at Appendix 1.

### 5.0 **CONSULTATIONS**

5.1 **Highway Authority: No objection, subject to the following being secured by way of section 106 legal agreement:**

- Approved Travel Plan and associated costed measures (approval fee of £1,500, monitoring fee of £15,000 and the securing of a travel plan bond which is agreed at £30,000;
- Construction Traffic Management Plan (CTMP);
- Financial contribution of £187,000 towards sustainable transport improvements;
- Delivery of improvements to Finkley Arch/North Way/Walworth Road as modelled prior to occupation.

**Officer Note:** The Case Officer has agreed with the Highway Authority that the CTMP can be secured through condition rather than section 106 legal agreement. It is considered by the local planning authority that the request for a financial contribution of £187,000 does not meet the CIL tests. This is discussed further in sections 8.17-8.22 of this report. As such, this has not been secured and there is an outstanding objection from the Highway Authority in this regard only.

### 5.2 Finkley Arch

As part of the original planning permission for East Anton, reference TVN.09258, a section 106 legal agreement was entered into securing an improvement scheme for the railway arch on North Way which would allow vehicles from the East Anton development an alternative means of travel out of the site. Due to legal and technical complexities, the works have not yet been delivered to the trigger which was outlined in the section 106 legal agreement.

The Highway Authority is working with third parties to resolve these issue to allow the developer, Taylor Wimpey, to deliver the scheme as soon as possible.

### 5.3 Proposed Accesses

#### *Dairy Road*

The proposed visibility splay of 2m x 43m can be achieved without obstruction and within the proposed adoptable highway. Swept Path Analysis shows that an 11.2m long refuse vehicle would encroach onto the opposite side of the internal access road, however the overhang is minimal and considered acceptable due to the scale of the development and limited conflict opportunities with other vehicles.

#### *Access from Dairy Road to proposed shop with flats above*

The visibility splays are shown to be 2.4 metres by 43 metres to the west and 2.4 metres by 30m to the east. It is noted that the design speed for Dairy Road is 20mph and therefore the visibility is robust and the Highway Authority is satisfied that the access is suitable for the proposed use.

#### *Finkley Farm Road*

The proposed visibility splay of 2m x 43m can be achieved without obstruction and within the proposed adoptable highway. Swept Path Analysis shows that an 11.2m long refuse vehicle would encroach onto the opposite side of the internal access road, however the overhang is minimal and considered acceptable due to the scale of the development and limited conflict opportunities with other vehicles.

### 5.4 Traffic Surveys

Traffic surveys were undertaken during the COVID-19 pandemic for the following junctions; A343 Newbury Road/Smannell Road, Finkley Arch, North Way/Walworth Road. For robustness, the Highway Authority requested Automatic Traffic Surveys (ATCs) at previous DfT count sites to provide a comparison between pre COVID-19 and 2022 traffic flows and this was provided by the applicant. Within the submitted Transport Assessment the applicant has also incorporated sensitivity testing for robustness. The Highway Authority is satisfied with this approach to sensitivity testing and raises no objection in respect of the robustness of the modelling assessment used within the Transport Assessment. The Highway Authority agrees with the assumption that the majority of the trips to the retail element of the application will be internal and that there will be limited new trips from the external local road network.

## 5.5 Junction Assessment

The following junctions have been modelled to take account of the additional traffic impact from the proposed development and have been assessed within the submitted Transport Assessment:

- A343 Newbury Road/Smannell Road;
- Finkley Arch;
- North Way/Walworth Road;

### *A343 Newbury Road/Smannell Road junction*

The modelling demonstrates that this junction will operate within theoretical capacity.

### *Walworth Road/ North Way/Finkley Arch Junctions*

The modelling outputs confirm that in the future year (2027) with development (and sensitivity test background flows) the junction(s) are anticipated to operate within theoretical capacity during both peak periods.

### *Smannell Road/A343/Newbury Road Junction*

The Highway Authority consider a financial contribution towards sustainable travel mode improvements necessary to mitigate the impact of the development upon the highway network. The provision of improved high quality, pedestrian and cycle facilities is considered appropriate in order to encourage the users of the development and existing car trips towards modal shift, and therefore minimising the overall development impact on the network, including the above junction.

## 5.6 Internal Road layout

The applicant has confirmed that the internal road will not be adopted and will remain private and therefore the alterations will not be made as requested by the Highway Authority. The applicant has confirmed that the internal road layout will be subject to an Advanced Payment Code (APC) notice. Notwithstanding the above, it would be of public benefit if the internal footways and cycle ways were offered for adoption, which are suitable for adoption, and the Highway Authority would wish to continue this discussion outside the planning process with the applicant.

**Officer Note:** In line with sections 219 - 225 of the Highways Act 1980, the APC requires developers and/or landowners of new development streets to secure a bond with the street works authority (in this case Hampshire County Council as Highway Authority) to cover the cost of the proposed street works. Should the development streets not be completed to a satisfactory standard this bond protects Hampshire County Council (HCC) and the future residents of a development from the cost of having to complete or remedy these unsatisfactory street works. The APC makes it a legal requirement that the developer and/or landowner pay a lump sum or provide a financial surety to

HCC's satisfaction before works for the purposes of erecting the new buildings /dwellings can commence on site.

#### 5.7 Travel Plan

The Framework Travel Plan is approved and should be secured through a S106 legal agreement. The legal agreement should also include an approval fee for the Full Travel Plan of £1,500, Monitoring Fees of £15,000 and the securing of a Travel Plan Bond which is agreed at £30,000.

#### 5.8 WCHAR Routes

The applicant has provided a walking, cycling and horse-riding (WCHAR) assessment which is of suitable scope and covers the main walking and cycling routes to Andover Town Centre and Rail Station. The report provides a detailed description which is welcomed however, the Highway Authority does not agree with the conclusions reached by the potential to improve walking and cycling opportunities. The report concludes that where sub-standard pedestrian and cycling are located along the routes, there is limited or no scope to improve due to limited land, lack of strategic opportunities and where larger improvements could be made this development would not generate the required funds to implement in its entirety. The developer has identified some areas which are sub-standard and therefore would likely reduce the attractiveness of the route to active travel users and increase their use of the private car. HCC is currently drafting the Test Valley North Local Cycling and Walking Infrastructure Plan (LCWIP), which will likely include the identified routes and primary utility routes for walking and cycling. This document will look to deliver strategic routes which will provide full connectivity between facilities which will be delivered using funding from numerous sources, including developer contributions.

#### 5.9 Personal Injury Accidents

Four accidents were within the scope of the WCHAR assessment and therefore the applicant has focussed on these. The four accidents occurred on the double mini roundabouts on Smannell Road/Roman Way/Cricketers Way and involved three cyclists and one pedestrian. There is a shared use path along Smannell Road, but cyclists joining Smannell Road cannot easily join this provision and likely stay on carriageway. It has to be acknowledged that cyclists are choosing not to use the existing provision and therefore could be considered unsuitable in its current format.

#### 5.10 Section 106 requirements

It is considered necessary for a financial contribution towards sustainable modes improvements to be secured via Section 106 Agreement. This will be utilised towards the Northern Test Valley LCWIP which will set out the walking and cycling strategy for the area including links between the site, town centre and railway station. Specifically, the WCHAR provided to support the application which considers the suitability of existing key routes for walking and cycling confirms deficiencies in infrastructure along Smannell Road, this is

further supported by the accident record involving cyclists in the vicinity of the Roman Way and Cricketers Way roundabouts. A contribution requirement of £187,000 was therefore calculated based on the indicative cost of undertaking improvements on this part of the route. This is considered to meet the CIL tests.

#### 5.11 **Landscape – No objection.**

New proposal are a substantial improvement from the previous application and is a significantly better and higher quality proposal. It is noted that Plots 1-2 and 90-91 are one bed flats, the properties have individual gardens, however for Plots 2 and 90 are segregated from the properties. Previous experience shows that these are likely to be poorly maintained and underutilised. It would be better to locate these properties together and create a communal garden.

An indicative soft landscaping plan has been proposed which provides a good indication of what is achievable within the layout shown – in principle there is no objection to this layout. A detailed landscape plan is required, secured through condition, to formalise what has been indicated. The trees proposed are smaller and more ornamental and it is considered that there is scope for more legacy trees across the development. To achieve high quality landscape the management and maintenance of the scheme needs to be properly carried out. A comprehensive management/maintenance plan has been submitted within the application which includes maintenance schedules and details of the works to be undertaken. The final page of the document highlights the soft landscaped areas; however it is not clear which of this is public or private. A detailed plan is required detailing which areas will be publicly maintained.

**Officer Note:** The Landscape Officer attended a meeting with the Council's Community and Leisure Officer and the applicant to discuss concerns over the hard and soft landscaping maintenance and management plan, amended plans were received 17.10.2022 and the Landscape Officer was satisfied with the amendments made.

#### 5.12 **Designing Out Crime – Comment.**

Apartment blocks must sit within an area of semi-private space with a robust boundary treatment at least 1.2m high. A number of the proposed apartments have French windows these must have access onto an area of private space. The private garden must be at least 1.5m wide and enclosed with a boundary treatment of at least 1.2m high. Windows on the ground floor must be defended by planting. Hampshire Constabulary cannot support this application as the proposed dwellings do not have this basic level of protection. An area of proposed Public Open Space runs north to south through the centre of the development and it is considered that there is very little natural surveillance of this space with houses too distant and a lack of column lighting. To reduce opportunities for crime and disorder proposed planting should not obscure natural surveillance of the proposed footpath/cycleway from overlooking dwellings and the public realm. Lighting along this route must conform to the relevant standards outlined in BS5489-1:2020. Safe crossing points are

required through the POS corridor. Development is very permeable which will make policing of it difficult if an incident occurs. Some pedestrian routes provide access to the rear of properties and these have little natural surveillance which should be addressed. For a number of dwellings the external rear garden access is via a communal rear garden access path of from a rear car park. Concern is raised in this regard with respect to the increased opportunities for crime and disorder. If the planning authority is minded to grant planning consent with this arrangement, each rear garden access gate must be fitted with a key operated lock that operates from both sides of the gate and this should be secured through and appropriately worded condition. The DCO recommends that a lighting scheme for the whole development is secured through condition. The design of the lighting scheme must comply with BS 5489-1:2020.

#### 5.13 **Waste and Recycling – No objection.**

Swept path analysis demonstrates that the refuse collection vehicles will be able to access and manoeuvre within development. Bin stores serving the proposed flats would need to have space for 3 x 1100 litre bins (refuse and recycling) and 1 x 140 litre bin for food waste in order to future proof the development. In respect of the flats above the retail element of the proposal, the retail and residential waste bin store areas need to be kept completely separate.

**Officer Note:** Further clarification was sought from the Environmental Services Officer in respect of bin provision serving the proposed flats. The plans already showed separate bin stores for commercial and residential waste. It was confirmed that each bin store would provide as an alternative 1 x 1100 litres bins and 4 x 240 litres bins to provide for the development and allow flexibility for changes to waste collection operations as more efficient waste collection measures are implemented in future years. The Case Officer confirms that each proposed bin store can accommodate this requirement.

#### 5.14 **Lead Local Flood Authority (LLFA): No objection subject to conditions.**

The two conditions recommended are as follows:

- Detailed surface water drainage scheme prior to development commencing
- Maintenance arrangements for surface water

#### 5.15 **Environmental Protection: No objection subject to conditions.**

Seven conditions were suggested and these covered the following;

- Timing of construction activity
- Submission of a Construction Environmental Management Plan (CEMP)
- No vibratory or percussive piling work to be carried out on site without a noise assessment
- Restrictions on the timing of deliveries and collections to and from the proposed commercial premises (Block D)

- Restrictions on the installation of fixed external plant or externally venting plant on the proposed commercial premises without the specification of such plant being approved by the local planning authority prior to installation
- Artificial lighting mitigation measures to protect residential amenity
- Submission of a contaminated land assessment prior to development commencing.

5.16 The Environmental Protection Officer requested that the applicant provide a wall along the northern boundary of the residential garden proposed at Plot 41 given the garden's proximity to outside recreational space. A 1.8m high wall has been incorporated into the amended site layout. The Environmental Protection Officer also raised that the proposals subject of this application introduce residential uses closer to the YMCA facility than previously anticipated, particularly Plot 58, and as such the design of the YMCA facility should be reviewed to ensure that noise from plant and sports activities would still be acceptable.

**5.17 Ecology: No objection subject to conditions.**

The application was submitted with a Preliminary Ecological Appraisal (PEA) which represents the current conditions of the site. Provided the mitigation and enhancement measures proposed within the PEA are secured under planning condition no concerns are raised. The Ecologist has also recommended a separate condition requiring the submission of a detailed scheme of biodiversity enhancements to be incorporated into the development covering a minimum period of ten years.

**5.18 Andover Ramblers: Comment.**

No public right of way (PROW) crosses the development land, although footpath Andover AV7711 does go along the eastern border of the development. It is noted that the proposal is to have path/ cycle ways along the green routes (Design and Access Statement Part 2 Pages 27 and 29). Andover Ramblers requested whether there is scope to make these new routes PROWs. The Andover Ramblers also requested if a path could link AV7711 with the non-PROW path that runs from Smannell Road to River Way.

**5.19 Community and Leisure: Comment.**

A number of issues were initially raised by the Community and Leisure Officer in respect to the areas of hard and soft landscaping proposed. Following a meeting with the developer amended plans were received and Community and Leisure raised no further issues.

**Officer Note:** The applicant has confirmed that the proposed areas of public open space would be adopted by Test Valley Borough Council and maintained thereafter in perpetuity.

**5.20 HCC Education Authority: No objection.**

No financial contribution is required towards education provision.

**5.21 Housing: Comment.**

The site is located within the settlement boundary of Andover. The site is not in the Designated Protected Area (DPA). The Revised Local Plan and the Affordable Housing Supplementary Planning Document, classes Andover as Un-Designated Rural Area (U-DRA) and therefore, under Revised Local Plan (RLP) Policy COM7: Affordable Housing applies. The Council will negotiate on housing sites of 15 or more dwellings (or sites of 0.5ha or more) for up to 40% of dwellings to be affordable. Therefore, based upon the 102 new dwellings (and 350 sq. m of retail space) the affordable housing dwellings required to satisfy COM7 will be 40.8. Under Revised Local Plan COM7, whole dwellings will be sought on-site and where the number sought does not equate to a whole number of units, the remaining part dwelling will be sought as a financial contribution. Therefore 40 affordable dwellings will be required on site, and a financial contribution for the part unit 0.8 will be secured via the S106 legal agreement. The financial contribution based on values 23rd August 2022 will be £7,779.00 for part unit 0.8. Following discussion with the developer the proposed mix and tenure as set out in an email of the 20<sup>th</sup> September 2022 from TW is now acceptable.

5.22 There is currently evidence of need for two wheelchair adapted properties. The homes should be constructed in accordance with Building Regulations Part M4 (Category 3) wheelchair accessible M4 (3) (2) (b) revised edition 2015 or successor regulations. Development of adaptable/adapted homes contributes to the aims of the Council's Housing Strategy and will be encouraged in light of up to date evidence of need on the Housing Register. The requirement to meet the needs for these two adapted properties is 1 x 3 bed Part M4 (3) and 1 x 2 bed Part M4 (3) houses.

**5.23 Natural England: No objection.**

The nitrogen load from the proposed development and the proposed mitigation measures were set out in the Appropriate Assessment and these are to be secured through a S106 legal agreement.

**5.24 Trees: Comment.**

There are no large existing trees on the site but the north eastern site boundary has a line of maturing Lime trees which have been planted as part of a previous planting scheme. These trees are important and must be retained without detriment and future threat from this proposal. Block B is close to one of the Limes and although it appears to be currently outside the tree's root protection area (RPA) it has not taken into consideration the future growth of the tree. The proximity to the tree and the layout of the southern part of the block will put future pressure on the tree to be pruned or felled and ultimately not achieve its future potential. Block B and its proximity to the young Lime tree

needs to be assessed against the potential size of the Lime. Some internal layout changes may help by keeping the living areas of the flat the furthest away from the tree. There is conflict with the foul water sewer and some of the proposed new trees. The sewer is shown to pass under the trees in at least three places. The landscape plans show numerous new tree planting with some trees to be planted in areas with very little rooting area available. Although there is a list of proposed new tree species it has not been shown what tree is proposed to be planted where and whether the available soil is adequate to allow the tree to succeed. Further information and detail is required.

6.0 **REPRESENTATIONS** Expired 10.11.2022

6.1 **Andover Town Council: Objection**

- Over development of site
- Nitrate Neutrality has not been addressed
- No details on future proofing i.e. provision of air source heat pumps, electric charging points, solar panels and availability of green space.

6.2 **9 x objections** from 9 Sobers Square, Andover; 18 Brocade, Andover; 4 x Unknown addresses; Cashmere Drive, Andover; 79 Cashmere Drive, Andover; 5 Draper Close, Andover.

6.3 **1 letter of Support** from 21 Livia Close, Andover; **summarised as follows:**

- A much improved design, new design also seems to have more of an air feel about it not so all enclosed.
- The planting chosen will see some regular maintenance, some thought needs to be given to caring for the open space.

6.4 **9 letters of Objection, summarised as follows:**

Highways

- Traffic is a nightmare with only one exit in and out of the development
- Roads in the area are getting worse, with traffic jams daily.
- Dropping children at school means I cannot leave to work earlier to avoid the worst of the traffic.
- Lots of pollution with cars stuck in traffic.
- Those that live on the southern edge of the estate would benefit most from Finkley Arch being open
- Driving to Lidl on Walworth estate is a 2.5 mile journey with Finkley open this would reduce to about a mile.
- Many objections to the additional houses but traffic congestion is the worst.
- Parking on pavements already exists. At school time parking affects where children walk.
- Also a child's play area adjacent to the proposed development and additional traffic will make approaching and crossing these roads to access these areas more hazardous.
- Site is opposite the school, this will only exacerbate the congestion.

## 6.5 Travel Plan

- Residential Travel Plan is misleading in an ideal world we would all walk, cycle and share cars but in reality that is not what happens.
- Travel Plan encourages buying or leasing a hybrid/electric car – not likely to be achievable.
- Travel Plan suggests engaging with home working and helping residents to engage with employers to exercise their statutory right to flexible working– misleading there is criteria to be met before an employer agrees flexible working and can refuse the request.
- Travel Plan utilises information from the 2011 census and plans to reduce single occupancy car journeys by 10% which is insufficient to make a difference.

## 6.6 Other issues

- Still raises significant concerns regarding the overdevelopment and access to Smannell Road and Cricketers Way.
- Proposed development eliminates much needed green space.
- A few additional parking spaces does not mean that this submission is different to previously rejected scheme.
- Additional houses means more extraction of water and pollution.
- Taylor Wimpey have not communicated on the new planning application.
- When we bought the house Taylor Wimpey advised area would be used to build amenities.
- Concern about putting pressure on surrounding services.

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
National Design Guide (NDG)

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

COM1 – Housing Provision  
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  
E6 – Green Infrastructure  
E7 – Water Management  
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 SPD (2020)  
Infrastructure and Developer Contributions SPD (2009)  
Cycle Strategy and Network SPD

## 8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Highway Matters
- Parking
- Residential Amenity
- Character and appearance of the area
- Trees
- Community Safety
- Ecology
- Nutrient Neutrality
- Affordable Housing
- Public Open Space
- Rights of Way
- Noise
- Drainage and Flood Risk
- Waste and Recycling
- Education
- Skills and Training

### 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, subject to compliance with other relevant policies in the RLP.

8.3 The application site incorporates land that was allocated for the Southern Local Centre (SLC); an area of commercial and community facilities as summarised in paragraph 5.1 to serve the wider development. A Children's Nursery was delivered in 2016/17. 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 section 106 legal agreement (S106) for the outline planning permission, reference TVN.09258, 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 would no longer be 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 2000<sup>th</sup> occupation. The marketing report shows little commercial demand for an office, public house and a place of worship that can be taken forward.
- 8.6 Since the time of the outline 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 permission 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 and to ensure that measures are in place to minimise the impact of new development on the highway and rights of way network and pedestrians, cyclists and public transport users. 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 Annex G of the RLP.

#### 8.9 *Proposed Accesses/Internal Roads*

The site has two existing spurs from Dairy Road and these have been assessed by the Highways Officer with regard to visibility splays and swept path analysis for the 11.2m refuse vehicle. The Highways Officer is satisfied that the proposed visibility splays are acceptable and they raise no objection.

The swept path analysis shows that the refuse vehicle will encroach onto the opposite side of the internal access roads from Finkley Farm Road and Dairy Road but this overhang is minimal and the Highways Officer has raised no objection. Internal roads are not proposed to be adopted and in these cases HCC advise that the internal roads will be subject to an APC Notice (Advance Payments Code). In line with sections 219 - 225 of the Highways Act 1980 the APC requires developers and/or landowners of new development streets to secure a bond with the street works authority (in this case HCC) to cover the cost of the proposed street works. Should the development streets not be completed to a satisfactory standard this bond protects HCC and the future residents of a development from the cost of having to complete or remedy these unsatisfactory street works. A condition is recommended that requires details of the highway construction to be submitted and agreed prior to development commencing.

#### 8.10 *Traffic Movement*

At present vehicles accessing and exiting the site have three options; they can utilise Smannell Road, Viking Way or the road to Smannell and Finkley, and these latter two roads are rural in nature. Under the original outline permission for East Anton the developer was obligated to deliver a further access/egress route via the Finkley Arch and along North Way and Walworth Road. Improvements to the North Way/Walworth Road junction were also secured. The trigger point within the section 106 legal agreement for this route to open was by the 1600<sup>th</sup> occupation of the wider development. This did not occur. The 1600<sup>th</sup> occupation occurred following planning permission being granted in 2017 for Plot 90; an application by Test Valley Borough Council (TVBC) for a new industrial building on the edge of Walworth Business Park (planning reference 16/01344/OUTN). Plot 90 is a site located along the Walworth Road to the south east of the North Way/Walworth Road junction. Access to this site is from Walworth Road. It transpired that the access works for Plot 90 required a higher specification of works to Walworth Road to accommodate vehicle movements from both Plot 90 and East Anton. As the higher specification works were not in accordance with what was detailed within the section 106 for East Anton discussions subsequently took place post Plot 90 being permitted to agree a revised programme of improvement works to the North Way/Walworth Road junction that could serve both developments.

- 8.11 An agreement pursuant to section 278 of the Highways Act is currently being progressed with all interested parties to agree the works to Walworth Road that will serve both Plot 90 and East Anton. Whilst the Plot 90 section 278 agreement is expected to be signed and agreed, during the determination of this application consideration was also given to the fall-back position if these works did not go ahead. Under the original Outline application junction works were agreed to accommodate the traffic from East Anton. Over the intervening years between completion of the original section 106 agreement and present day, these original junction works were no longer fit for purpose and as such the developer provided a revised scheme in support of this application as an alternative fall-back. The Highway Authority has raised no objection to either the higher specification of junction improvement works or the fall-back junction improvement works.

- 8.12 East Anton is now largely complete and as such pressure on the local road network has increased, with wait times at Smannell Road becoming longer a number of third parties have expressed their concern about a further 102 houses utilising the local road network without Finkley Arch and North Way being fully operational. The application has been submitted with a Transport Statement which has modelled all junction works and traffic flow for the new dwellings on the basis of the Finkley Arch/North Way/Walworth Road works being open and operational. The Highways Authority has raised no objection to the proposal subject to restricting occupation of the dwellings until the highway works above are operational. Accordingly, a Grampian condition has been recommended to ensure that the works to the junction and the Finkley Arch are completed and operational prior to occupation of the development.
- 8.13 The application was also submitted with a Travel Plan to encourage travel by modes other than single occupancy car use for residents and visitors of the proposed development. It sets out a number of measures to promote the use of walking, cycling and public transport amongst site users for local journeys. The Highway Authority has raised no objection to the Travel Plan subject to a Bond of £30,000. The Travel Plan and the Bond will be secured through the completion of a section 106 legal agreement.
- 8.14 The Highways Authority is also requesting that a Construction Traffic Management Plan (CTMP) be secured. A CTMP will establish traffic routing and ensure construction vehicles can access and egress the site safely. This is considered reasonable as the site is located within a residential area and the site will be active for a number of months. A condition has been recommended to secure this.
- 8.15 The Highways Officer has also requested a financial contribution from the developer of £187,000 towards sustainable mode improvements. As part of the application the applicant submitted a Walking, Cycling and Horse Riding Assessment and Review (WCHAR) which considers the needs of people walking, cycling or riding horses and seeks to create conditions which make walking and cycling more attractive. The WCHAR identified some deficiency in cycling infrastructure along Smannell Road in the area by the Roman Way/Cricketers Way mini roundabouts. This was supported by accident data that showed collisions with cyclist in the area of these mini roundabouts. A shared pedestrian/cycling route is provided on the north side of Smannell Road at this point and this transfers to the south side of the road approx. 100 metres to the west of the mini roundabouts. It was concluded in the WCHAR that those cyclists coming from Roman Way may have been on the road as the junction geometry at this point does not cater well for cyclists from this direction when travelling west along the shared cycle way. The WCHAR suggested a change to the cycle connection or signage on the carriageway making drivers aware that cyclist would be on the road.

8.16 The Highways Authority in their response acknowledged the findings of the WCHAR and requested a contribution of £187,000 towards sustainable mode improvements. They indicated that this would be utilised towards the Northern Test Valley Local Cycling and Walking Infrastructure Plan (LCWIP) which will set out the walking and cycling strategy for the area including links between the site, town centre and railway station.

8.17 The Local Planning Authority can only seek a planning obligation such as the contribution proposed if it meets the tests as set out in the NPPF paragraph 57 and the CIL Regulations 2010. The tests are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development.

8.18 Necessary to make the development acceptable in planning terms.

The Highways Officer has advised that without the contribution the site would not be considered to adequately provide for travel by sustainable modes and offer off site mitigation to address the vehicular impact of the development. Notwithstanding this, the Highways Officer has not made it clear what the offsite mitigation would be. Meetings following the submission of formal comments from the Highways Authority established it would be to create a segregated cycle route along Smannell Road. The Highways Officer has provided no information on where the cycle route would start and finish or its location in relation to Smannell Road and the application site so that an assessment can be made on how this specific improvement would provide mitigation to address the vehicular impact of the development.

8.19 In their response the Highways Authority refer to the Northern Test Valley LCWIP which would, when complete, set out the cycling and walking strategy within the area. However, at this stage the County Council are working with TVBC to develop a LCWIP for the northern part of the Borough and no draft of the document has been published or shared with the Case Officer. As such, there is no identified scheme that the requested financial contribution would go towards. The Highways Authority have also not provided clarity as to why a lesser intervention, such as the addition of signage, would not be an appropriate form of mitigation to make the development acceptable in planning terms. The LPA consider that at this present time the Highways Authority has not provided sufficient justification or evidence to be able to conclude that the proposed works are necessary to make the development acceptable in planning terms.

8.20 Directly related to the development

In their response the Highways Authority has advised that the contribution is directly related to the development as it is required to address the deficiencies identified in the WCHAR. It is acknowledged that the development would increase vehicles on the highway network and that the provision of a segregated cycle route would improve sustainable modes of transport that

would benefit the development subject of this application by address existing deficiencies in provision. However, the proposed segregated cycle route has not been identified or assessed and it is not clear if it is, at this stage, deliverable. Without identification or assessment of the route it is not possible to determine whether issues, such as those in respect of landownership, would affect its delivery and provision. As a result it cannot be concluded that it could be delivered to address the deficiencies identified in the WCHAR.

#### 8.21 Fairly and reasonable related in scale and kind to the development

It is important that contributions are related to the scale of the development and that there is a clear audit trail. This is best achieved in this case by understanding the cost of the whole segregated cycle route and then it can be established whether the contribution being requested is fair and proportionate to the development it is seeking to mitigate. The Highways Authority have not provided a cost of the whole route and have advised that the sum requested is in line with a cost per dwelling based on sites across Hampshire of a similar scale. This cost is therefore an estimate and it has not been demonstrated that the contribution would fairly and reasonably relate in scale and kind to the development subject of this application.

8.22 It is considered that the requested £187,000 by the Highways Authority does not meet the tests planning obligations are required to meet and as such the LPA do not consider that this contribution can be requested. The WCHAR also suggested signage being placed on the carriageway to advise motorists that cyclists could be on the road. The Highways Officer has not provided any discussion on the provision of signage and whether this would be suitable. As such without the Highways Authority supporting this as a possible solution it is not considered that this can be secured.

#### 8.23 **Parking**

##### *Residential Parking*

Parking is to accord with Annex G of the RLP which requires 1 space for 1 bedroom dwellings, 2 spaces for 2 and 3 bedroom dwellings and 3 spaces for 4+ bedroom dwellings. Table 4.2 of the Transport Assessment accompanying the application provides a breakdown of the required parking. The 102 units require 205 car parking spaces and these have been provided either on plot or in parking areas in close proximity to the dwellings they serve. These car parking areas are necessary to serve the apartments and those houses that face onto the POS along Smannell Road. Annex G also requires and this is agreed as being the required amount of parking for the residential element of the application. For developments over 5 dwellings 1 visitor space per every 5 dwellings is required and this development attracts 21 visitor spaces and these have been provided and are located throughout the development.

8.24 The proposed spaces comply with the standards for car parking and garages and these would be secured through condition to ensure adequate parking across the site. In shared parking areas spaces will be conditioned to be numbered so future residents are clear on whose space is who. Cycle spaces will be provided either within enclosed storage in the rear gardens or within dedicated cycle storage areas on the ground floor within the flats.

#### 8.25 *Commercial Parking*

The proposed retail unit is 350sqm and at this size it would need to provide 25 car parking spaces to meet the requirements of Annex G. Only 15 are proposed. The Transport Statement advises that due to its location within the development and that it is located adjacent to community facilities that it is considered many users would make linked trips. A parking stress survey was also carried out and was included as part of the application. This looked at similar sized stores in the area to ascertain actual parking on one day. This utilised the number of parking spaces against the floor area of the store which provided a maximum parking demand. This showed that the proposed store would actually only require 12 car parking spaces and 15 car parking spaces are proposed. A commercial premises of the size proposed would require 2 cycle spaces in order to comply with the requirements of Annex G. Three cycle racks are proposed which has the ability to park 6 cycles.

8.26 It is considered that due to the location of the retail store within the development, the overprovision of cycle parking and the likelihood of linked trips occurring that a reduced parking provision on this site is justified. This is supported by a parking stress survey and it is considered that whilst the commercial parking does not accord with Annex G of the RLP, the lesser amount of car parking would not give rise to harm caused by inadequate parking. The Highways Officer has raised no concerns in this regard. The proposal is considered to comply with policy T2 of the RLP.

#### 8.27 **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.

8.28 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.

### 8.29 *Private Amenity Space*

Policy LHW4 requires development to have private open space in the form of gardens or communal open space. The dwellings across the development do have private open space in the form of gardens. The apartment blocks have either patios, terraces or balconies that are for private use. It is considered that the development would therefore accord with Policy LHW4 of the RLP.

8.30 The Landscape Officer has raised concern about the private amenity space for Plots 1-2 and 90-91, these are one bed flats and Plots 2 and 90 have gardens that are physically segregated from the flats. The Landscape Officer has indicated that this layout is likely to lead to poor maintenance and use of these gardens. One bedroom apartments meet a recognised housing need and whilst it is accepted that these can be delivered in different ways, this housing type also has to take account of the wider layout. Both Plots 1-2 and 90-91 have been designed to look like a single dwelling with one flat on the ground floor and one on the first floor. This arrangement is not unusual and creates the issue of how to provide private amenity space. Whilst it is accepted that the solution presented within the site layout may not be ideal from the Landscape Officer's perspective, it does meet policy requirements for private amenity space and how these areas are used and maintained is the responsibility of the homeowner. The areas of private amenity space would be enclosed by fences or walls as per all other plots within the wider development and therefore views of these private amenity areas are not possible from the public realm.

### 8.31 **Character and Appearance 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. 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 character of the Borough.

### 8.32 *Design and Layout*

The proposed dwellings would be a mix of two and two and a half storey dwellings and two storey apartment blocks. The design of the dwellings would utilise standard developer house types, which is considered in keeping with the wider East Anton Major Development Area (MDA). The proposed materials of red brick, off white and dark boarding and brown and grey roof tiles are all materials seen elsewhere in the MDA and as such are considered acceptable.

### 8.33 *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 underbuilding. It is accepted that there would be an issue with levels across the site and the aim was to reduce and contain the instances of underbuilding and retaining walls to the minimum, where they are present they should not be in prominent positions if it can be avoided. This has largely been achieved with the higher retaining walls between dwellings or along the boundary with individual plot car parking spaces. Retaining walls across the site are in the range of 100mm to 800mm. There are some examples of higher retaining walls and underbuilds which are visible from the public domain but this is at a minimum and is reflective of the fact that the site is on a slope and these features would be seen in context with that slope. It is considered that the levels change has been taken into account and reduced the impact of the levels change on the layout of the housing to an acceptable level such that it would not have a detrimental impact on the character and appearance of the area.

### 8.34 *Landscaping*

The proposed layout has been designed with a landscape approach and has provided generous areas of landscaping across the site as well as street trees where possible. There is a central area of landscaping that runs from north to south through the site, at the northern end this links to the large area of public open space alongside Smannell Road that already exists. To the north it links to landscaped footpaths that link to the west with small pockets of landscaping and to the east the commercial unit and a larger area of open space. The landscaping proposed is of high quality and proposes a large number of trees. Detailed planting plans have been provided and these would be secured along with the proposed implementation through conditions. It is considered that the proposal would protect, conserve and enhance the landscape character of the Borough in accordance and that appropriate measures are in place to ensure its long term management and maintenance. The proposal complies with policy E2 of the RLP.

### 8.35 **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 proximity to these trees. A comment has been raised by the Tree Officer regarding the proximity of Block B to one of these trees located within the vicinity of the south-eastern corner of the building in respect of future pressure to fell. The issue of proximity of buildings to these trees was raised as a previous reason for refusal under 21/02943/FULLN and it is considered that the scheme has been improved to address this reason for refusal and overcome the previous objection from the Tree Officer. A pair of semi-detached dwellings have now been replaced by a two storey apartment building. At its closest point this apartment block referred to as Block B to the canopy of the nearest tree is 3.5 metres with the closest

window being approximately 4 metres from the canopy which is an increase in distance between the proposed building and the trees from the previously refused scheme. Views from this window would not be dominated by the tree. Additionally the internal layout of the building shows the closest window is a secondary window to the main living space on both the ground and first floor and are not relied upon as the sole source of light for a room. This internal layout means that the tree would be under less pressure to be pruned or felled.

- 8.36 Whilst the Tree Officer has not expressed concern about Block D in relation to trees along Finkley Farm Road, this was a previous reason for refusal that has now been overcome. The building is further away from these trees with a minimum gap of 3.9 metres to the canopy. There are windows along the elevation facing the trees and some of these windows are the sole light source for a room, however where this occurs the trees are over 5 metres from these windows which do not look directly onto the canopy of the trees.
- 8.37 The original Design Code for East Anton required development fronting the main Spine Road to be closer plotted with a relatively formal building line. Trees would be planted in a verge and would be separated from dwellings by a path and front gardens of shallow depth of between 2-4 metres with a footpath of 1.2 metres. At its lowest separation the gap between house and tree would be 3.2 metres which is not dissimilar to the separation distances between the proposed flat blocks and the nearest street trees. The proposed relationship between the trees and the proposed development is not out of keeping with the wider Design Code for the development. Whilst this application is not bound to this Design Code development within this Parcel will need to blend with the wider development.
- 8.38 The Tree Officer also raised concern that some of the tree planting conflicted with the foul sewer. Amended Landscape Plans were received on the 17<sup>th</sup> October and the 1<sup>st</sup> December 2022 which showed the removal of these trees and replacement with other landscaping. These plans also showed tree pit details which were previously requested by the Tree Officer.
- 8.39 It is considered that the proposed development would accord with Policy E2 of the RLP.

#### 8.40 **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.*

- 8.41 The Designing out Crime Officer (DCO) has requested that access to all elevations of the apartment blocks from the public realm must sit within an area of semi-private space at least 1.5 metres wide enclosed by a boundary treatment of 1.2 metres high with ground floor windows defended by planting. The plans show that the ground floor flats do have access to outside private amenity space and that this is enclosed by a mix of railings and planting, it is more than 1.5 metres wide with planting alongside ground floor windows.

- 8.42 The development proposes Public Open Space (POS) that runs on a north/south axis through the site. The Designing out Crime Officer has raised concern that this route has very little natural surveillance, too much planting and a lack of lighting. The provision of POS is considered an important feature for creating both an attractive development and allowing recreational space for future occupiers. This has to be balanced against the potential for crime. The DCO believes that the houses either side of the POS are too far away to provide sufficient surveillance, notwithstanding this all the dwellings either side of the POS do look onto it and with the road serving these dwellings in front there will be a level of lighting and movement. The planting is a mix of trees, grasses and shrubs and would allow surveillance of the path that runs through the middle of the POS. The POS has a meeting place in the middle and this also allows for a pedestrian crossing point through the POS from the wider development. The DCO has raised concerns that due the limited surveillance this crossing point puts pedestrians at risk and that safe crossing points with greater surveillance should be provided. The proposed meeting place is 15m from its entrance and exit points. On both sides of this space are the internal site access roads and the distance between the principal elevations of the proposed properties to the boundary of this meeting space is 12m. At these distances, the current meeting point is small enough to see across it very easily and the route through is direct so users would be able to see the exit before entering the space. It is therefore considered that the concerns in respect of safety regarding this element of the proposal cannot be supported.
- 8.43 The DCO has also raised concern about the level of permeability that the development has which can make policing the development difficult. This needs to be balanced against the need for people living on the development to be able to make their way through and around the development, permeability increases opportunities for walking. It is acknowledged that this increased permeability may have an impact on policing crime, however its value to future occupiers outweighs this concern, particularly when the Designing out Crime is not indicating that the development as a whole has a significant crime problem. The Designing out Crime Officer has also requested that where rear access is proposed into gardens these are secured by a key operated lock that operates from both sides and this should be conditioned. Good lighting will also reduce the opportunities for crime and disorder and they have requested a condition requiring a lighting scheme to be submitted for all lighting across the development and that this lighting should conform to BS 5489\_1:2020, a condition will be attached that will require any future lighting scheme to accord with this standard.
- 8.44 On balance it is considered that the Designing out Crime Officers concerns re the POS and permeability of the development cannot be supported for the reasons set out above. It is considered that the amenity space serving the Apartment blocks is consistent with the Designing out Crime Officers' requirements to protect future occupiers from crime. The issue of rear lockable gates and lighting can be conditioned. It is considered that the development would accord with Policy CS1 of the RLP.

#### 8.45 **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.

- 8.46 The application is submitted with a Preliminary Ecological Appraisal and the Ecologist is satisfied that this represents the current condition of the site. The site is well kept grassland although orchids are present. There is a method statement to translocate these orchids. Enhancement measures are also proposed. These enhancement and mitigation measures can be secured through condition and a condition in this respect has been recommended. A condition is also recommended in respect of securing a detailed scheme of biodiversity enhancements, to include a long term management strategy over a minimum ten year period. This is to ensure that the site as a whole provides biodiversity enhancements as required by policy E5 of the RLP, the NPPF and the Natural Environment and Rural Communities Act 2006.

#### 8.47 **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.

- 8.48 As such, the advice from Natural England (March 2022) is that applications for development proposals resulting in a net increase in dwellings are required to submit a nitrogen budget for the development to assess the nitrogen load from the proposal. The advice also requires that, where the proposal will result in a net increase in nitrogen load, that applicants demonstrate that there will be no likely significant effect on the European protected sites due to the increase in waste water from the new housing.
- 8.49 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 load of 343/kg/yr and this is agreed by the LPA.
- 8.50 The developer proposes mitigation in the form of purchasing credits from Roke Manor, a former pig farm that is currently selling nitrogen mitigation credits to developers and Councils and has entered into an Agreement with Roke Manor to acquire nitrogen credits and this will be secured through the S106.

8.51 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 this would need to be secured through a S106 agreement to ensure that the purchased credits are tied to the development subject of this application. The development would therefore not result in an adverse effect on the integrity of the Solent designated sites through water quality from nitrate impacts and would accord with Policy E5 of the RLP and the Conservation of Habitats and Species Regulations (2017) (as amended).

#### 8.52 **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 102 houses, 40% of the dwellings would be required to be affordable with the housing being provided on site, this would amount to 40.8 dwellings with 40 provided on site and 0.8 as a contribution. 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.

8.53 The application provides 40 affordable dwellings across the development they would be split into the following tenures 21 would be affordable social rent, 10 would be First Homes and 9 as shared ownership. They would be in cluster ranging from 3 to 8. The Housing Officer has requested that First Homes are not mixed with other tenures for example only one First Home in a flat block with all the other flats under differing tenures. Where flats and maisonettes are offered as First Homes this includes all the flats in a block and both the ground and first floor maisonettes, it is considered that this requirement has been met. The Housing Officer has raised no objections to the proposed tenure or clustering and as such this will be secured through a S106.

8.54 The Housing Officer in their response agreed the layout and tenure plan for the affordable housing. Notwithstanding this in their response they also advised there is currently a need for wheelchair adapted housing (referred to as M4(3)) and requested two units of differing sizes as none were shown. Policy COM7 does not require the provision of wheelchair units, however in the Affordable Housing Supplementary Planning Document (AHSPD) it states that where there is a demonstrable need for a wheelchair adapted home this would be encouraged in light of up to date evidence of need. The developer was made aware of this in the Housing Officer's response, however no changes to the layout were made to accommodate the requirement and despite discussions with the developer to see if a unit could be provided the developer has concluded in an email of the 27<sup>th</sup> February 2023 that to accommodate the wheelchair adapted home would require significant changes to the site layout. Whilst the provision of wheelchair adapted homes is encouraged there is no requirement within Policy COM7 for a developer to provide these units.

8.55 The affordable housing that is proposed across the development is acceptable, whilst the delivery of wheelchair adaptable homes would have been a positive benefit of the proposal there is no policy requirement for them to be delivered and as such the development does accord with Policy COM7 of the RLP.

## 8.56 Public Open Space

### *Provision*

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. Public Open Space (POS) is based on the future population of the development. This Parcel is slightly different in that part of the Parcel is the left over from residential Parcel L and this land would have been included within the original Outline for 2500 homes and as such at the time of the Outline sufficient POS would have been provided to reflect the level of development proposed. Of the 2500 dwellings that were granted consent under the Outline application 2484 were granted consent under subsequent Reserved Matters applications. This meant that there were 16 dwellings that were mitigated for under the Outline application in terms of POS that were never built, to avoid double counting all POS contributions have been calculated on 86 dwellings (102- 16) apart from Allotments which were not considered at the time of the outline so the contribution for this POS is based on the 102 houses. As calculations are worked out on numbers of persons the reduction in 16 houses amounts to 194.5 persons.

8.57 The amount of POS required is set out below:

	Area per 1000 population		Number of persons/1000		Area Required	Contribution
Outdoor Sports Facilities	1	x	0.1943	=	0.19ha	£208,987.14
Parks and Gardens	0.4	x	0.1943	=	0.08ha	On site
Informal Recreation	0.8	x	0.1943	=	0.16ha	On site
Provision for Teenagers and Children	0.6	x	0.1943	=	0.12ha	£117,390.23
Allotments	0.2	x	0.2305	=	0.05ha	£7,046.38
	3					

8.58 Parks and Gardens and Informal Recreation are to be provided on site with 0.3ha and 0.29ha provided respectively. Outdoor Sports and Facilities, Provision for Children and Teenagers and Allotments are proposed to be provided off site and would be secured as a financial contribution with a section 106 legal agreement. The Outdoor Sports Facilities contribution of £208,987.14 would go towards improving the Andover Bowls Club which is identified in the Council's Sport Facility Strategy 2020-2036 as needing improved pavilion facilities. The proposed dwellings are to the south of the existing MUGA and play facilities alongside Smannell Road. The application required the developer to provide facilities for Children and Teenagers as these facilities are often adopted and maintained by the Council. It was requested by the Council if this additional provision could be accommodated on the land to the north. To do this the Council would accept a contribution, this contribution would be used to create an expanded play area within a natural landscape and will provide new play equipment and an outdoor gym area. The final design of the new play area and equipment would be agreed following consultation with the local community. This was considered acceptable and would serve the new development as well as the wider community.

8.59 Allotments are maintained by the Town Council. As allotments are provided in specific areas with the correct facilities many smaller developments like this one are not of sufficient size to require additional allotment provision. In this case a contribution of £7,046 is required and this will be for the Town Council to put towards existing allotment provision in the town. The financial contributions aforementioned would be secured through a section 106 legal agreement.

#### 8.60 *Maintenance and Management*

Policy COM 15 of the RLP requires the appropriate infrastructure to be secured. Provision for the long term maintenance and management of the open space is required, in order to ensure that it is available and contributes positively to the amenity of the area. The applicant proposes to transfer the landscaped areas of public open space within the Parcel and shown on Drawing Number 22016/C109B to Test Valley Borough Council, which would incur a long term cost for the Council to maintain these areas. A commuted sum is required in order to provide for this long term management and maintenance. This has been calculated based on the cost of maintaining the specific landscaping scheme proposed for these areas for a period of 20 years as per the Infrastructure and Developer Contributions SPD and amounts to £408,596.64 and this has been agreed by the developer and will be secured through a section 106 legal agreement.

#### 8.61 **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. The Andover Ramblers 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 alongside the western boundary of the site to Finkley Farm Road, this would be a straight route and would cross the open space to the north of the development. This proposed route would replicate the pedestrian path that is alongside Smannell Road albeit across open space as opposed to immediately adjacent to the road. The POS is an informal area for much of it allowing a freedom of movement of people across the space, for those who do not want to walk on the grassed area there is already a pedestrian footway adjacent to the road. The development does not give rise to any adverse impacts on existing routes and as such it is not considered that a route that effectively replicates an existing route can be justified. It is considered that the proposal accords with Policy T1 of the RLP.

#### 8.62 **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 from all sources, including noise. The policy states that development will be permitted provided it would not cause unacceptable risks to general amenity in respect of pollution impacts. The Environmental Protection Officer has raised no objection subject to conditions.

#### 8.63 *Construction*

The Environmental Protection Officer has requested a number of conditions to minimise the impact to future residents from the construction process. These conditions have been recommended and restrict construction hours, require the submission and adherence to a Construction Environment Management Plan (CEMP) and the submission of a noise assessment if percussive or vibratory piling is required. These are not considered unreasonable and are considered necessary to make the development acceptable in respect of noise pollution.

#### 8.64 *Commercial Use*

Block D on the plan shows commercial use at ground floor and residential above. The commercial use could cause a noise nuisance to neighbouring residential uses and as such the Environmental Protection Officer has noted that the block maintains some distance from most residential areas. Notwithstanding this the flats above would need some mitigation from the commercial use at ground floor and conditions restricting vehicles associated with deliveries and collection and the installation of any fixed external plant are recommended.

#### 8.65 *Relationship with YMCA*

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. Plot 58 to the north of the YMCA would be 12 metres from the building, the Environmental Protection Officer has raised concerns that activities within the YMCA could impact on the amenity of this property. The rooms within the YMCA building that are closest to plot 58 and the residential parcel are smaller rooms that support the wider use such as, training rooms, kitchen, and plant room. The plant room is internalised. If any additional external plant was required to serve the building this would be considered on its own merits through the appropriate planning process and would be subject to the usual considerations regarding any associated amenity impact on neighbouring residential uses. The nursery does have outdoor space but this is located to the south of the building away from the site. The building can be used for community uses but does not have a premises licence permitting entertainment and as such noise from any entertainment uses would not impact on this property.

8.66 Subject to conditions, it is considered that the development does accord with Policy E8 of the RLP.

#### 8.67 **Drainage and Flood Risk**

Policy E7 deals with Water Management including flood risk. The site is located within Flood Zone 1 and as such there is no risk from flooding from rivers or sea and due to its location and level there is no risk from groundwater flooding. Drainage information has been provided as part of the application and the Lead Local Flood Authority have raised no objection subject to conditions which have been recommended. It is considered that the development does accord with Policy E7 of the RLP.

#### 8.68 **Waste and Recycling**

The development has been designed to provide safe and easy access for refuse collection vehicles, bin stores are secure and lockable and are of sufficient size. The Environmental Services Officer has raised the issue of the commercial waste being separate from the residential waste. On Block D where there are proposed commercial uses at ground floor and residential uses above, there are clear and distinct bin stores for each separate use.

#### 8.69 **Education**

Policy COM 15 of the RLP requires the appropriate infrastructure to be secured either through contribution or through works. On larger housing sites such as this HCC Education are consulted to provide advice on the possible impact on schools within the area. HCC Education has advised that they will not be seeking a contribution from this site towards education provision as it is not required for a development of the scale proposed.

## 8.70 Skills and training

Policy ST1 (skills and training) of the RLP requires, where a development has a significant impact on the labour market, contributions towards the enhancement of skills training and the provision of apprenticeships within the local community. In this instance, an Employment and Skills Plan is requested in accordance with the Construction Industry Training Board (CITB) Client Based Approach, in order to identify and provide skills needs and training delivery, and a condition is recommended to secure the submission of this.

## 9.0 CONCLUSION

- 9.1 The site is located within the settlement boundary for Andover where development and redevelopment is considered acceptable provided it accords with other policies within the plan. It is considered that the proposed layout will provide acceptable living conditions for future occupiers, in terms of overlooking and outlook and would provide private amenity space for future occupiers.
- 9.2 The proposed appearance of the buildings and apartment blocks are considered to be acceptable and will integrate into the wider character of the area which has been informed by a landscape led approach and high quality design.
- 9.3 The application is acceptable in terms of rights of way and education whilst, ecology, public open space, community safety and waste and recycling are acceptable subject to the securing of conditions.
- 9.4 A S106 legal agreement is being pursued to secure mitigation land to offset the nitrogen load from the development, affordable housing provision and associated financial contribution, the Framework Travel Plan and associated approval and monitoring fees, a Travel Plan Bond, a scheme of management and maintenance for areas of on-site public open space and financial contributions towards off-site public open space provision.
- 9.5 Subject to the completion of the S106 and the proposed conditions the development is considered to be acceptable and accords with the policies COM1, COM2 , COM7 , COM15, E1, E2, E5, E6, E7, E8, LHW1, LHW4, T1, T2, CS1.

## 10.0 RECOMMENDATION

**Delegated to the Head of Planning and Building that, subject to the completion of a satisfactory legal agreement to secure; mitigation land to offset the nitrogen load from the development, affordable housing provision and associated financial contribution, the Framework Travel Plan and associated approval and monitoring fees, a Travel Plan Bond, transfer of onsite public open space to TVBC and associated commuted sum for its long term management and maintenance and financial contributions towards off-site public open space provision, then PERMISSION subject to:**

1. The development 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. The occupation of the development authorised by this permission shall not begin until the following highways works are complete and operational;
  - Highway improvement works shown on Drawing Number 18087/100 REVD or 06-034/1261B and 06-034/1262B hereby approved have been implemented in accordance with either of these drawings and;
  - the North Way/Finkley Arch “L” Improvements as set out in Schedule 12, Part 1 of the S106 Agreement that accompanies the Outline permission TVN.09258 as permitted on 13<sup>th</sup> August 2008 and shown on Drawing Number 06-034-02-135 REV B

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers;

Proposed Floor Plans - Plan Ref no. 22016 P152 - Version Building D - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P151 - Version Blocks B \_ C - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P150 - Version Building A - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P161 - Version A bin/cycle \_ substation - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P160 - Version Garages - 04/08/22

Proposed Elevations - Plan Ref no. 22016 P153 - Version Building D - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P137 - Version Plot 72 - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P136 - Version Plot 63-64 - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P135 - Version Plot 60-61 - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P134 - Version Plot 59 - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P143 - Version Plot 22 - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P142 - Version Plot 84 - 04/08/22

Composite Plan - Proposed - Plan Ref no. 22016 P141 - Version Plot 93-95 - 04/08/22

**Composite Plan - Proposed - Plan Ref no. 22016 P140 - Version Plot 87-89 - 04/08/22**

**Site Location Plan - Plan Ref no. 22016 S101 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P110 - Version Plots 1-3 and 90-92 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P111 - Version Plots 4-5 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P112 - Version Plots 10, 27, 28, 58, 81 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P113 - Version Plots 11-12,65-66, 74-75 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P117 - Version Plot 17 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P118 - Version Plots 18-20 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P119 - Version Plot 35 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P120 - Version Plots 24 and 62 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P121 - Version Plots 25-26,82-83, 85-86 - 04/08/22**

**Composite Plan - Existing - Plan Ref no. 22016 P122 - Version Plot 29 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P123 - Version Plot 30 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P114 - Version Plot 13 and 102 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P115 - Version Plot 14-15 and 97-98 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P116 - Version Plots 16, 21 and 23 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P128 - Version Plots 36-37 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P129 - Version Plots 38-39 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P130 - Version Plots 40-41 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P131 - Version Plots 50-51 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P132 - Version Plots 52-53 and 54-55 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P133 - Version Plots 56-57 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P124 - Version Plots 31-32 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P125 - Version Plots 33, 71 and 96 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P126 - Version Plots 73 and 99 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P127 - Version Plot 34 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P138 - Version Plots 76-77 - 04/08/22**

**Composite Plan - Proposed - Plan Ref no. 22016 P139 - Version Plots 78-80 - 04/08/22**

**Site Layout - Plan Ref no. 22016 P103 - Version Affordable housing layout - 04/08/22**

**Details - Plan Ref no. WWL/E5020/001 C - Version Levels strategy layout - 04/08/22**

**Details - Plan Ref no. WWL/E5020/002 B - Version Drainage strategy layout - 04/08/22**

**Details - Plan Ref no. 22016 P104 - Version Boundary materials layout - 04/08/22**

**Details - Plan Ref no. 22016 P105 - Version Building material layout - 04/08/22**

**Site Layout - Plan Ref no. 22016 C101 A - 17/10/22**

**Details - Plan Ref no. D3181-FAB-00-XX-DR-L-1001 PL04 - Version (1 of 5) - 17/10/22**

**Details - Plan Ref no. D3181-FAB-00-XX-DR-L-1002 PL04 - Version (2 of 5) - 17/10/22**

**Details - Plan Ref no. D3181-FAB-00-XX-DR-L-1003 PL04 - Version (3 of 5) - 17/10/22**

**Details - Plan Ref no. D3181-FAB-00-XX-DR-L-1004 PL04 - Version (4 of 5) - 17/10/22**

**Details - Plan Ref no. D3181-FAB-00-XX-DR-L-1005 PL04 - Version (5 of 5) - 17/10/22**

**Details - Plan Ref no. 06-034/1262 B - Version Sheet 2 - 30/10/22**

**Details - Plan Ref no. 06-034/1261 B - Version Sheet 1 - 30/10/22**

**Landscaping - Plan Ref no. TWWL23988 11 DR-Sheet 1 - Version Sheet 1 - 01/12/22**

**Landscaping - Plan Ref no. TWWL23988 11 DR-Sheet 2 - Version Sheet 2 - 01/12/22**

**Landscaping - Plan Ref no. TWWL23988 11 DR-Sheet 3 - Version Sheet 3 - 01/12/22**

**Landscaping - Plan Ref no. TWWL23988 20 DR-Sheet 1 - Version Sheet 1 - 01/12/22**

**Landscaping - Plan Ref no. TWWL23988 20 DR-Sheet 2 - Version Sheet 2 - 01/12/22**

**Landscaping - Plan Ref no. TWWL23988 20 DR-Sheet 3 - Version Sheet 3 - 01/12/22**

**Landscaping - Plan Ref no. TWWL23988 11 DR-Sheet 4 - Version Sheet 4 - 01/12/22**

**Landscaping - Plan Ref no. TWWL23988 11 DR-Sheet 5 - Version Sheet 5 - 01/12/22**

**Landscaping - Plan Ref no. TWWL23988 11 DR-Sheet 6 - Version Sheet 6 - 01/12/22**

**Details - Plan Ref no. D3181-FAB-00-XX-DR-L-1100 PL05 -**

**Landscape Legend - 01/12/22**

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

- 4. No development shall commence on site until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority, which shall include:**
- (a) A programme of and phasing of demolition (if any) and construction work;**
  - (b) The provision of long term facilities for contractor parking;**
  - (c) The arrangements for deliveries associated with all construction works;**
  - (d) Methods and phasing of construction works;**
  - (e) Access and egress for plant and machinery;**
  - (f) Protection of pedestrian routes during construction;**
  - (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;**
  - (h) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.**

**Demolition and construction work shall only take place in accordance with the approved management plan.**

**Reason: In the interest of the amenities of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8 and T1.**

- 5. No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the Local Planning Authority. The assessment must be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure a safe living/working environment in accordance with Policy E8 of the Test Valley Borough Revised Local Plan 2016**

- 6. Prior to the commencement of construction activity including site clearance or groundworks, a Construction Environment Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval. The CEMP shall detail the significant risks posed to amenity from the emission of noise, vibration, light and dust and set out the mitigation measures to be employed to control such emissions and mitigate the effects of such emissions on sensitive land uses. The CEMP shall include details of the site compound location(s). The construction activity shall only take place in accordance with the approved CEMP.**

**Reason: In the interest of the amenities of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

- 7. No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and Drainage Strategy, has been submitted and approved in writing by the Local Planning Authority. The submitted details shall be implemented as approved and must include:**

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment and Drainage Strategy.**

- b. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.**

**Reason: To ensure satisfactory surface water drainage on site in accordance with Policy E7 of the Test Valley Borough Revised Local Plan 2016.**

- 8. No development shall commence until the tree protection as shown on Drawing Number 1826-KC-XX-YTREE-TPP01REVA has been installed and at least 2 working days' notice of development commencing given to the local planning authority. The Tree Protection shall be retained and maintained for the full duration of the construction phases of the development. No activities shall take place within the protected areas.**

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

- 9. No development shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:**

- a) The width, alignment, gradient and surface materials for any proposed roads/footway/footpath/cycleway within and serving that development parcel including all relevant horizontal and longitudinal cross sections showing existing and proposed levels.**

- b) **No dwelling shall be occupied until a connection between it and the adopted highway has been constructed to at least binder course level for use by pedestrians, cycles and vehicles.**

**The development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the roads, footway, footpath and cycleways are constructed to an appropriate standard to serve the development in accordance with Policy T1 of the Test Valley Borough Revised Local Plan 2016.**

10. **No construction activity shall be carried out and no deliveries taken at or despatched from the site except between the hours of 07:30 hours and 18:00 hours Monday to Friday and 08:00 hours and 13:00 hours on Saturday and not at any time on Sundays, Bank or Public Holidays.**

**Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

11. **No percussive or vibratory piling work shall be conducted on site until a noise and vibration assessment has been conducted and a scheme of mitigation measures has been submitted to and agreed in writing by the local planning authority. The agreed mitigation measures shall be carried out in accordance with the approved details.**

**Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8**

12. **Deliveries and collections to and from the commercial premises within 'Block D' as shown on the Amended Site Layout drawing no. 22016 C101 Rev A shall only be undertaken between the hours of 07:30 and 18:00 Monday to Saturday and at no other time.**

**Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

13. **Prior to the installation of any fixed external plant, or externally venting plant in connection with the commercial use hereby permitted within 'Block D' as shown on the Amended Site Layout drawing no. 22016 C101 Rev A, a specification of the proposed plant to be installed, including details of noise emissions, shall be submitted to and approved in writing by the local planning authority. The specification and accompanying details shall be implemented as approved.**

**Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

14. **No artificial lighting shall be brought into use or illuminated unless back plates or other mitigation measures have first been installed where necessary to ensure that light at any residential property does not exceed 2 lux after 2300 hours when the light is illuminated. All such mitigation measures shall thereafter be permanently retained.**

**Reason: To safeguard existing and future residents from artificial light pollution having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.**

- 15. Details for the long term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall be implemented as approved and must include;**
- a. Maintenance schedules for each drainage feature type and ownership**
  - b. Details of protection measures**

**Reason: To ensure satisfactory surface water drainage on site in accordance with Policy E7 of the Test Valley Borough Revised local Plan 2016.**

- 16. No development shall take place above DPC level of the development hereby permitted until a scheme showing EV Charging Points and Solar PV Panels has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**

- 17. No development shall take place above DPC level of the development hereby permitted until a detailed scheme of biodiversity enhancements to be incorporated into the development, including a planting plan, location plans, and a long term management strategy, covering a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with photographic evidence provided to the Local Planning Authority within 6 months of first occupation of the development.**

**Reason: To enhance biodiversity in accordance with the NPPF and the Natural Environment and Rural Communities Act 2006 and with Policy E5 of the Test Valley Revised Local Plan (2016).**

- 18. Prior to the occupation of the first dwelling an implementation plan for the delivery of the landscaping as shown on the submitted plan, Drawing Numbers,**

**TWWL 23988 11 DR-SHEET 1  
TWWL 23988 11 DR-SHEET 2  
TWWL 23988 11 DR-SHEET 3  
TWWL 23988 11 DR-SHEET 4  
TWWL 23988 11 DR-SHEET 5  
TWWL 23988 11 DR-SHEET 6**

**shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**

- 19. The apartment blocks hereby permitted, referred to as Blocks A, B, C and D on Drawing No. 22016/C101A shall not be occupied until the residential bin store associated with that apartment block has been fitted with internal lighting to allow for the safe use of the residential bin stores by future occupiers. The bin stores hereby permitted will be secured by a digi lock which shall be retained and maintained in good working condition thereafter.**

**Reason: To protect the amenity of future occupiers in accordance with Policy E8 of the Test Valley Revised Local Plan 2016.**

- 20. No development shall take place above DPC level of the development hereby permitted an Employment and Skills Plan to encourage and promote skills and training in the construction industry in accordance with the Construction Industry Training Board (CITB) Client Based Approach to developing and implementing an Employment Skills Strategy on Construction projects, Local Client Guidance – England, v2, CITB and the National Skills Academy 2016 has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: Details are required prior to commencement in order to identify and provide skills needs and training delivery in accordance with Test Valley Borough Revised Local Plan 2016 policy ST1.**

- 21. Prior to the occupation of the dwellings hereby permitted a lighting strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall comply with BS 5489-1:2020. The development shall be carried out in accordance with the approved details.**

**Reason: To protect the amenity of future occupiers in accordance with Policy E8 of the Test Valley Revised Local Plan 2016.**

- 22. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles in accordance with Drawing Number 22016/C101A and this space shall thereafter be reserved for such purposes at all times.**

**Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**

- 23. The commercial premises hereby permitted shall not be brought into use until the bin store associated with that commercial use has been fitted with internal lighting to allow for the safe use of the commercial bin stores. The bin store will be secured by a digi lock that has a different code to the adjacent residential bin store and the digi lock shall be retained and maintained in good working condition thereafter.**

**Reason: To protect the amenity of future occupiers in accordance with Policy E8 of the Test Valley Revised Local Plan 2016.**

24. Development shall proceed in accordance with the measures set out in Section 5 'Mitigation' and Section 6 'Enhancement Opportunities' of the Land West of Finkley Farm Road, East Anton, Andover, Preliminary Ecological Appraisal (RPS, July 2022). Thereafter, the mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.  
Reason: to ensure the favourable conservation status of protected species and enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006, the NPPF and Policy E5 of the Test Valley Revised Local Plan DPD.
25. The communal parking areas as shown on Drawing No. 22016/C101A will be marked by the painting of numbers in the ground to each residential unit to which they are allocated. The car parking spaces shall be marked prior to the occupation of the dwelling they are allocated to.  
Reason: To ensure satisfactory parking levels are retained on site in accordance with Policy T2 of the Test Valley Borough Revised Local Plan 2016.
26. Rear access gates to all residential properties shall be fitted with a key operated lock that operates from both sides and shall be suitable for exterior use.  
Reason: To ensure safe and secure development and contribute to reducing crime and disorder, in accordance with the adopted Local Plan, Policy CS1.
27. The retail convenience store hereby permitted shall be restricted to Use Class E (a) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and for no other purposes within Class E of that Order.  
Reason: To protect amenities of neighbouring uses and ensure adequate parking in accordance with policies T2 and E8 of the Test Valley Borough Revised Local Plan 2016.
28. 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.

**Note to applicant:**

1. 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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