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<b>APPLICATION NO.</b>	23/03200/RESS
<b>APPLICATION TYPE</b>	RESERVED MATTERS - SOUTH
<b>REGISTERED</b>	15.12.2023
<b>APPLICANT</b>	Mr Stuart Garnett, Shorewood Homes
<b>SITE</b>	Land East of Furzedown Road, Furzedown Road, King's Somborne, <b>KING'S SOMBORNE</b>
<b>PROPOSAL</b>	Application for the approval of Reserved Matters (appearance, landscaping, layout, and scale) pursuant to outline planning permission 22/01359/OUTS for the erection of 18 dwellings
<b>AMENDMENTS</b>	<ul style="list-style-type: none"><li>• Plots 1-3 sited away from northern boundary, Plots 1 &amp; 3 swapped and design changes made to Plot 1 to reduce height and depth, with minor changes to the parking bays. The relationship between New Cottages and Plots 1-3 are indicated on drawing 7683-D03 revision A.</li><li>• Plots 4-7 sited eastwards closer to the new allotment site, and Plots 4 &amp; 5 moved southwards with associated parking alterations.</li><li>• New section drawing</li><li>• Updated tree information</li><li>• HCC Highway boundary map</li><li>• Transport Statement</li><li>• Landscape Plan</li><li>• FRA and Drainage Strategy</li></ul>
<b>CASE OFFICER</b>	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)  
[Click here to view application](#)

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## 1.0 INTRODUCTION

1.1 The application is referred to Southern Area Planning Committee by a Local Ward Member because it raises issues of more than local public interest.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The approval for reserved matters relates to the western part of the application site which is currently laid out and used as allotments with a pedestrian access from Furzedown Road. The site sits on an elevated position compared to the road.

2.2 The site benefits from an extant outline permission for 18 dwellings (with all matters other than access to be reserved) and Full permission for the change of use of land from agriculture to allotments with associated access, erection of a storage/toilet building and car parking area.

The application site has been included in the made Kings Somborne Neighbourhood Development Plan (KSNDP) for the provision of 18 dwellings (November 2023).

### 3.0 **PROPOSAL**

3.1 The application is for the approval of Reserved Matters (appearance, landscaping, layout, and scale) pursuant to outline planning permission 22/01359/OUTS for the erection of 18 dwellings

- 3.2
- Plots 1 – 7 - Affordable Housing 1, 2 and 3 bedroom semi-detached pairs and a terrace
  - Plots 8 – 18 - Open market housing – detached 2, 3 and 4 bedrooms

### 4.0 **HISTORY**

4.1 22/01359/OUTS - Outline application for 18 dwellings (with all matters other than access to be reserved) and Full Permission application for change of use of land from agricultural to allotments with associated access, erection of a storage/toilet building and car parking area – Permission subject to conditions

4.2 19/02899/OUTS - Erection of 18 dwellings in Outline with all matters reserved except access Full - change of use of land to allotments with new access off Furzedown Road and erection of a storage building – Refuse (Dismissed at appeal – ref: 3276031)

### 5.0 **CONSULTATIONS**

5.1 Landscaping – No Objection

5.2 Trees – Comment

- The relationship between the proposed level change and the RPA of T9 needs to be clarified.
- It is proposed to construct a footpath parallel to Furzedown Lane and within the RPA of an offsite Cypress protected by virtue of its location within a conservation area and identified as G1. This activity would require cutting into the bank supporting this tree. An assessment as to whether the retention of this tree is feasible needs to be undertaken.
- A modest part of the RPA and crown of retained tree T10 have been omitted from tree protective barriers.

Further information received March 2024 and final comments awaited. Update to be provided in the update paper.

5.3 Refuse – No Objection

5.4 Housing – No Objection

5.5 Lead Local Flood Authority (LLFA) – Comment

- While it is appreciated that the drainage strategy will be addressed in detail under condition 10, we would seek assurance that there is sufficient space within gardens for soakaways particularly where previously shared gardens are now identified as individual ones. It is

also noted that there are trees identified within areas that were previously proposed for soakaway features and it is not possible to have planting over the top of these features so this also needs to be considered. Given that this may necessitate changes to layout, it is recommended that this is addressed at this stage pending additional details to be provided by condition.

Further information received March 2024 and final comments awaited from LLFA. Update to be provided in the update paper.

5.6 Ecology – No Objection

5.7 Conservation – No Objection

5.8 Archaeology – Comment

I would rely on the archaeological provisions of the outline permission to secure the archaeological mitigation which is necessary (as set out in my consultation response to the outline planning application) and so would not raise any additional archaeological issues at the reserve matters stage.

5.9 Highways – No Objection

6.0 **REPRESENTATIONS** Expired 17.01.2024

6.1 Kings Somborne PC – Objection

- The proposal does not conform to NDP Policy KS/H2.
- The current proposal does not comply as the quantity of two bedroom houses has not been met and instead single bedroom houses have been substituted. The Parish Council is confident in the validity of the policy which only came into effect on the 9th of November 2023.
- Feedback from local residents indicates that several people in existing 1 bedroom properties including those with young children require to move to properties with multiple bedrooms.
- Applicants and Test Valley Officers are obliged to follow the requirements of the Neighbourhood Development Plan and therefore Plots 4 and 5 should be amended to show 2 bedroom properties.
- The reasoning behind the policy is clearly indicated in section 4 (Ref para's 4.3, 4.8, 4.9 and 4.10) of the plan.
- Reference to TVBC housing list does not constitute overruling Para 1 of the policy and does not comply with paragraph 2 of the Policy as it does not provide adequate evidence of the long term Parish housing needs and thus sustainable development.
- One bedroom homes will be released with individuals especially by those with existing young families or those wanting to start families by providing additional two bedroom housing.
- The Parish Council is in support of the plan otherwise.

## 6.2 7 x emails – Objection (Summarised)

### Overlooking

- The proposed of Plots 4,5 & 6 feature first floor windows that directly overlook my garden and therefore trespass on my privacy.
- The bottom half of our garden will be overshadowed by plots 6 and 7 significantly and as there are trees adjacent to the boundary they will be restricted in growth secondary to lack of light.
- The garden will also now be severely overlooked from the first floor windows of plots 6 and 7.

### Loss of light

- The proposed dwellings (plot 4 and 5) have a ground floor of these dwellings will be at an additional height above my garden as the allotment plot slopes towards my boundary.
- The scale and bulk of this proposed dwelling will block the sunlight from my garden and will create a loss of light through overshadowing for the majority of the day, for most of the year, with adverse impact on the amenity of the garden and the quality of the growing environment.
- The plans show a terrace of three houses directly outside of our kitchen window which is totally unacceptable.
- The garden areas of Plots 4 - 7 face North. This means that these garden areas will receive no sun at any time during the day as the gardens will be overshadowed by the bulk of the dwelling as the sun travels round. The amenity of these gardens is therefore severely compromised.

### Surrounding area

- The new site will negatively impact on the visual amenity of the village (a conservation area in the Test Valley) and houses in the village, particularly due to the raised position of the upper part of the site.

### Smell

- Bin cupboards adjacent to my garden fence present a risk of unpleasant smell, particularly in hot weather. Suggest that all bin cupboards in the development should be sited adjacent to the roadway/drive.

### Traffic generation, parking and safety

- The location of the turning into the development from Furzedown Road presents considerable scope for traffic accidents.
- The vehicles parked in front of 1-3 New Cottages exit by reversing into Furzedown Road. Given the parking lay-by for No 3 Furzedown Road there will be no sightline between the proposed junction and residents exiting the drives of Nos 1 & 2.
- Traffic travelling down the road from Braishfield or Eldon Road have sufficient time to see exiting vehicles and slow down/stop as appropriate. Traffic exiting the development will be unable to see these vehicles in good time.

- The outline planning permission shows that the line of sight at the entrance to the site, looking towards the centre of the village, bisects land owned by us.

#### Ownership

- Agreement over access to third party land is required
- The access to the new development on your plans actually goes across our car parking space which we actually own and is therefore private property.
- Applicants need to agree ownership of bank and associated screening along proposed developments southern boundary (Rosecroft's northern border)
- Also need to resolve a potential ownership issue of bank which is part of Carn Brae residents drive (western part of development southern border)
- Notice was not served on us when the outline application was submitted, although it was brought to the attention of the planning authority in our objections made at the time.

#### Window restrictions

- Window restrictions should be limited to what is currently shown on plans for south elevations for properties bordering Rosecroft

#### Light pollution

- Prevent night sky light pollution, so no street lights or other illuminations that would compromise the current dark sky benefit.

#### Site management

- No bonfires, noisy construction work to have time restrictions, no early starts or late finishes. No loud music / radios.

#### Power supply

- We understand a significant re-routing of current power supply to many houses will be required, this must be done without interruption of supplies to residents

#### Value of property

- There has been a massive increase in the value of the allotment site. The major beneficiaries are Winchester Diocese and the developer. We, the little people, end up losing out significantly by virtue of their actions and, at the very least, we believe that they should recognise that we will suffer significant diminution in the value of our property, and should be compensated accordingly, by them.

#### Private views

- The plans show a terrace of three houses directly outside of our kitchen window which is totally unacceptable.

### Proposed new allotment site

- The gradient is significantly steeper than the existing allotments – especially to the southeast; allotments on this steep gradient will suffer detrimental effects e.g. soil creep, soil being washed down the slope and weather exposure.
- Soil quality is extremely unlikely to be suitable for allotments:
- It is currently used for surface crops and will not have been worked to the necessary depth with organic material to make it suitable for growing allotment vegetables.
- The local geological topsoil is chalky, very thin in depth and very stony, making it unsuitable for growing allotment vegetables.
- The water retention quality of the topsoil will not be as good as the current allotments. This will be exacerbated higher up the site on the steeper gradients.
- The topsoil is likely to contain farming chemicals that should not be associated with allotment crops.
- A stipulation of the planning permission is for the proposed 'new allotment site' to be 'as good as, if not better than' than the existing allotment site. In view of the slope and very poor soil quality it is very unlikely that this stipulation can be met.

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

E1: High Quality Development in the Borough

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

E5: Biodiversity

E7: Water Management

E9: Heritage

LHW1: Public Open Space

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

### 7.3 Neighbourhood Plan

Kings Somborne Neighbourhood Development plan (KSNDDP)

### 7.4 Supplementary Planning Documents (SPD)

Kings Somborne Village Design Statement

Affordable Housing

## 8.0 **PLANNING CONSIDERATIONS**

8.1 Given outline planning permission exists for the application site which includes the means of access and the quantum of development, the main planning considerations are:

- Whether the proposal is an appropriate form of development with regard to layout, landscaping, appearance and how the proposal relates to the amenity of neighbouring properties and future residents.
- Whether the proposal would adversely impact protected species and/or habitats.
- Other matters

### 8.2 **Consideration of reserved matters – Layout**

The following section sets out an assessment on the layout of the proposed scheme, beginning with consideration of the impact on the amenity of neighbouring properties before progressing to the other material considerations.

#### 8.3 Boundary with 1, 2 and 3 New Cottages

This terrace row of cottages is located to the north of the application site. Proposed plots 1 – 3 are positioned on a similar building line to the existing Cottages, adjacent 1 New Cottages. The separation distance between the side elevations of 1 New Cottages and Plot 1 is approx. 9.4m with intervening vegetation located on the boundary. There is one ground floor and one, obscured, first floor window proposed on the side elevation of plot 1 facing this neighbour. These serve a living room and bathroom. The rear garden of plot 1 projects along the boundary for approx. 14.4m. The land slopes down towards New Cottages and as such this proposed terrace would be on land that is approx. 1.2m higher than New Cottages. In assessing the implications of this the Case Officer has drawn out a shadow diagram based on an average shadow for March 21st for both plot 1 and plot 2 shadow which falls in the direction of these neighbours. At 8am the shadow is positioned across the front area of number 1. Between 10am and 12 midday the shadow would be positioned across the side elevation of 1 New Cottages. From 2pm onwards the shadow moves across and is positioned on the edge of the garden before then moving into the application site. Given the remaining garden would continue to experience no change in terms of overshadowing and the position that the shadow would take through the day at the side of the house it is not considered that there would be any significant impacts in this respect. Furthermore, the separation distance is considered satisfactory to ensure no significant loss of light would occur. It is considered appropriate to ensure the first-floor window proposed facing this neighbour is obscurely glazed and top hung opening only. This forms a condition of the recommendation. A further condition is recommended removing any permitted development for the insertion of further windows in the northern elevation facing this neighbour.

8.4 Plots 4 – 7 are semi-detached pairs and are orientated with the rear gardens projecting towards the boundary with the rear garden of New Cottages. Similar to the above plots the land slopes down towards the north and therefore this housing would be at a higher level than the gardens at New Cottages. The separation distance from the proposed rear elevations to the boundary with

this neighbour is between approx. 10m and 14m. These separation distances are considered to be appropriate and would not create any significant overshadowing or loss of light. A condition is recommended removing any permitted development for the insertion of further windows in the northern elevations facing this neighbour.

8.5 Boundary with Rosecroft and Walnut Tree Lodge

These two detached properties are located to the south of the application site adjacent plots 11 – 14. The separation distances between the boundary with these neighbours and these plots is between approx. 10.5m and 16m. Plot 11 and plot 14 do not have any windows facing towards these neighbours. Plots 12 and 13 have rear windows at ground and first floor facing towards these neighbours but the layout results in these plots being sited adjacent the access road between Rosecroft and Walnut Tree Lodge and not directly adjacent private amenity space. It is considered appropriate to ensure no additional windows are proposed across any of the southern elevations of plot 11 – 14 to ensure future impacts are controlled. The application site is located on lower ground than these neighbouring properties so it is not considered that overshadowing or loss of light would occur as a result.

8.6 Impact on potential future occupants

It is considered the proposed layout ensures sufficient separation distances between the areas of private amenity for each individual unit. A comment was received about the amenity space at plots 4 – 7 being in shade. Through the afternoon hours shadow will develop across these rear gardens but the morning hours and later afternoon hours would provide adequate daylight and sunlight to ensure that an acceptable level of amenity for potential future occupants will be achieved.

8.7 Parking provision

Annex G of the TVBRLP sets out a minimum parking standard for dwellings. The parking provided meets the standard and, on some plots, exceeds it. No objection is raised by the Highways officer to the parking layout proposed and availability of manoeuvring space onsite. It is considered reasonable to apply a condition ensuring garages are available for parking at all times to ensure the layout provides, into the future, sufficient spaces to serve likely occupants.

8.8 Refuse

The Council Refuse Officer has been consulted and has no objection to the proposals confirming that there are no concerns about the Council's refuse collection vehicles safely accessing and moving around the development.

8.9 Conclusion on layout

Following the assessment undertaken above it is considered that the proposed layout will, avoid any materially significant loss of residential amenity in relation to privacy, daylight and sunlight provision for neighbouring property. In addition, it is considered that the proposed layout will deliver an acceptable level of residential amenity for potential future occupants. Consequently, the application is in accordance with Policy LHW4 of the TVBRLP.

8.10 Furthermore, the proposed layout will ensure that sufficient onsite parking capacity and refuse provision is provided to avoid any adverse impact on the highway safety of the local road network. As a result, the application is in accordance with Policies T1 and T2 of the TVBRLP.

8.11 **Landscaping**

In support of the proposal a landscape and visual appraisal impact statement and landscape plan and maintenance information has been submitted. The size, species of the landscaping proposed will help integrate the dwellings into the site. The Landscape Officer has no objection to the proposal subject to an updated maintenance schedule for 5 years which can be the subject of condition. It is considered that the development can be provided in accordance with policy E1 and E2 of the Revised Borough Local Plan and policy E1 of the KSN DP.

8.12 **Trees**

The Tree Officer has made a comment in respect of RPAs of trees and the level changes. Further information has been received in this respect and final comments from the Tree Officer are awaited. An update will follow.

8.13 **Appearance**

The dwellings have been informed by the local mix of building types and materials. The proposals reflect the traditional dwellings in the area. The proposed scheme comprises eighteen, two storey dwellings. Each dwelling will have pitched roofs with eaves overhangs. A mixture of materials and styles are proposed for the new dwellings to create variation which is reflected in the character of the local area. Slate and plain clay tiles are proposed to create variation in the roof scape. Materials including red brick, painted white brick, render, timber cladding, tile hanging, and flint have been utilised, delivering a bespoke collection of dwellings. Decorative detailing such as stone window surrounds, stone cills, ornate headers, and lead roofed entrance canopies or timber porches have also been applied, and this is to create a consistent theme throughout the scheme. These important details combined with traditional windows, help to draw the variety of dwellings together to deliver a coherent housing development. These materials are characteristic of the residential properties in the locality, as identified in the Kings Somborne Village Design statement and Neighbourhood Plan. It is considered that the appearance of the proposed scheme when viewed from Furzedown Road and the surrounding long distance public rights of way would complement and respect the settlement character of the area.

8.14 Following the assessment undertaken above, it is considered that the appearance of the proposed development will complement and respect with the settlement character of the area. As a result, the application is in accordance with Policy E1 of the TVBRLP and policy H8 of the KSN DP

## 8.15 **Protected Species and Habitats**

### Onsite biodiversity

The site was surveyed from 2019 – 2022 for the Outline application. An Ecological Walkover survey was undertaken in 2023 to support this application. No significant changes were found during this walkover survey, the allotment is in a similar condition to it was previously. The loss of the allotments will be mitigated by creating a new allotment adjacent to the existing one, to the east, in an area of arable land. These will be designed with wildlife in mind, planting new native hedgerows around the boundary and avoiding the use of any formal external lighting. The boundary hedgerows of the new allotment will be laid to increase the wildlife value of the area and to minimise shade onto allotments. Additional mitigation and enhancement measures are set out within the report, these include the erection of bird and bat boxes, new landscaping including hedgerow planting and the use of hedgehog boxes. An area of arable margin is being created adjacent to the woodland, just south of the new proposed allotment, measuring 0.3 hectares. This area has been ploughed and harrowed and a Neutral Grassland seed mix has been sown. The vegetation, once established, will be used as the reptile receptor area.

8.16 When the Biodiversity Metric is applied to the project there is a Net Gain of 15.34% for Habitats and a Net Gain of 38.74% for Hedgerows. When the reptile receptor area is included within the Net Gain assessment the Net Gain for Habitats is 38.19%. Through the implementation of the mitigation and enhancement measures put forward the proposed development can proceed, and the Council Ecologist has no objections to the scheme. It is considered that the development can be provided in accordance with policy E5 of the Revised Borough Local Plan 2016.

8.17 An HRA was completed with the outline application confirming that this development will not affect such habitats as Mottisfont Bats SAC and therefore, given the poor quality of the affected habitats and the high dependency of barbastelle bats in particular on other habitat types not affected by the development, the development would not have a likely significant effect on the SAC through loss of habitat. This is in accordance with policy E6 of the KSNDP.

### 8.18 Nitrate neutrality and New Forest SPA

Both of these matters were considered at outline application stage and mitigation secured through a legal agreement. It is considered that the development complies with relevant local plan policy and KSNDP policies E7 and E9.

## 8.19 **Other Matters**

In addition to the material considerations assessed above, a number of other matters which are not strictly Reserved Matters but have a bearing on the design and layout of the proposal have been raised in the representations received and brief comments on these issues are set out below.

8.20 Affordable Housing

The proposal includes 7 plots with the following amount of bedrooms for affordable housing purposes:

- Plot 1 - 3 bedroom house
- Plot 2 – 3 bedroom house
- Plot 3 – 2 bedroom house
- Plot 4 – 1 bedroom house
- Plot 5 – 1 bedroom house
- Plot 6 – 2 bedroom house
- Plot 7 – 2 bedroom house

8.21 The Council Housing Officer has provided the latest Housing Needs figures from Hampshire Home Choice, showing applicants registered for Kings Somborne (who have a proven local connection). As of 5 January 2024. 2,461 households are registered on Test Valley Borough Council's Housing Register.

Housing Need in Kings Somborne by assessed bedroom need:

<b>Assessed bed need</b>	<b>Total</b>
1 Bed	13
2 Bed	8
3 Bed	5
4+ Bed	3
<b>Total</b>	<b>29</b>

The Housing Officer has confirmed support for the mix proposed as it is helping to address the housing needs for Kings Somborne.

8.22 King Somborne Parish Council have objected to the proposal due to the content of the recently adopted Neighbourhood plan and specifically policy H2 which concerns housing mix. The comment received include the following statements: *The current proposal does not comply as the quantity of two bedroom houses has not been met and instead single bedroom houses have been substituted. The Parish Council is confident in the validity of the policy which only came into effect on the 9th of November 2023. Applicants and Test Valley Officers are obliged to follow the requirements of the Neighbourhood Development Plan and therefore Plots 4 and 5 should be amended to show 2 bedroom properties.*

8.23 Policy H2 states the following:

*KS/H2 – Housing Mix*

*1. In order to meet local need, all new residential developments should provide the following mix of properties:*

- 2 bedroom - 45%*
- 3 bedroom - 45%*
- 4 bedroom - 10%*

2. An alternative approach will only be considered where it can be demonstrated to meet a more up-to-date assessment of Parish needs. This assessment will be strongly influenced by the character of the wider setting of the site. The presumption will always be in favour of smaller homes, including detached smaller homes such as bungalows, and any other types of smaller dwelling with gardens suitable as starter homes or for retirement living.

8.24 Officers have assessed the different suggestions in the following tables against the mix set out at 1) to understand whether any proposal put forward meets this requirement. The first two tables include all housing proposed as the policy H2 does not differentiate between open market and affordable housing. The third and fourth table focuses on affordable housing only.

Shorewood Proposal

	Shorewood proposal	Shorewood proposal	NDP Mix
1 Bed	2	11.11%	0%
2 Bed	5	27.77%	45%
3 Bed	8	44.44%	45%
4 Bed	3	16.66%	10%
	18		

PC Suggested Mix

	PC Suggested Mix	PC Suggested Mix	NDP Mix
1 Bed	0	0%	0%
2 Bed	7	38.88%	45%
3 Bed	8	44.44%	45%
4 Bed	3	16.66%	10%
	18		

AH Housing Mix only – Shorewood Proposal

	AH Housing - Shorewood	AH Housing - Shorewood	NDP Mix
1 Bed	2	28.57%	0%
2 Bed	3	42.85%	45%
3 Bed	2	28.57%	45%
	7		

AH Housing Mix only – PC Suggestion

	AH Housing - Shorewood	AH Housing - Shorewood	NDP Mix
1 Bed	0	0%	0%
2 Bed	5	71.49%	45%
3 Bed	2	28.57%	45%
	7		

8.25 Officers have discussed this further with the Parish Council and also TVBC Housing Officers to understand whether the two 1 bed dwellings proposed could be replaced with two 2 bedroom dwellings. The Parish Council asked the following specific questions which the Housing Officer has sought to address as follows:

- *PC Comment: The Housing Officer does not state she would not support a different combination merely she supports the combination proposed in the plans in front of her. The mix was proposed by the developer albeit he is happy to change.  
Housing Officer response: We have supported the mix proposed by the developer as it reflects the needs. If the mix had been proposed without any 1 beds we would have objected.*
- *PC Comment: From the housing officer report it states that the need for 1 bedroom property is 13 and utilising the report this satisfies the need of 26 people. The identified need for 2-bedroom property is given as 8 and again utilising the report occupancy of 4 this satisfies the need of 32 people.  
Housing Officer response: Our need is based on individual households on the housing register, not on the total number of individuals who may be rehoused.*
- *PC Comment: Therefore by adopting the NDP figures then more people are satisfied one assumes this would also satisfy the (Housing) officer.  
Housing Officer response: No, because it doesn't address the 1 bed needs which represent the largest proportion of need in the area.*
- *PC Comment: Given the fact that by adopting the developers proposal of the inclusion of 1 bed houses this requirement has not been met. From the above we can conclude that it satisfies less people than implementation of that required by the NDP. The need is for people not houses. Houses satisfy people's need.  
Housing Officer response: The need is based on the evidence from the housing register, which highlights the greatest need for 1 bed accommodation.*
- *PC Comment: The other valid points that were made during our discussion need further exploration to meet any future deviation from the specified mix in the policy but in this case I would suggest no further hard evidence is required it is already contained within the report and the KS/H2 housing mix prevails.  
Housing Officer response: The housing register represents clear up to date evidence of need and is the key piece of evidence used by housing teams when commenting on planning applications.*

- PC Comment: *Going forward I note that the policy KS/H2 para 2 does not state that the housing list held by the housing officer constitutes a more up to date assessment. We would expect something much more detailed providing evidence of sustainable development over the life of the housing. We would challenge anything less.*

Housing Officer response: *The SHMA and the housing register are widely accepted by planning teams as firm evidence of needs. A housing needs survey is only considered valid for 3-5 years and can only ever be used as one piece of evidence amongst a wider evidence base, and can only represent the views of the proportion of residents who chose to complete the survey.*

8.26 Despite the relative newness of the KSNDP policy and evidence base supporting that it is clear that a more up to date assessment than that used in the KSNDP is available. This being the housing needs register. The applicant and Housing Officer has engaged with this up to date information leading to the proposed mix shown in the submitted plans. The Housing register is an objective reflection of need in any given area, based on the circumstances of each individual household that has applied. Given the above responses from the TVBC Housing Officer and taking into account part 2 of the Neighbourhood Plan policy KS/H2 which states the following it is considered that the housing mix proposed can engage with KS/H2 of the NDP part 2.

*2. An alternative approach will only be considered where it can be demonstrated to meet a more up-to-date assessment of Parish needs. This assessment will be strongly influenced by the character of the wider setting of the site. The presumption will always be in favour of smaller homes, including detached smaller homes such as bungalows, and any other types of smaller dwelling with gardens suitable as starter homes or for retirement living.*

The proposal for a semi-detached pair of 1 bed properties is considered to provide smaller dwellings with gardens which can be utilised for starter homes and / or retirement living. Furthermore the other two and three bedroom semi-detached and terrace properties provided offer smaller housing with gardens consistent with the wider character of the site and beyond.

8.27 It is considered that the up-to-date housing register, which shows a clear need for 1, 2, and 3-bedroom dwellings, provides an up-to-date assessment of Parish needs and that the proposed housing mix is appropriate for this need. The Housing Officer has no objection to this proposal, and it is considered that the development is in accordance with policy COM7 and KSNDP policy KS/H2.

8.28 Drainage

The County Council as the Lead Local Flood Authority has reviewed the application. It is noted that the layout has changed from that highlighted in the outline application and while it follows the same general principles, they do have concerns that there will be sufficient space within open areas for the soakaways previously proposed. While it is appreciated that the drainage

strategy will be addressed in detail under condition 10 of the outline application HCC would seek assurance that there is sufficient space within gardens for soakaways particularly where previously shared gardens are now identified as individual ones. It is also noted that there are trees identified within areas that were previously proposed for soakaway features and it is not possible to have planting over the top of these features so this also needs to be considered. The applicant has provided a response to this in respect of soakaway tests, flood risk information, borehole tests, sewer maps and greenfield runoff. A new consultation has been sent to HCC Lead Local Flood Officers. An update will be provided of the response in an update paper.

8.29 Construction

Submitted comments have referenced the potential impact of the associated construction process on residential amenity and the local amenity of the area. Due to the scale of development proposed it is inevitable that there will be a degree of disturbance. However in the event that permission is granted for the current proposal, the associated construction methods will be subject to the outline permission condition 7 which secures a requirement for information in respect of site clearance and construction method statement, in addition to controls available to the Local Authority under other legislation. This matter does therefore not form a reasonable basis for refusing the current application.

8.30 Highways

Submitted representations have referred to the potential impact on the highway safety of the local road network arising from the increase in vehicle movements generated by the proposed development. However, this matter has already been assessed as part of the outline permission in addition to the location of the proposed access point onto Furzedown Road. Consequently, the assessment of highway matters is limited to the internal arrangement of access roads and the arrangement and capacity of onsite parking provision.

8.31 Light Pollution

A comment was received in respect of light pollution. Condition 15 of the Outline permission ensures any external lighting proposed must first be agreed with the LPA.

8.32 Ownership

Comments have been received about access to the development and potential for the access being located across a car parking space which is private property. A Highway Boundary Map from HCC showing the relevant area is on file. This has been overlain into the site layout plan confirming visibility splays are within the Highway Boundary, complying with the requirements of condition 11 to the outline planning permission which concerns visibility splays. The applicant has confirmed that they are aware of the Land Registry plans from the neighbouring property (1 New Cottages). The applicant has sought legal advice who advise Land Registry Plans show general boundaries only and are not definitive, and in any event, it is possible for land to fall within a private owner's registered title and the highway.

- 8.33 Under S130 of the Highways Act (HA) 1980 it is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway Authority. Additionally, it is an offence for any person, without “lawful authority or excuse”, to “wilfully” obstruct the free passage along a highway. The applicant’s solicitors have considered the neighbours assertion of acquiring rights to park via long use or adverse possession and they advise as a matter of law it is not possible to acquire rights over land they own. Even if any parking area falls outside of their title, having regard to the leading case (*Bakewell Management Ltd v Brandwood and others*), to the extent the parking area falls within the adopted highway, there is no scope for rights to be acquired via long use. They further state as a matter of law, whilst a highway remains maintainable at public expense, no title can be obtained by adverse possession because title is vested in the highway authority under section 253 of the Highways Act 1980.
- 8.34 Other comments have been received about ownership of the bank and associated screening along the proposed developments southern boundary (Rosecroft’s northern border). Furthermore there is also a comment about a need to resolve a potential ownership issue of bank which is part of Carn Brae residents drive (western part of development southern border). Ownership matters between parties is a private matter. Any landscape solutions for boundary treatments will be agreed through the hard and soft landscape conditions submissions.
- 8.35 Other matters  
*Power supply*  
A comment has been received setting out that a significant re-routing of current power supply to many houses will be required, this must be done without interruption of supplies to residents. Works undertaken by a statutory undertaker are not a material planning consideration for this application. This query would need to be taken up direct with the applicant or utility company.
- 8.36 *Value of property*  
A comment has been received stating - *There has been a massive increase in the value of the allotment site. The major beneficiaries are Winchester Diocese and the developer. We, the little people, end up losing out significantly by virtue of their actions and, at the very least, we believe that they should recognise that we will suffer significant diminution in the value of our property, and should be compensated accordingly, by them.* This is not a material planning consideration and cannot be taken into account in the consideration of this application.
- 8.37 *Proposed new allotment site*  
Comments have been received about the proposed allotment site located to the east of the proposed housing site. Full permission was granted for the allotment site and this application concerns the matters reserved for the housing development as discussed above only.

9.0 **CONCLUSION**

9.1 Outline planning permission has been granted at this site for residential development, with this reserved matters submission seeking to provide an acceptable form of development with respect to layout, appearance and landscape. Following the assessment undertaken above, it is considered that the proposed scheme is an acceptable form of development for reserved matters approval.

10.0 **RECOMMENDATION**

**Delegate to Head of Planning and Building to receive:**

- **Satisfactory consultation response from the Tree Officer and HCC Lead Local Flood Authority,**

**Then APPROVAL subject to:**

1. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows in the southern elevations of plots 11, 12, 13, and 14, or the northern elevations of plots 1, 2, 3, 4, 5, 6, and 7 of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.  
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.**
2. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), the garage(s) hereby approved shall at all times be available for the parking of vehicles.  
Reason: In order to maintain the approved on site parking provision and to reduce highway congestion in accordance with Test Valley Borough Revised Local Plan (2016) Policy**
3. **No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure the development would integrate, respect and complement the character of the area in accordance with Policy E1 of the Test Valley Borough Revised Local Plan (2016).**
4. **The first-floor window in the northern elevation of plot 1 the development hereby permitted shall be fitted with obscured glazing and shall be top hung opening only, and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.**

5. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.

Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

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

Topo 14177 SA A  
New Access Junction - 151.5004.0601 J  
Landscape plan - 1023-0101  
Plots 1 - 3 Elevations - 7683/D06 A  
Plots 1 - 3 Floor plans - 7683/D04 A  
Plots 1 - 3 Roof plans - 7863/D05 A  
Site Plan - 7683/D01 A  
Site section - 7683/D03 A  
Tree protection - TPP-KC/KSALLOT/001  
Location plan - 7683/L01 B  
Plot 10 Elevations - 7683/D18  
Plot 10 Floor and roof - 7683/D16  
Plot 11 Garage - 7863/D36  
Plot 11 Elevations - 7863/D20  
Plot 11 floor and roof - 7863/D19  
Plot 12 Elevations - 7863/D22  
Plot 12 Floor and roof - 7863D21  
Plot 13 Proposed Elevations - 7863/D24  
Plot 13 Proposed floor and roof - 7863/D23  
Plot 14 Garage - 7863/D37  
Plot 14 Elevations - 7863/D26  
Plot 14 floor and roof - 7863/D25  
Plot 15 Elevations - 7863/D28  
Plot 15 Floor and roof - 7863/D27  
Plot 16 Elevations - 7863/D30  
Plot 16 Floor and roof - 7863/D29  
Plot 17 Garage - 7863/D38  
Plot 17 Elevations - 7863/D32  
Plot 17 Floor and roof - 7863/D31  
Plot 18 Elevations - 7863/D34

**Plot 18 Floor and roof - 7863/D33**

**Plot 4 and 5 Floor and roof - 7863/D07**

**Plot 4 and 5 Elevations - 7863/D08**

**Plot 8 - Garage - 7863/D35**

**Plot 8 Elevations - 7863/D12**

**Plot 8 Floor and roof - 7863/D11**

**Plot 9 Floor and roof - 7863/D13**

**Plot 9 Roof - 7863/D14**

**Plots 1 - 3 Elevations - 7863/D06**

**Plot 6 and 7 Elevations - 7863/D10**

**Plot 6 and 7 floor and roof - 7863/D09**

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

**Note to applicant:**

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
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