

KINGS SOMBORNE NEIGHBOURHOOD DEVELOPMENT PLAN

**COMMENTS ON THE CONSULTATION
WITH
THE TEST VALLEY BOROUGH COUNCIL**

**LANDAT SPENCERS FARM STOCKBRIDGE ROAD
KINGS SOMBORNE SO20 6NZ**

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6 March 2023

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KINGS SOMBORNE NEIGHBOURHOOD DEVELOPMENT PLAN**1.0 INTRODUCTION**

- 1.1 The Kings Somborne Neighbourhood Development Plan (NDP) has been submitted to the Test Valley Borough Council in order that the Council can scrutinise its content to ensure that it complies with national and local policies.
- 1.2 The Public Consultation on the Regulation 14 Pre-Submission Stage of the Neighbourhood Development Plan was published in August 2022.
- 1.3 The Plan is required to provide allocations to meet the housing requirement of 41 dwellings. The position has been complicated because the development of 18 dwellings was allowed during the Consultation period which closed on the 14 September 2022. The Neighbourhood Development Plan proposed five sites for development. This representation is made in respect of the proposal for 14 dwellings on land at Spencers Farm, Stockbridge Road, Kings Somborne SO20 6NZ.

2.0 LAND AT SPENCERS FARM, STOCKBRIDGE ROAD, KINGS SOMBORNE

- 2.1 My clients own the above site. The Neighbourhood Plan Team and the Parish Council have examined the site. Previous reports had advised that the site should be divided into two Areas 148a and 148b. These reports recommended that Area 148a should not be developed, but the Plan recognises that Area 148b could be suitable for development to meet part of the housing requirement for the village. The Neighbourhood Development Plan has been prepared on this basis. The site is regarded as suitable to meet the housing requirement provided that a few possible constraints can be resolved that the Plan has identified.
- 2.2 The landowners are only seeking the development of Area 148b as proposed in the Neighbourhood Development Plan. It is proposed that the scheme will be for 14 dwellings which is also in accordance with Neighbourhood Development Plan. Of the 14 dwellings, ten are proposed as plots to be offered for sale for people seeking to build self or custom build dwellings. The other four dwellings are proposed as affordable units.
- 2.3 The land at Spencers Farm is being promoted for development by a company called Moonriver Limited. This company has instructed a range of consultants to address the development issues and the preliminary work has confirmed that there are no impediments to the development of Area 148b. This work will be described in this statement.
- 2.4 Most of the policies and recommendations in the Neighbourhood Development Plan can be addressed and do not pose any issues in the context of Local Plan. However, there are a few matters which are considered

to be problematical and to which objection is raised. These are described in this report.

- 2.5 Neighbourhood Plans are required to be in conformity with the strategic policies of adopted Local Plans and should also have regard to emerging Local Plans. They can add value to the Local Plan policies for the neighbourhood area by including policies and proposals to address local place-based issues. The intention, therefore, is for the Local Plans to provide a clear overall strategic direction for development whilst finer detail can be determined through the neighbourhood planning process where appropriate.

3.0 EXAMINATION OF THE LOCAL PLAN AND NATIONAL PLANNING GUIDANCE

- 3.1 I have examined the adopted Local Plan 2016, the subsequent Issues and Options Consultations and the Emerging Local Plan 2040 in order that the relevant policies and any updates can be examined.

Test Valley Local Plan (TVLP) (2016).

- 3.2 The Test Valley Local Plan was adopted in 2016. This Plan is relatively old and the Borough Council is in the process of developing a new Local Plan. The most significant matter for the development of the land at Spencers Farm is that there is no reference to self build or custom build housing in the Local Plan.

The Issues and Options Consultations

- 3.3 The Issues and Options consultation for the Emerging Local Plan was undertaken between July and September 2018 followed by a focused Issues and Options consultation in summer 2020.

Stage 1 Regulation 18 Consultation

- 3.4 The Council is working on the emerging Local Plan. Stage 1 Regulation 18 Consultation of the review of the Local Plan was published in February 2022.

- 3.5 Stage 2 of the Plan is due to be published for public comment in the autumn of this year (2023).

- 3.6 It is noted that these Consultations provide no policy guidance in respect to Self Build and Custom Build Housing. The only reference is in the Glossary which defines custom build on page 80 and self build on page 82.

Affordable Housing Supplementary Planning Document September 2020 (SPD)

- 3.7 The Affordable Housing Supplementary Planning Document was adopted by the Borough Council in September 2020. It states that:-

The purpose of this Supplementary Planning Document (SPD) is to provide advice on how the Council's affordable housing policy, as set out in Policy COM7: Affordable Housing of the Test Valley Borough Revised Local Plan DPD 2011 – 2029 (RLP), is to be implemented. It does not introduce new policy but supplements existing policies in the Council's adopted RLP.

3.8 The SPD refers to Policy COM7 and it states:-

A key aim of Policy COM7 is to increase the amount of affordable housing delivered through the planning system.

3.9 The SPD requires sites that propose development in the range of 10-14 dwellings shall provide 30% of dwellings as affordable units. It is proposed that the development at Spencers Farm will include 4 affordable units.

Self-Build / Custom Build Housing

3.10 There is no reference to self build and custom build housing in the adopted Local Plan or the subsequent Local Plan consultations. However, the Affordable Housing Supplementary Planning Document SPD refers to 'Self-Build / Custom Build Housing' in Section 5 under the title "What is Affordable Housing". It is not clear why the only reference to the issue of self and custom build housing is made in connection with affordable housing provision. Most of this form of housing is built by individuals.

3.11 Paragraph 5.31 provides a definition of self build and custom build housing. It states that:-

Self-build housing is designed and built by an individual for their own occupation. Custom build housing involves an individual or a group of individuals commissioning a developer to provide serviced plots and build homes on their behalf. The level of involvement that the customer has on the specification and the build element will vary according to the type of scheme that is planned. On some sites a developer will provide serviced plots and design the basic layout of the homes, with the end user having input into the detailed design. In other circumstances the developer may build the homes to a fairly advanced stage, with the end user having choice in the context of internal finishes in the property. Self or custom build housing may be delivered as affordable housing.

3.12 Paragraph 6.6 states that:-

A proposal for self-build or custom build housing, whether on its own or as part of a larger traditional housing scheme, will be required to provide a proportion of affordable housing and to comply with Policy COM7 if it meets the policy triggers. Self-build or custom build housing may be considered as affordable housing if it is demonstrated that local open market house prices and rents are unaffordable.

Pre-Application Consultation in 2017

- 3.13 It should be noted that a Pre-Application Consultation was submitted in 2017. The Council provided advice at that time. The matters raised by the Council have been addressed but these have mainly been superseded by the evolving National Guidance and the effluxion of time.

National Planning Policy Framework

- 3.14 National policy is set out in the National Planning Policy Framework (currently 2021) and is supported by Planning Practice Guidance (PPG). The NPPF is a high-level document which sets the overall framework for the more detailed policies contained in local and neighbourhood plans.
- 3.15 The Government is proposing changes to the NPPF. The deadline for responses to the Consultation was 2 March 2023. With regard to self build housing, the Consultation proposes some changes to the text. Paragraph 62 is to be replaced by Paragraph 63 to accommodate other new paragraphs. The changes to the text are underlined in italics :-

62.63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, : those who require affordable housing, ; families with children, ; older people including for retirement housing, housing-with-care and care homes;, students, ; people with disabilities, ; service families, ; travellers ³¹ , ³²; people who rent their homes and people wishing to commission or build their own homes (³³))

- 3.16 The associated Footnote 33 states:-

Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

The Custom and Self Build Register

- 3.17 It is very difficult to ascertain the level of interest in Self and Custom Build Plots in the Borough. The Council is required by the Government to keep a Register, but the details are not readily available. This makes it difficult to assess the level of demand for plots. It is known that very many people want to design their own homes.
- 3.18 The most relevant guidance on Self and Custom Build Housing is established in National Planning Policy Framework. The Council's SPD refers primarily to self and custom build housing in the context of the provision of affordable housing. This form of provision doesn't appear to be applicable to the site at Spencers Farm.

4.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (SA/SEA) 2018

4.1 The SA/SEA Scoping Report forms the first stage of the assessment of the Neighbourhood Development Plan. SEA is an assessment required when preparing a plan to ensure that a high level of protection is given to the environment.

4.2 Attention is drawn in this section to the principal matters that must be considered at the development stage. Paragraph 1.4 states

The aim of the process is to make a plan more sustainable and more responsive to its effects by identifying its likely significant environmental, social and economic impacts and ways of minimising its negative impacts. To be effective, the appraisal process must be fully integrated into the plan making process and applied at each stage of document production. It will also be used to monitor the effectiveness of the plan during its implementation.

4.3 Paragraph 1.6 states:-

Planning Practice Guidance emphasises that it must *“only focus on what is needed to assess the likely significant effects of the neighbourhood plan”* and on the *“environmental impacts that are likely to be significant”*. It states that this *“does not need to be done in any detail, or using more resources, that is considered to be appropriate for the content and level of detail in the neighbourhood plan”*. (my italics)

4.4 The objectives of the SEA are restricted to high level assessment to identify “the likely significant effects of the neighbourhood plan”. Paragraph 1.10 provides an overall description of the village. It states:-

The village is a predominately linear settlement sitting at the bottom of a minor V-shaped valley. It sits alongside the ephemeral winterbourne stream (the Somborne) which is one of the tributaries of the River Test. The village lies within a wider landscape of open chalk downland that has a gently rolling, undulating landform. This landscape comprises predominantly expansive and open, large arable fields with very few intervening hedgerows or trees. In contrast, a small number of woodlands, shrubs and trees are located in the valley bottom adjacent to the village providing shelter and a sense of enclosure.

4.5 The SEA identifies the “relevant” the principal features of the Parish:-

- **Proximity of Mottisford SAC, important for Barbestelle bats.**
- **River Test SSSI, of which the Somborne is a tributary.**
- **Historic linear valley bottom settlement character of King’s Somborne is still clearly recognisable.**
- **Trees typical at the break in slope between valley bottom and sides.**
- **Rural ridgeway tracks and narrow drove roads. Secondary routes run perpendicular to the main road.**
- **Views towards ridgelines.**

- **The agricultural setting of King's Somborne is tangible from within the village.**

4.6 However, the SEA notes that there are:-

No Special Areas of Conservation (SAC), Special Protection Areas (SPAs) or Ramsar sites lie within the Neighbourhood area. However, King's Somborne is within 2.5km of the Mottisfont Special Area of Conservation (SAC) which is designated for its important population of the rare barbastelle bat. Mottisfont contains a mix of woodland types including hazel coppice, broadleaved plantation and coniferous plantation which the bats use for breeding, roosting, commuting and feeding.

4.7 It is noted that 'the Parish is not within an AONB'.

4.8 The importance of the River Test is recognised. The SEA states that:-

The Somborne feeds into the River Test which is a designated SSSI. The River Test is a chalk stream and one of the most species-rich lowland rivers in England. Therefore development proposals should be assessed for potential impacts on the SSSI.

4.9 The issue of flooding is noted. The SEA states that:-

The Somborne rises from a number of springs and is culverted in some place including beneath a number of roads and driveways. Flooding occurs following extreme rainfall and / or when groundwater levels are high including most noticeably in 2014 when a number of properties were damaged.

4.10 With regard to drainage the SEA states, in paragraph 3.14.4 that:-

The use of sustainable drainage systems is advocated in the Test Valley SA and the SFRA accompanying the Neighbourhood Plan as a way to try and manage flood risk, whilst also potentially having opportunities in relation to water quality (maintaining quality or potentially improving it). Such systems need to be tailored to the specific area and circumstances, for example, accounting for geology, soil types and topography. In addition, it recommends that finished floor levels should be set above surrounding ground levels to avoid groundwater flooding.

4.11 It is also noted that "the Parish is underlain by chalk which is a principal aquifer."

4.12 Besides these features, the SEA notes that there are "Two significant long-distance footpaths pass through the parish: the Monarch's Way and the Clarendon Way. The parish also has a network of local public rights of way." The medieval church of St Peter and St Paul is also an important feature. It is noted that King's Somborne was included in the Domesday survey in 1086 when it was owned by the King in lordship and known as 'Sunburne'.

4.13 The village has limited and only modest cultural facilities, but in the wider area there are larger attractions such as Mottisfont Abbey, Houghton Lodge Gardens and Farley Mount Country Park. Nearby, Romsey and Winchester

contain a far greater range of leisure and cultural facilities including leisure centres, theatres and museums.

- 4.14 The SEA identified the range of housing that the NDP should consider. Paragraph 1.14 states:-

The policies of the NDP will be centred round the preservation of landscape features, views, settlement form, open space, biodiversity and historic buildings whilst identifying sites to deliver around 33 – 42 new homes. Due to the constraints of the current settlement boundary of the village, the NPD will have to include site allocations for new development outside of the boundary.

- 4.15 It is acknowledged that the site allocations will inevitably be outside the village boundary. It states, paragraph 3.13.5, that:-

Given the very rural nature of the Parish, there is only very limited previously developed land as evidenced through survey work undertaken by the Parish Council and therefore future development will take place predominantly on greenfield sites.

- 4.16 The SEA states in paragraph 3.1 that:-

It is important to identify the current state of the environment in order to judge the impact and effectiveness of the plan during implementation.

- 4.17 Paragraph 3.4 identifies the key population characteristics. It states that population of Kings Somborne parish was estimated at 1600 in 2016. It is also noted that the population is expected to fall slightly by 2021 to 1,576 (a fall of 1.5%). In particular, there is a 'diminishing number of young people'.

- 4.18 There are 710 houses of which 281 are owned outright and 198 owned but rely on mortgages or loans (para 3.4). Paragraph 3.4.9 identifies 'the sustainability issues' as:-

The key sustainability issues are therefore the potential for slight population loss, particularly in the younger age group coupled with an aging population. This is compounded by high house prices and limited availability of property particularly at the less expensive and smaller end of the market. The King's Somborne NDP through the allocation of sites for housing can deliver a small increase in the mix and type of housing available focussed on smaller homes, particularly 2 bedroom homes. There is also a need for ongoing support to retain and even increase local services and facilities.

- 4.19 The SEA recognises that many people in the village and parish commute to London from Winchester Station. This may explain the high percentage of home ownership. This may also contribute to the decline in the number of young people. There is a lack of local jobs for young people and poor public transport provision means that young people move to larger centres. Unfortunately, the NDP cannot address these issues.

- 4.20 It is acknowledged that the NDP that 'will not have a significant role to play in increasing levels of public transport but has a role to play in protecting and

improving the services and facilities already within the Parish thereby reducing the need to travel'. In addition, the NDP can look to support or improve footpath and cycle links.'

4.21 The SEA identifies the key objectives

- to maintain the sense of remoteness and tranquillity, in the chalk downlands;
- restore lost hedgerows on former hedgerow lines; and,
- protect / restore unimproved chalk grassland.

4.22 It adds in paragraph 3.12.6 that:-

Alongside this there is a need to preserve the pastoral character of the winterborne areas including traditional hedge management. The allocation of sites in the Neighbourhood Plan has the potential to affect the landscape and townscape quality of the Parish on an individual basis and in combination with each other, this impact would be permanent.

Conclusion

4.23 With regard to the development of the land at Spencers Farm, the main points are the need to provide 2 bed units and the scheme proposes 4 two bed affordable houses.

4.24 There is no reference to self build and custom build housing. The only guidance, therefore, is the 2016 Act.

4.25 The issue of flooding is acknowledged. The site lies in Flood Zone 1 where the risk is very low. The use of Sustainable Drainage systems will be considered as part of the development proposals.

4.26 The SEA identifies the principal features of the village and these will be addressed where appropriate in the development proposals.

5.0 STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT: 2021 SHELAA

5.1 The SHELAA is a technical document which provides information on sites; submitted by Landowners and Agents, for potential housing, economic development, Gypsy and Travelling Showpeople, Self Build housing etc. in relation to their suitability, availability and achievability.

5.2 The SHELAA document is an important component of the evidence base for the next Test Valley Local Plan. It seeks to identify and assess land which landowners and developers are willing to make available to inform potential future allocations for housing and employment.

5.3 The key points that should be acknowledged when referring to this document are:-

- The SHELAA only identifies sites with development potential, it does not allocate sites.
- The SHELAA is based on the most up to date information available (supplied and researched) at the time of the document's preparation (June 2021 to November 2021).
- Therefore factors may be subject to change over time and may have an effect on any site. They may include (but are not limited to):-
Site boundaries
Assessment information

Constraint may be mitigated/overcome or additional factors may be identified

Likely development timescales may be subject to change

Site capacity or densities may be subject to change as additional information is developed and masterplanning detail takes place

The availability of the site may be reassessed by the landowner

5.4 The SHELAA stated that Spencers Farm (sites 148a and 148b) had a capacity for 30 dwellings.

6.0 AECOM REPORTS

6.1 AECOM prepared two Reports:-

- Site Options and Assessment February 2021
- Habitats Regulation Assessment April 2022

Site Options and Assessment February 2021

6.2 The Report stated, in paragraph 1.3 that:-

In order to assist the Parish Council in allocating land in the most sustainable and suitable locations, this report provides an assessment of potential development sites within the parish, taking into account strategic policies in the adopted and emerging Local Plans, as well as national planning criteria, to establish which, if any, of the sites are suitable for development.

6.2 The Report stated, in paragraph 1.4 that:-

Important to the background of this work is the 2020 Test Valley Strategic Housing and Economic Land Availability Assessment (SHELAA) published in June 2020, which assessed a total of 15 sites in the parish, all of which have been reviewed in this assessment.

6.3 The Report explained, in paragraph 2.4 that:-

Neighbourhood Plans can add value to the Local Plan policies for the neighbourhood area by including policies and proposals to address local place-based issues. The intention, therefore, is for the Local Plans to provide a clear overall strategic direction for development whilst finer detail can be determined through the neighbourhood planning process where appropriate.

6.4 The Report established the 'Policy Context', in paragraph 4.1 that:-

The Neighbourhood Plan policies and allocations must be in general conformity with the strategic policies of the adopted development plan, and it is recommended that consideration is given to the direction of travel of the emerging development plan so that Neighbourhood Plan policies are not superseded by a newly adopted Local Plan.

6.5 The assessment has identified 12 sites or parts of sites which are potentially suitable for allocation, subject to constraints being addressed and to due consideration of Local Plan policy.

6.6 AECOM analysed the site at Spencers Farm. It divided the fields into two areas in terms of development potential.

6.7 With regard to the northern site, 148a, the report states that:-

The site is a large field which is adjacent to the built-up area and settlement boundary of King's Somborne.

The site has high visual sensitivity because of its open character and the site is widely visible as a result of its elevated position in the landscape. Any development would be particularly prominent from PRow 133/22/1, part of the Clarendown Way long distance trail. In these long distance views, development would detract from the setting of the village where the existing built-up area is generally at a lower elevation and concealed in views in the valley.

6.8 It concluded that:-

The site is not appropriate for allocation due to its high visual sensitivity and the lack of pedestrian access.

6.9 The report did not show a definitive boundary between the two areas.

6.10 With regard to the southern site, 148b, the report stated that:-

Greenfield site adjacent to the built-up area and settlement boundary of King's Somborne. The site has medium landscape sensitivity and medium visual sensitivity. The site does not have pedestrian access and the potential to accommodate vehicular and pedestrian access from Muss Lane would need to be confirmed with the highways authority. The site is adjacent to the Conservation Area and within its setting. The site has some significant hedgerows on its boundaries noted in the Conservation Area Policy Document. Any development should incorporate both screening and sensitive design. It is important to retain the site's hedgerows and border vegetation which provides some existing screening and filters long distance views.

Agricultural to north and east, residential to south and west

The site comprises a medium-scale pastoral field which is undeveloped and slopes gently downhill from north to south. The site is located on the lower valley side, with access from Muss Lane to the west. The site is bounded by hedgerows, with mature trees to part of the western boundary, and younger

trees to the eastern. The site is located on the settlement edge, adjoining the Kings Somborne Conservation Area to its west. The site has no recreational value, but is passed along its southern edge by PRow 133/14/1. The site is judged to be of medium landscape sensitivity principally for its elevated, sloping topography.

6.11 The report concluded that:-

The site is potentially appropriate for allocation subject to the mitigation of the identified constraints and confirmation of access.

Habitats Regulation Assessment April 2022

6.12 The Report explains in paragraph 6.3 that:-

AECOM was appointed by Locality to assist Kings Somborne Parish Council in undertaking a Habitats Regulations Assessment (HRA) for the Kings Somborne Neighbourhood Plan (NP). This is to inform the planning group and Test Valley Borough Council of the potential effects of the NP development on European sites and how they are being or should be addressed in the draft NP. Test Valley Borough Council will then be able to utilise this report to inform their formal Habitats Regulations Assessment decision making regarding the Neighbourhood Plan.

6.13 The issues raised will be examined in detail by the relevant consultants instructed by the promoter.

7.0 REVIEW OF THE POLICIES OF NEIGHBOURHOOD DEVELOPMENT PLAN

7.1 This section examines the Neighbourhood Development Plan policies against national and local plan policies.

7.2 With regard to Neighbourhood Development Plans, the Local Plan established the position in Policy COM 9 which enables proposals to come forward with community support. This is a separate process to the Neighbourhood Development Plan.

7.3 NDP Policy KS/E1 states

KS/E1 - Preserving Landscape Features, Views and Surrounding Farmland

1. For major applications and those likely to have the potential for a significant impact a Landscape Appraisal shall be prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute & IEMA) or its successors. Consideration of the settlement pattern shall form part of the Assessment.

2. **Development that increases the prominence of the village of King’s Somborne up the valley sides, above the 40m contour, will not be permitted unless it is demonstrated that the impact is mitigated by the existing landform or screening by existing building or trees.**

7.4 The importance of providing a Landscape Appraisal is acknowledged. However, there is no justification for the use of 40 metre contour to limit the height at which development could reach. The figure is entirely arbitrary. It is obvious that the landscape impact will vary from site to site in accordance with the local circumstances. The 40 metre contour is not mentioned in any of the relevant local plan policies. A plan of the contours is attached. It is not possible to develop 14 dwellings in the area beneath the 40 metre contour without creating an unacceptably dense development. The matter of landscape impact must be addressed by an appropriate assessment that includes enhanced planting.

7.5 *Objection is made to the reference to the 40 metre contour which it is recommended that it should be struck out.*

7.6 There is a reference to the fact that the upper part of the site adjoins the **Muss Lane Recreation Ground (KSLGS01)**. The area proposed for development does not adjoin the Recreation Ground. However, the relationship will be examined as part of the landscape appraisal. Any impact will be mitigated and it seems probable that the proximity of the Recreation Ground will bring benefits to the occupiers of the new housing.

7.7 With regard to **Policy E9 (Heritage)**, there are no Listed Buildings in the immediate vicinity of the site.

7.8 The proposed development at Spencers Farm adjoins the boundary of the Conservation Area. However, there are no protected assets in the immediate vicinity. NDP Policy KS/E4 states:-

KS/E4 – King’s Somborne Conservation Area

Key views into and out of the Conservation Area should not be adversely impacted by development.

7.9 The proposed development will have regard to the proximity of the Conservation Area.

7.10 NDP Policy KS/E4 – **Archaeology** states that

An archaeological investigation should be undertaken.

7.11 However, it is noted from the reports that the area is low in potential archaeological interests. It is assumed that this matter can be covered by an appropriate planning condition.

7.12 The Local Plan has a policy entitled:-

Local Plan Policy E7 (Water Management) which does not allow for a deterioration of water quality including ground water, requires development to comply with national policy and guidance in relation to flood risk and requires development to achieve certain standards in water consumption.

7.13 The relevant NDP Policy states:-

KS/E5 - Flooding and Water Management

- 1. Bridges crossing the Somborne Stream or other drainage ditches shall be designed and installed such that they do not impede the flow area including making an allowance for climate change.**
- 2. Developers shall demonstrate that Sustainable Drainage Systems (SuDS) have been properly considered and applied within the layout and proposals for the development. Priority shall be given to use of infiltration drainage techniques.**
- 3. In areas of high levels of ground water in order to mitigate against potential groundwater flooding, finished ground floor levels should be set a minimum 300mm above surrounding ground levels. Solid concrete floor slabs should be used for all properties and engineering bricks should be used to a height of 600mm above surrounding ground levels.**
- 4. Applications which increase the flows of wastewater into the sewerage system must be accompanied by a detailed drainage strategy for foul sewerage and surface water disposal and must not be occupied until adequate wastewater treatment facilities exist.**
- 5. A flood risk activity permit will need to be obtained from the Environment Agency for works within eight metres of the riverbank, and the design of any development within this area needs to be in line with their guidance.**
- 6. Ground Investigations are required including groundwater monitoring (duration of monitoring to be agreed with the Lead Local Flood Authority) to confirm the underlying geological sequence and establish seasonal groundwater levels.**
- 7. Infiltration tests in accordance with the BRE365 specification should be undertaken where infiltration techniques (soakaways and permeable surfaces) can be used on site i.e., where the invert level of a soakaway or other infiltration device can be set a minimum of 1m above the highest recorded groundwater level.**
- 8. A Drainage Strategy setting out how surface water and foul flows will be managed is required. This should include a Detailed Drainage Design setting out the drainage layout and levels. Where the invert level of below ground attenuation feature is within 1m of the identified groundwater level, groundwater floatation calculations should be undertaken, and appropriate mitigation specified where required to prevent floatation of attenuation storage features.**
- 9. For sites within or adjacent to Flood Zone 2 and Flood Zone 3 and/or discharge directly into the Somborne Stream the following should be provided:-**

A Flood Risk Assessment.

The FRA should consider flood risk from the Somborne Stream and should be supported by a detailed hydraulic modelling study. Consideration should be given to the flood risk associated with blockage of structures (culverts, bridges etc.) along the Somborne Stream. The detailed study should be informed by channel and topographic survey data and include a full hydrological study. The Drainage Strategy should detail how a limited discharge rate of 2 l/s (or lower

where possible) will be achieved (provide details of flow control and attenuation storage). The Drainage Strategy provided should consider the requirement for a non-return valve on the surface water and foul drainage system and should also consider storm water storage requirements in the event that the outfall to the Somborne Stream becomes surcharged (submerged in flooding conditions).

7.13 The promoter of the development at Spencers Farm has instructed specialist consultants to examine these issues. Ground Water Monitoring has taken place since October 2022 by GESL. The issue of Flood Risk and use of Sustainable Drainage to mitigate surface water issues is being examined by the consultant Aquacallidus. Initial advice indicates that it will be necessary to reserve land at the southern end of the site for drainage purposes. This inevitably sets the development area further to the north.

7.14 Local Plan **Policy E5 (Biodiversity)**, states

Policy E5 (Biodiversity) supports development that conserves, restores and enhances biodiversity. Development likely to result in the loss, deterioration or harm to habitats / species of importance of geological interest will not be permitted unless it meets a range of criteria.

7.15 NDP Policy **KS/E6 – Biodiversity** states

1. Development that contributes to the network of habitats identified in the Biodiversity Opportunity Area will be supported.

7.16 The promoter has instructed Lindsay Carrington Ecological Services to address the ecology issues.

7.17 Local Plan **Policy COM7 amended (Affordable Housing)** requires a minimum of 30% affordable housing to developments of 11-14 dwellings increasing to 40% on sites of 15 units or more (as amended by Affordable Housing Planning Advice Note).

7.18 Policy KS148b –states: Land at Spencer’s Farm (South) - Site allocation for 14 dwellings, including affordable housing. The development proposes 4 two bed affordable dwellings in accordance with this Policy. and ten self build/custom build plots.

7.19 Local Plan **Policy KS/H2 – Housing Mix - COM7** states:-

1. In order to meet local requirements, all new residential developments should provide the following mix of properties in these proportions as a general guideline:

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

7.20 With regard to affordable housing the policy states:-

Affordable housing will be delivered as set out in the Test Valley Local Plan policy COM7. This is currently at a rate of a minimum 30% on developments of

10-14 dwellings. This means that affordable housing will be provided on a number of the site allocations set out below.

- 7.21 The development proposes 4 x 2 bed affordable dwellings.
- 7.22 Objection is raised to the Housing Mix Policy **Policy KS/H2 – Housing Mix** in respect to the other ten dwellings. These are proposed as self or custom build dwellings. The Mix Policy should not be applied to the self or custom build dwellings. The size and number of bedrooms must be judged on design criteria. This usually established in Plot Passports that establish the relevant considerations in order that prospective purchasers can decide whether to make an offer for one of the plots.

Local Residents Response to Neighbourhood Development Plan Housing Mix

- 7.23 Local residents have responded to the policies of the NDP. The analysis of the responses by local residents revealed that some residents objected to 'the percentage of small dwellings'. Others believed that there should be more than 10% 4 bed units on the basis that these are required for families.

- 7.24 There is reference to self and custom build dwellings in the NDP. It states in paragraph 4.11 that

Self and custom building can also contribute to the of housing mix and will be supported.

- 7.25 There is reference to self and custom build dwellings as affordable dwellings. It states in paragraph 4.12 that

Self and custom building can contribute to the affordability of housing and will be supported.

- 7.26 There is a self and custom build affordable concept. This is usually based on a larger site where a larger number units can be provided by a community group. It is proposed that the ten self build or custom build units will be built in accordance with the government guidance as set out in the relevant Acts.

- 7.27 The Neighbourhood Development Plan policies regarding self and custom build housing must be brought into alignment with the government guidance. This is set out in the next paragraphs.

- 7.28 The Supplementary Planning Guidance refers to the:

Government Policy on Self Build/Custom Build Housing

- 7.29 Paragraph 5.16 states:-

In 2015 the Government enacted the Self Build and Custom Build Act in a bid to diversify the housing market and to assist small builders and developers. In 2016 the Housing and Planning Act provided further support to the concept.

7.30 Paragraph 5.17 states:-

Indeed, these Acts place a duty on local planning authorities to keep a register of people who are seeking to acquire serviced plots of land. As a consequence, local authorities must provide sites to meet the needs of applicants on its register and in addition local planning authorities are encouraged to support self build and custom build provision within their Local Plans.

7.31 The NDP makes specific reference to the site proposed to meet the housing requirement.

KS148b - Land at Spencer's Farm (South)

Land at Spencer's Farm, adjacent to Muss Lane is allocated for 14 dwellings, including affordable housing. Planning permission will be granted where:

- 1. The layout proactively incorporates the existing public right of way into the development and opportunities are taken to provide new or enhanced connections to the wider network.**
- 2. Landscaping is provided throughout including safeguarding and supplementing the trees and hedging to the south-west and eastern boundary of the site which may provide suitable foraging and commuting routes for bats.**
- 3. The design reflects its location adjacent to the Conservation Area creating a transition from urban to more rural characteristic.**
- 4. The development integrates with the adjoining residential area strongly characterised by post-war housing with gardens that wrap around, interspersed with more historic properties.**
- 5. The development is kept below the 40m contour line and is not prominent in long distance views from the south.**
- 6. In accordance with Policy KS/E6 Ground investigations are undertaken to identify the depth of groundwater.**
- 7. Vehicular access is taken directly from the A3057 the details agreed with the Highways Authority. Any loss of hedging due the creation of sight lines shall be replaced. Screening is provided for the access road to mitigate the impact on long distance views**
- 8. Based on up-to-date evidence of local habitats and species, undeveloped land will managed with the aim of improving its biodiversity value ensuring that it contributes to connecting habitats in the locality.**

7.32 All of the criteria are acceptable except for Number 5. The reference to the 40 metre contour should be deleted. There is no reference to 40 metres in any of the advisory documents or the Local Plan. The point at which the boundary of development is proposed should be identified in a Landscape and Visual Assessment. Appropriate enhanced planting can be proposed to reinforce any existing weaknesses.

7.33 A highway consultant has been instructed to examine the relevant issues of access.

Building Design

- 7.34 Paragraph 4.29 of the Neighbourhood Development Plan refers to Design Guidance. Design is a fundamental consideration for the proposals for the site.
- 7.35 Plot passports must be prepared for the self build and custom build dwellings. They must cover the design including building heights; plot size and widths; building lines and boundary treatments; building orientation; landscaping and the public realm; building frontage and townscape features; car parking and cycle provision and recycling and storage.
- 7.36 The affordable houses will be designed to reflect the guidance proposed for the self build and custom build dwellings so that there is an overall conformity. All of these matters can be discussed with the Parish and the Neighbourhood Development Plan Team.

Policy E1: (High Quality Development in the Borough) requires high quality development in terms of design and local distinctiveness.

The Neighbourhood Development Plan Policy

- 7.37 The NDP refers to Local Plan Policy E1 in its Policy **KS/H8 – Design**. It states:-
- 1. New developments should demonstrate how they conform with the King’s Somborne Design Guidance in Appendix 4 and planning applications will be assessed against the Checklist in the Design Guidance.**
 - 2. New development should aim to fit comfortably, respecting the character and scale of local buildings.**

Applications will be supported where the following have been clearly considered:

 - The wider impact a development might have, such as levels of activity or light pollution. External lighting should wherever practicable be maintained at low level to minimize light pollution.**
 - The effect on boundaries, access and highway impacts**
 - Protecting and supporting biodiversity**
 - Relevant heritage matters and Conservation Area requirements where applicable**
 - Embracing sustainable technologies**
 - 3. Demonstration of high water efficiency is required. These measures should include where practicable:-**
 - Adoption of the latest optional water efficiency building regulation standard**
 - Rainwater harvesting**
 - Sustainable drainage systems SuDs**
 - Greywater recycling**

- 7.38 There are further references in the NDP to other matters. Paragraph 4.19 states:-

This gently sloping site is located near to the valley bottom tucked behind existing housing on Muss Lane and Riverside Green. This location close to the Village centre forms the Southern part of a much larger site. The boundaries are characterised to the South and West by suburban features (e.g., fencing, sheds) whilst mature trees and hedgerows help to create the site boundaries particularly towards the East and in places to the South.

- 7.39 There are further references in the NDP to the proximity of the Conservation Area. Paragraph 4.20 states:-

The site is located adjacent to the Conservation Area but would be seen within the context of the existing housing. A public footpath follows the Southern boundary of the site.

- 7.40 The relationship with the Conservation Area will be carefully considered.
- 7.41 The comments of the public have been analysed and references made in the following relevant sections.

Public Response to the Neighbourhood Development Plan: Public Footpath

- 7.42 There were complaints about the condition of the east-west footpath (PRoW133/22/1). It was considered too narrow and poorly surfaced. Any works to improve the footpath cannot be undertaken without the agreement of County Council. It is proposed to discuss the treatment of the public footpath that follows the southern boundary with the Parish Council and the Neighbourhood Development Plan team.

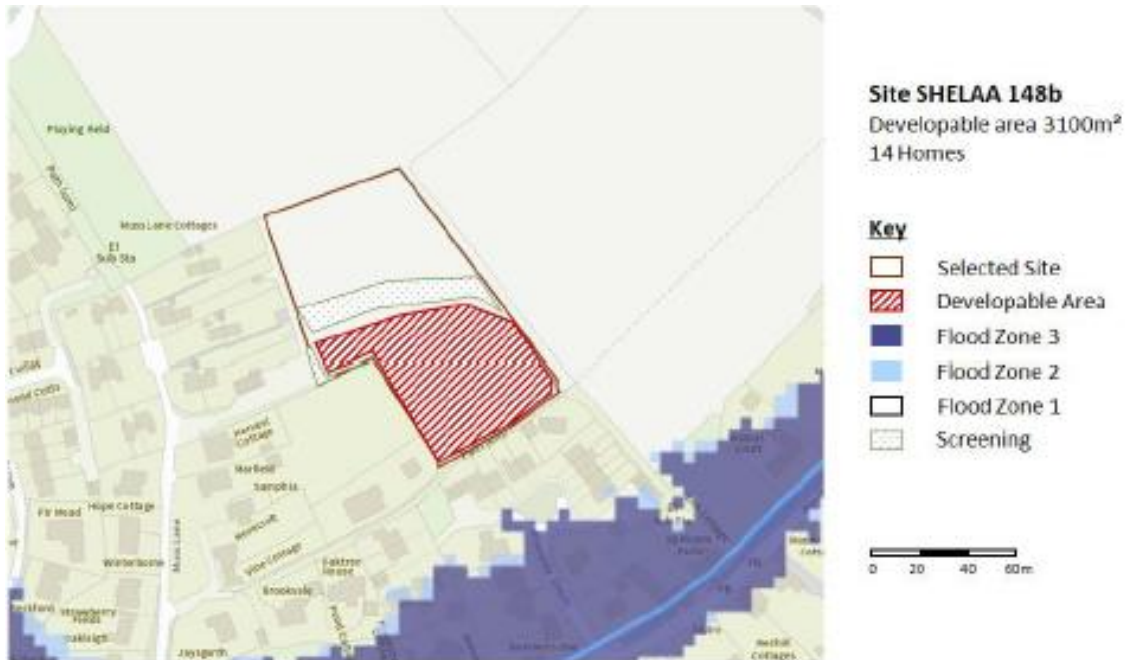
Public Response to the Neighbourhood Development Plan: The 40 metre contour

- 7.43 There was little support for the 40 metre contour as the guide on development from local residents. Some of the respondents regarded this as “arbitrary”. One or two responses made the sensible proposition that **‘sites should be assessed simply on how the development could be assimilated physically into the structure of the village and its accessibility to village services’**. This is a very logical alternative approach and is supported.
- 7.44 The site at 148b should be assessed on this basis. A landscape visual impact assessment would show how the site can be assimilated. The site is clearly well related and accessible to the village facilities.

The ‘Developable Area’

- 7.45 Paragraph 4.21 refers to the assessment of visibility of the site in long distance views. It is noted that the Plan on page 37/50 shows the ‘Developable Area’ extending significantly higher than the 40 metre contour. The 40 metre contour was not identified on any assessment of landscape impact by AECOM or in the SHELAA analysis.

- 7.46 The Plan on page 37/50 is shown on the following page. It is accepted that the plan may not have been prepared to show the definitive area for development. However, the boundary is significantly higher than the 40 metre contour.
- 7.47 The Plan also shows the Flood Zones and it can be seen that the proposed development area is in Flood Zone 1 and that it is much higher than the other Zones that indicate risks. Sustainable Drainage systems will be used to address surface water issues.



The Northern part of the site is visible in long distance views. Development where practical should be limited to the lower Southern side.

- 7.49 Paragraph 4.21 also adds:-

The site can accommodate small – medium scale development with a design, density and layout created to reflect its location adjacent to the Conservation Area with opportunities taken to soften some of the urban boundary features that exist and include significant amounts of landscaping enabling adjoining residential areas to retain their sense of connection to the countryside. Landscaping should respond to local landscape character, make a positive contribution to green infrastructure and enhance biodiversity.

- 7.50 The Landscape Assessment will identify the appropriate boundary to the development and propose enhanced planting. The scheme will:-

include significant amounts of landscaping enabling adjoining residential areas to retain their sense of connection to the countryside. Landscaping should respond to local landscape character, make a positive contribution to green infrastructure and enhance biodiversity.

- 7.51 The proposed development will ensure that, as far as possible, the landscaping proposals will respond to local landscape character, make a positive contribution to green infrastructure and enhance biodiversity.
- 7.52 The site can accommodate the proposed development of 14 dwellings with a design, density and layout created to reflect its location adjacent to the Conservation Area with opportunities taken to soften some of the urban boundary features that exist and include significant amounts of landscaping enabling adjoining residential areas to retain their sense of connection to the countryside.

8.0 COUNCIL'S EXAMINATION OF THE NEIGHBOURHOOD DEVELOPMENT PLAN

- 8.1 This stage of the Plan's preparation is the examination of the Neighbourhood Development Plan Policies and recommendations by the Council to ensure that they are in alignment with legislation and National and Local Plan Policies.
- 8.2 Once approved the Plan is submitted to an independent examiner. Following this process, the Plan is put to the public by a way of a referendum.
- 8.3 This Report has addressed the relevant policies and guidance.

9.0 CONCLUSION

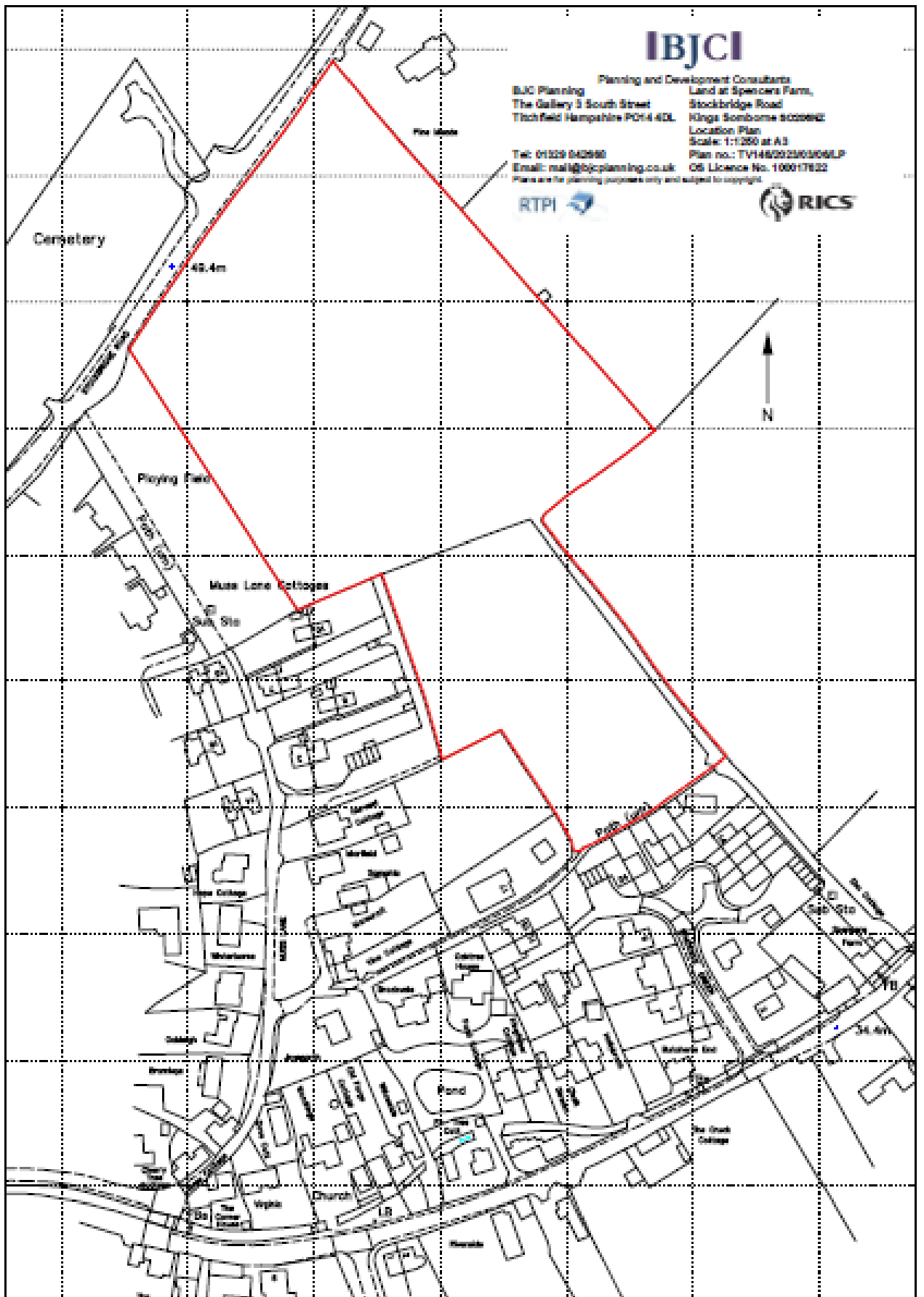
- 9.1 The relevant policies of the Local Plan have been examined and compared with the corresponding policies of the Neighbourhood Development Plan. The objective is to ensure that the Neighbourhood Development Plan is compliant.
- 9.2 This exercise has revealed a few issues that require reconsideration.
- 9.3 The Neighbourhood Development Plan has allocated the site 148b for 14 dwellings. The Local Plan proposes that sites up to 14 shall provide 30% affordable units. It is proposed to provide 4 affordable units to meet this requirement. A survey undertaken for the Neighbourhood Development Plan has identified a need for two bed units and, therefore, it is proposed that these affordable units will all be for two beds.
- 9.4 It is proposed that the other ten dwellings will be offered as plots for either self or custom build. The Local Plan is silent on the form of these plots. It is assumed, therefore, that provision will be made in accordance with the requirements of the Self and Custom Build Act 2015 and subsequent legislation. This will require changes to the statement in the Neighbourhood Development Plan. The relevant paragraph needs to be modified.
- 9.5 Self or custom build would appear to be in conflict with the NDP policies. This form of development would require changes to the Housing Mix Policy as the proportions established in the Table cannot be met.

- 9.6 Another significant issue is the requirement to keep the development beneath the 40 metre contour. This is a totally arbitrary requirement and in the case of 148b it is unachievable. The area for the development below this contour is insufficient to accommodate the development. Objection is raised to this, and it is requested that this figure is deleted and the development is assessed on the basis of a landscape assessment.
- 9.7 The site is now under option to a development promoter rather than a developer. The promoter can more readily satisfy the requirements of the Neighbourhood Plan. This is because the promoter has greater flexibility.
- 9.8 The Neighbourhood Development Plan raised concerns regarding issues of highway access into the site from the A3057 Stockbridge Road. A highway consultant, i-Transport has been instructed to provide advice and has concluded that the necessary visibility splays can be achieved. The Highway Authority has been consulted and additional work has been undertaken. Any loss of the hedge will be replaced with appropriate species of trees and hedges.
- 9.9 There was another issue regarding the cost of providing infrastructure to serve the site. This was raised by the Parish Council because the road providing access to the development area is relatively long. These infrastructure costs have been examined and it has been concluded that the scheme is viable.
- 9.10 The possibility of serving the development from Muss Lane has been examined. It has been accepted that Muss Lane is not suitable to serve as vehicular access to the site. It is proposed, therefore, that access to Muss Lane should be restricted to pedestrian and cycle use only.
- 9.11 It is requested that the issues raised are addressed before the Plan is passed to the Independent Examiner.

Plans

Location Plan

Contour Plan



Contour Plan

