

# **KING'S SOMBORNE NEIGHBOURHOOD PLAN**

Representations to the Regulation 14 King's Somborne Neighbourhood Plan (dated January 2022)

Prepared by Pro Vision on behalf of The Trustees of CB Morgan Will Trust

September 2022

REPRESENTATIONS TO THE REGULATION 14 KING'S SOMBORNE NEIGHBOURHOOD PLAN  
(DATED JANUARY 2022)

KING'S SOMBORNE NP  
PROJECT NO. 50190

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SEPTEMBER 2022

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## 1.0 Introduction

1.1 These representations have been prepared by Pro Vision on behalf of The Trustees of CB Morgan Will Trust (**'the Trust'**) in response to the Regulation 14 pre-submission draft of the King's Somborne Neighbourhood Plan (**'the draft NP'**) .

1.2 The Trust has landholdings at and around King's Somborne. Earlier representations to the Neighbourhood Plan have highlighted that this land is available and suitable for small-scale residential development. In particular, the Trust has previously actively promoted the following two parcels of land adjacent to the settlement boundary:

1. Land off Winchester Road and New Lane (Site 80); and
2. Land south of Winchester Road (Site 81).

1.3 These parcels of land are identified as being 'potentially suitable' for residential development in Aecom's Site Option Assessment Report. However, the draft NP does not allocate either site for development. Indeed, the draft NP identifies part of Site 80 as 'Local Green Space' referred to as KSLGS11.

### **King's Somborne Neighbourhood Plan**

1.4 The draft NP (dated January 2022) is currently the subject of a consultation until the 12<sup>th</sup> September 2022.

1.5 In addition to the draft NP, the following key documents prepared are also being consulted upon by the Parish Council [inter alia]:

- Local Area of Green Space prepared by the Parish Council;
- Site Options and Assessment Report prepared by Aecom;
- Housing Need and Sites prepared by the Parish Council;
- Site Access Study (including Nick Culhane Site Access Study) prepared by the Parish Council; and
- Sequential Test prepared by the Parish Council.

1.6 A Strategic Environmental Assessment and Habitats Regulation Assessment has also been published, having been prepared by Aecom on behalf of the Parish Council.

## **Report Structure**

- 1.7 These representations set out a formal response to the current consultation and in particular the approach taken with regards to the draft NP, its justification, evidence base and the plan's ability to meet the basic conditions.
- 1.8 These representations set out the lack of evidence to support the designation of the Local Green Space at KSLGS11. The Trust also has concerns with the appropriateness of the Parish Council's approach to the 'site selection process' and the proposed housing allocations. They also provide further information on the Trust's sites that are suitable and available for small-scale residential development. In addition, comments are provided on specific policies within the draft NP.
- 1.9 The following section sets out the planning policy context relevant to the representations being made. Sections 3-5 will provide the Trust's representations to the draft NP.

## 2.0 Planning Policy Context

- 2.1 The Localism Act (2011) makes provision for Neighbourhood Planning, empowering local communities to develop a shared vision for their neighbourhood and deliver the sustainable development they need through planning policies relating to the development and use of land.

### **Basic Conditions**

- 2.2 For a Neighbourhood Plan to proceed to a referendum, the Localism Act requires the appointed Examiner to consider whether it meets the 'basic conditions' set out at Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and summarised in Paragraph 65 (Reference ID 41-065-20140306) of the 'Neighbourhood Planning' section of the Planning Practice Guidance (PPG).

- 2.3 The basic conditions are:

*“(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

*(b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.*

*(c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.*

*(d) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*

*(e) The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*

*(f) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*

*(g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”*

- 2.4 In order to meet the basic conditions, the King's Somborne Neighbourhood Plan must be in general conformity with the “...strategic policies contained in the Development Plan...” which in this instance comprises the Test Valley Borough Revised Local Plan (2016) and which will remain so until such time as they are replaced.

### **National Planning Policy and Guidance**

- 2.5 The National Planning Policy Framework ('the Framework'), published in July 2021, sets out the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area.
- 2.6 The requirements set out in the Framework are supplemented by the Neighbourhood Plan section of the Planning Practice Guidance ('the PPG') and its allied sections on Viability,

Housing Land Availability Assessment and Strategic Environmental Assessment. The provisions of the Framework and the PPG are mandatory material considerations for the purposes of basic condition 8(2)(a).

- 2.7 The PPG, at paragraph 040 (Reference ID 41-040-20140306), that “...proportionate, robust evidence should support the choices made and the approach taken” by a Neighbourhood Plan and in respect of their preparation, states that: “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared” (Paragraph: 041).

#### Local Green Space

- 2.8 Paragraph 101 of the Framework states that local communities through local and neighbourhood plans can “...identify and protect green areas of particular importance to them”. The paragraph adds that “Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period”.
- 2.9 The Framework, at paragraph 102, advises that “Local Green Space designation should only be used where the green space is:
- (a) in reasonably close proximity to the community it serves;
  - (b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
  - (c) local in character and is not an extensive tract of land”.
- 2.10 The Framework explains that “policies for managing development within a Local Green Space should be consistent with those for Green Belts” (paragraph 103).
- 2.11 Further, the PPG provides the following additional advice:
- Paragraph: 007 Reference ID: 37-007-20140306: “Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making”.
  - Paragraph: 008 Reference ID: 37-008-20140306: “Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented”.
  - Paragraph: 009 Reference ID: 37-009-20140306: “Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city”.
  - Paragraph: 013 Reference ID: 37-013-20140306: “The green area will need to meet the criteria set out in paragraph 100 of the National Planning Policy Framework. Whether

*to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis”.*

- Paragraph: 014 Reference ID: 37-014-20140306: *“The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served”.*
- Paragraph: 015 Reference ID: 37-015-20140306: *“There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name”.*
- Paragraph: 017 Reference ID: 37-017-20140306: *“Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected”.*
- Paragraph: 018 Reference ID: 37-018-20140306: *“Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation”.*
- Paragraph: 019 Reference ID: 37-019-20140306: *“A Local Green Space does not need to be in public ownership. However...the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.”*

### 3.0 Representations to the Draft Neighbourhood Plan Policy KS/E3

- 3.1 This Section provides the representations to Policy KS/E3 of the draft NP made on behalf of the Trust.

#### **Policy Wording and Justification**

- 3.2 Policy KS/E3 reads:

*“The following are identified as Local Green Space due to their importance to the local community:*

- *Muss Lane Recreation Ground (KSLGS01)*
- *St Peter & St Paul’s Churchyard (KSLGS02)*
- *Playing Field by Village Hall, John of Gaunt’s Palace Site and Field to South of playing field (KSLGS03)*
- *Paddock opposite the Old Vicarage – Old Vicarage Lane (KSLGS04)*
- *Allotments – Furzedown Road (KSLGS05)*
- *King’s Somborne Cemetery and extension – Stockbridge Road (KSLGS06)*
- *Up Somborne Recreation Ground (KSLGS07)*
- *Up Somborne Down (KSLGS09)*
- *Banks/verges either side of Somborne Stream between The Old Vicarage and The Corner House (KSLGS10)*
- *Area directly behind Manor Farm House up to 40m Contour Line (KSLGS11)”*

- 3.3 The Parish Council’s stated justification for the identification of our client’s land is:

*“Area directly behind Manor Farm House up to 40m Contour Line for its beauty and historical significance”.*

- 3.4 The Parish Council’s Local Green Space Report includes two Yes/No or ✓ / ✗ tables and the Parish Council, at ‘Potential Areas of Green Space’, considers that the Site Ref: KSLGS11 is considered to meet all the criteria of ‘Beauty’, ‘Historic Significance’, ‘Recreational Value’, ‘Tranquillity’ and ‘Richness of Wildlife’. Further, they note at Section 4 ‘Assessment of Suitability’ that the Site is reasonably close to the community and is of particular value to the local community.

#### **Policy Critique**

- 3.5 The designation of Local Green Space (LGS) on a site is tantamount to Green Belt protection (paragraph 103 of the Framework). It is therefore essential that, when seeking to designate LGSs, plan-makers clearly demonstrate, through compelling evidence, that the requirements for its designation are met in full, namely it is reasonably located to the community it serves;

it is demonstrably special to a local community and is of a particular local significance; it is local in character and it is not an extensive tract of land.

- 3.6 By only providing one sentence to support each proposed LGS and a 'Yes/No' exercise, it is clear that the Parish Council has not undertaken a thorough and robust assessment to justify the LGSs.

### Assessment against Basic Conditions

#### Failure to comply with Basic Conditions (a) and (d)

- 3.7 There is no robust assessment of the proposed LGSs against the requirements of paragraph 102 of the Framework. These requirements, and the Trust's response to these (in respect of Ref: KSLGS11), are set out at Figure 1 below.

- 3.8 Figure 1: Assessment of paragraph 102 of the Framework:

The Framework	The Trust's response in respect of LGS designation ref: KSLGS11
<i>(a) in reasonably close proximity to the community it serves;</i>	<p>Whilst it is accepted that KSLGS11 is in reasonably close proximity to existing residential development, given the Site adjoins the built up extent of the settlement, it does not function primarily to "...serve a local community". The Site is in private agricultural and grazing use.</p> <p>It is accepted that a Public Right of Way in part borders the northern boundary and in part runs through the LGS area designation, however this alone is not an appropriate reason to designate the site as LGS.</p>
<i>(b) where the green area is demonstrably special to a local community and holds a particular local significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i>	<p>No compelling evidence has been provided to demonstrate that the proposed LGS designations are demonstrably special to the local community and as explained above KSLGS11 does not function principally to serve the local community and does not represent an existing public recreational asset.</p> <p>The main reason given by the Parish for the Site's designation as LGS in the Consultation Document is for its beauty and historical significance. However, in the separate Parish's LGS report all of the criteria are ticked.</p> <p><u>Landscape/Beauty</u></p> <p>There is no landscape evidence provided by the Parish Council to explain why the Site is of particular local importance/significance regarding its 'beauty'. Indeed, the Site is not subject to any specific landscape designations such as AONBs or Special Landscape Areas.</p> <p>There are no particular features or merit of this land that would distinguish it from the vast majority of the remaining</p>

	<p>land surrounding the village. Further, the Site is below the 40m contour line that the NP identifies as of great significance to protecting the landscape character of the village at draft Policy KS/E1. Therefore, the Site does not appear to be demonstrably special.</p> <p>We cannot see that there would be any additional benefit to the community through the Site's designation as LGS. Again, it is private agricultural and grazing land and, as noted in the PPG, there is no need to designate LGS to protect rights of way, which are already protected under other legislation.</p> <p><u>Heritage</u></p> <p>Again, there is no robust evidence (e.g. heritage assessment) provided to support the Parish Council's justification that the Site is historically important/significant to the local community.</p> <p>Whilst the Site is located adjacent to the Grade II listed Manor Farmhouse, the LGS designation is not within the Conservation Area. The historic landscape context of Manor Farmhouse has undergone extensive alteration. A new dwelling has been built adjacent (Ref: 16/03029/FULLS). The adjacent barn to the east also has a Class Q permission for residential development (Ref: 20/03005/PDQS). Furthermore, the Farmhouse and its associated land and barns appear have been subdivided and already redeveloped over the last 30 years.</p> <p>As part of the Conservation Area setting the area would also seem to have little importance as there is limited intervisibility and much of this side of the village is made up of modern development.</p> <p>There is also no evidence of any historical features above or below ground. In addition, as noted above, it is in private agricultural and grazing use and, therefore, it is not clear how the Site is demonstrably special to the local community or of local historical significance.</p> <p><u>Recreational value</u></p> <p>The Site is in private agricultural and grazing use and is not an existing public recreational asset.</p> <p>Whilst it is accepted that a Public Right of Way crosses the Site, this alone is not an appropriate reason to designate the site as LGS.</p>
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	<p>This particular point was made by the Examiner appointed to assess the Freshford and Limpley Stoke Neighbourhood Plan who made it clear that a footpath bisecting a site is “...not in itself a reason to designate a parcel of land as Local Green Space”. A copy of the Examiner’s Report can be found <a href="#">here</a>.</p> <p><u>Tranquillity</u></p> <p>No evidence is provided by the Parish Council to explain why the Site is of particular importance regarding its tranquillity. Again, it is not considered that the Site’s location would distinguish it from the vast majority of the remaining land surrounding the village.</p> <p>The land is private and, therefore, locals can only pass along the Public Right of Way. Further, the draft NP currently proposes to allocate land immediately to the west for residential development and the Site is situated immediately adjacent existing residential areas. These all impact on the overall ‘tranquillity’ that you would experience at the Site.</p> <p><u>Wildlife</u></p> <p>The Site is not subject to any specific ecological designations such as SSSI or SAC. Again, the Council has provided no ecological evidence for ticking ‘richness of wildlife’ and basis for inclusion of the Site as LGS in the draft NP. The Site is ‘improved grassland’ and, therefore, has little biodiversity value.</p> <p>Accordingly, it is not demonstrated that the Site is demonstrably special.</p>
<p>(c) <i>where the green area concerned is local in character and is not an extensive tract of land.</i></p>	<p>It is accepted that the proposed LGS allocation at KSLGS11 is not an extensive tract of land.</p> <p>However, the proposed LGS boundary does not appear to follow any physical features of the Site. The Site is in a countryside location beyond the settlement boundary and, therefore the Site is currently part of the wider countryside, rather than ‘local in character’. In addition, whilst there is a footpath that is used by locals, there are many areas of countryside where footpaths allow access.</p>

#### The consideration of the Parish Council’s Evidence

- 3.9 As noted above, it does not appear that the inclusion of the LGSs has been evidenced by any independent and robust advice to ascertain their significance, in particular with regards to landscape/beauty and heritage. The requirement to provide further justification for these is

set out within the PPG where it states “*proportionate, robust evidence should support the choices made and approach taken*” (paragraph 040 Reference ID 41-040-20140306 of the PPG). Without any clear and robust evidence to support the LGSs, and demonstrate their compliance with the Framework, Policy KS/E3 fails to meet basic condition (a).

- 3.10 The Examiner’s Report into the Broughton Astley Neighbourhood Plan highlighted the importance of providing sound evidence to demonstrate local importance and significance, with the Inspector concluding that insufficient evidence had been provided to demonstrate that the proposed LGS at Clump Hill was of particular importance to the local community. The Examiner’s Report can be found [here](#).
- 3.11 Therefore, it is not considered that the proposed LGS allocations – including KSLGS11 – comply with the requirements of the PPG with regards to the provision of evidence. Therefore, the Trust questions the designation of KSLGS11, especially with regards to the specific mention of beauty and heritage.

#### *Importance to the local community*

- 3.12 The Framework highlights the importance of community-led planning and the power that Neighbourhood Planning provides to local communities. Paragraph 101 of the Framework states that local communities through local and neighbourhood plans can “...*identify and protect green areas of particular importance to them*”. Clearly, it is therefore vital for the draft NP to accurately portray the views of the community that it purports to represent.

At present this is not the case for the draft NP – as far as we are aware, no public consultation took place on LGS designations ahead of this draft NP. A public consultation should have been carried out to identify sites that were of importance to the local community. The results could then have been considered against the outcomes of appropriate evidence to help demonstrate that they meet the criteria for designation. However, the selection of sites for designation as LGSs – and in particular KSLGS11 – appears to have been completely arbitrary with no local community involvement. As such, the draft NP currently fails to meet basic conditions (a) and (d).

#### **Summary**

- 3.13 The Trust consider that Policy KS/E3 and designation of Site Ref: KSLGS11 fails to meet the basic conditions, in particular conditions (a) and (d).
- 3.14 Furthermore, the designation of the Site is not justified by any evidence to demonstrate that it should be protected from development (that is tantamount to Green Belt protection). As such, the LGS designation at Site Ref: KSLGS11 should be deleted from Policy KS/E3 in order for the Neighbourhood Plan to meet the basic conditions.

## 4.0 Representations to the Draft Neighbourhood Plan Policy KS/H1 and Housing Site Allocations

- 4.1 This Section provides representations to Policy KS/H1 'Quantity of New Homes Needed' and the proposed Site Allocations of the draft NP made on behalf of the Trust.

### **Context and Justification**

- 4.2 The Trust support the intent of the draft NP to deliver new housing at King's Somborne. The Housing Need and Sites document considers that there is a need to deliver 41 new homes in the area. In our previous representations, the Trust questioned how the figure of 41 new homes was derived and whether this approach was appropriate.
- 4.3 Notwithstanding the above, it was also explained that the 41 new homes should be expressed as a minimum. We note that Policy KS/H1 says that "*around 41 new homes*" will be accommodated by allocated sites in the Neighbourhood Plan. It is recommended that this wording is still not strong enough and the Policy should include the following alternative wording such as "*a minimum of*" or "*at least*".
- 4.4 In addition to the proposed housing allocations, the Policy should be clear that in addition to the proposed housing allocations there would be support for other forms of residential development, for example infill development within the settlement boundary and rural exception sites.

### **Consideration of potential housing sites**

#### Identification of sites

- 4.5 The Parish Council's Housing Needs and Site Report sets out the process by which the Sites were identified and put forward for consideration as part of the draft NP.
- 4.6 The Trust has primarily promoted two sites that are considered to be available and suitable for small-scale residential development and are situated immediately adjacent the existing settlement boundary. These are identified as follows:
- Land off Winchester Road and New Lane (Site 80 and formerly KS7); and
  - Land south of Winchester Road (Site 81).
- 4.7 In 2021, the Parish Council engaged Aecom to undertake a new Site Options Assessment. This identified twelve sites (or part of sites) that were suitable for development and includes both of our client's land at Site Refs: 80 and 81. The Parish Council's Housing Need and Sites Report assesses these twelve sites and proposes the allocation of four sites for development.
- 4.8 However, the draft NP does not allocate either of the Trust's Sites for development. Indeed, the draft NP identifies part of Site 80 as 'Local Green Space' referred to as KSLGS11 (see Section 3).

### Community Consultation

- 4.9 Similarly to the LGS designations, it appears that no public consultation has taken place to seek the specific views of the local community on the twelve available sites that were determined as being potentially suitable for development to establish community preference. Again, this should then have been considered alongside the site selection methodology to determine the preferred development strategy for King's Somborne. As such, the draft NP currently fails to meet basic conditions (a) and (d).

### Consideration of the Parish Council's Site Assessment and Conclusions

- 4.10 The Housing Needs and Sites report confirms that following the identification of the twelve sites by Aecom, four sites were immediately removed on the basis they were remote from the settlement boundary.
- 4.11 The remaining eight sites - including our client's two sites as identified above – were taken forward for further consideration. The starting point appears to have been the consideration to deliver 25% of the total housing need as affordable homes. Whilst the Trust support the desire of the Parish to provide affordable housing, it is not clear where and how this number has been derived. Indeed, meeting this affordable housing requirement appears to drive the development strategy for the village and identification of the allocations. This approach has significant potential to undermine the delivery of sustainable development at the village given that Sites appear to have been chosen simply on their ability to deliver affordable housing and is contrary to basic condition (d).
- 4.12 Notwithstanding the above, the Parish subsequently commissioned consultants to review highways/access and flooding/drainage on the remaining eight sites. However, the Parish has not commissioned any new/updated landscape evidence and no heritage, ecology or urban design evidence has been provided. It is not clear why flooding and access/highways were the only matters considered.
- 4.13 The Parish also undertake a flood sequential test. This concludes that our client's land at Site 81 should be excluded as any potential access is determined to be in FZ3. This is an error. The Waterco report and the 'EA Flood Map for Planning' show that the majority of the site frontage of Site 81 is within FZ1. Further, the Historic Flood Map shows that there has been no historic flooding along the site frontage. As such, Site 81 should not be excluded from the Site Assessment at this stage on the basis of the sequential test.
- 4.14 With regards to highways and access, again it appears that the Parish Council has ignored its own evidence base. The Nick Culhane Access Study concludes that Sites KS1, KS3 and SHELAA 148b would not be acceptable/deliverable with regards to access. These Sites should therefore have been excluded at this stage of the Site Assessment.
- 4.15 Following the outcomes of the sequential test, the Parish Council state that a "*final site appraisal based upon strength and weakness of each site*" was undertaken to determine the allocations. There is no evidence of this assessment in the evidence base. This appears to have been an arbitrary selection process without any objective criteria and restricted to personal views of Members of the NP Steering Group.
- 4.16 With the above in mind, the Trust consider that the approach to the 'site selection process' and the allocation of KS148b, SHELAA 55, SHELAA 168, and KS3 has significant potential to

undermine the delivery of sustainable development and the overall vitality of the village, contrary to basic conditions (a) and (d).

### **Proposed Housing Sites**

- 4.17 We have a number of concerns with the suitability of the 'site selection methodology' and allocation of sites. Indeed, no information has been provided to demonstrate the sites will be available and deliverable within the plan period and therefore fails to meet basic condition (d).
- 4.18 The proposed allocation sites are considered further below:

*KS148b - Land at Spencer's Farm (South)* – as noted above, the Site should have been excluded from further consideration in the site assessment following the outcomes of the Site Access Report and the Nick Culhane Access Study.

*SHELAA 55 – Land east of Furzedown Road* – the Trust has concerns that the development would create a protrusion of built form into the open landscape and would therefore be out of character with the settlement form and pattern of King's Somborne (contrary to draft Policy KS/E1). There also appears to be potential for a ransom strip between the allocation site and the proposed access.

*SHELAA 168 – Land East off Eldon Road* – the Site is above the 40m contour line and, therefore, would be at odds with the Parish Council's own aspirations in the draft NP to deliver development below this line to protect the landscape character of the village. There are a number of suitable and available sites that are below the 40m line and, therefore, this adds to our concerns with regards to the robustness of the site selection process.

*KS3 - Land off Frogghole Lane* - as noted above, the Site should have been excluded from further consideration in the site assessment following the outcomes of the Site Access Report and the Nick Culhane Access Study.

### **Alternative Sites**

- 4.19 With the above in mind, we consider that the site assessment approach and proposed housing allocations are flawed and do not meet the basic conditions.
- 4.20 The Trust consider that their land at Sites 80 and 81 are available and suitable for small-scale residential development. These are considered further below.

#### **Site 80 - Land off Winchester Road and New Lane**

- 4.21 As noted at Section 3, the LGS designation at Site Ref: KSLGS11 should be deleted from Policy KS/E3 in order for the Neighbourhood Plan to meet the basic conditions. As such, development of the 'Land off Winchester Road and New Lane' for between 8-10 dwellings is a deliverable option for the following reasons:
- a) Residential development in this location would be in keeping with the surrounding area. The site is a logical extension to the settlement boundary and can deliver a robust edge to the settlement.
  - b) The Site is below the 40m contour line in accordance with the Parish Council's aspirations to protect the landscape character of the village.

- c) The Site Access Report and the Nick Culhane Access Study concludes that the principle of residential development of the Site is acceptable and an access can be achieved, subject to detailed design. The Trust has previously also submitted an access Feasibility Study prepared by Odyssey to demonstrate that, in principle, a safe access can be delivered.
- d) The proposed scale of development can be accommodated entirely within FZ1.
- e) The site is close to the Grade II listed Manor Farmhouse, but it is considered that residential development can be sensitively designed to limit the impact upon this heritage asset. There is an opportunity to leave the central portion of the site undeveloped to protect the backdrop setting to the Farmhouse.
- f) Similarly, the site is adjacent to the Conservation Area – however, any residential development will be sympathetic, in scale and design, to the character and appearance of King’s Somborne (in accordance with the other policies in the draft NP).
- g) The size of the site and scale of development lends itself to moderately sized houses, rather than large ‘executive’ homes. This type of ‘smaller’ housing will provide an opportunity for young families to live in the village, thereby enhancing its vitality.
- h) The sites are within the sole control of the Trust and are available for delivery within the Plan period.

#### Site 81 - Land south of Winchester Road

4.22 Development of the ‘Land south of Winchester Road’ also for between 7-9 dwellings is also a deliverable option for the following reasons:

- a) Residential development in this location would be in keeping with the surrounding area. The triangular site sits below an ancient bank and hedgerow and is clearly within the historic curtilage of the village bounding onto open fields; is a logical extension to the settlement boundary and can deliver an attractive gateway to the village.
- b) The Site is below the 40m contour line in accordance with the Parish Council’s aspirations to protect the landscape character of the village.
- c) The Site Access Report and the Nick Culhane Access Study concludes that the principle of residential development of the Site is acceptable and an access can be achieved, subject to detailed design. The Trust has previously also submitted an access Feasibility Study prepared by Odyssey to demonstrate that, in principle, a safe access can be delivered.
- d) The Site lies within FZ1, including any site access (contrary to the conclusion in the sequential test).
- e) The site is close to the Grade II listed Manor Farmhouse, but it is considered that residential development can be sensitively designed to limit the impact upon this heritage asset.
- f) Whilst part of the Conservation Area, the area would appear to have little connection and this side of the village is made of up of more modern development. However,

residential development will be sympathetic, in scale and design, to the character and appearance of King's Somborne (in accordance with the other policies in the draft NP).

- g) The size of the site and scale of development lends itself to moderately sized houses, rather than large 'executive' homes. This type of 'smaller' housing will provide an opportunity for young families to live in the village, thereby enhancing its vitality.
- h) The sites are within the sole control of the Trust and are available for delivery within the Plan period.

4.23 The above clearly demonstrates that the sites are suitable, available and achievable to enable the delivery of residential development that responds positively to the character of King's Somborne within the plan period. Moreover there are no significant constraints which will prevent development on the sites coming forward.

4.24 Indeed, the Trust also consider that their landholding offers a unique opportunity to deliver a comprehensive development to the north-east of King's Somborne and to round off development in this locality. It is considered that the joint development of both sites would deliver a cohesive scheme for around 15-19 dwellings. This could deliver a number of local community benefits, including:

- The potential delivery of affordable housing.
- Improvements to flood storage capacity through drainage works. This could potentially result in wider flood risk related benefits to existing residents.
- The delivery of enhancements to the landscape character of the area to provide a more cohesive and attractive gateway to the village.
- This approach will ensure the delivery of benefits to the local community in terms of securing the required infrastructure, open space and S106 contributions.

### **Summary**

4.25 The Trust consider that the Parish Council's approach to the 'site selection process' and the proposed housing allocations has significant potential to undermine the delivery of sustainable development and the overall vitality of the village, contrary to basic conditions (a) and (d). This reinforces the need to consider further the development strategy for King's Somborne and approach to identify sites for housing.

4.26 In this respect, the Trust consider that their land on the edge of the settlement is available and deliverable for small-scale housing and should be allocated for housing in a revised policy.

## 5.0 Representations to the Draft Neighbourhood Plan – Development Management Policies

### Policy KS/E4 – Conservation Area

- 5.1 The Policy requires developments within the Conservation Area to incorporate key materials as listed. It is considered that this is too prescriptive and could constrain sustainable development (contrary to the basic conditions). It is recommended that the wording of the policy is amended to:

*‘The Parish Council will support proposals in the conservation area that are sympathetic, in scale and design, to the character and appearance of the area...’*

### Policy KS/E5 – Flooding and Water Management

- 5.2 Policy E7 of the Test Valley Local Plan (2016) ensures that development must comply with national policies and guidance in relation to flood risk and water management. Policy KS/E5 therefore appears to go beyond the requirements in national planning policy and, therefore the Policy fails to conform with basic conditions (a) and (e).

### Policy KS/E6 – Biodiversity

- 5.3 A number of the criteria within the policy are covered by existing policies in the Test Valley Local Plan (2016) e.g. Policy E5/E6. It is not the role of Neighbourhood Plans to replicate policy that already exists.

### KS/E7 – The River Network

- 5.4 It is considered that nutrient neutrality is a strategic level matter and is not appropriate for inclusion in a Neighbourhood Plan. Furthermore, there is no need to include a policy given the Conservation of Species and Habitats Regulations 2017 requires local planning authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats before granting planning permission.

### KS/H2 – Housing Mix

- 5.5 The policy is too restrictive and not reflective of the approach taken by the Council in the Local Plan. We consider that the Housing Mix policy should be deleted, and like the Local Plan, the draft NP should simply refer to developments including a mix of properties having regard to the character of the immediate area. In this way, housing mix would be assessed on a site-by-site basis with the inclusion of smaller houses encouraged where needed and appropriate.

#### KS/H8 – Design

- 5.6 The Trust support the draft NP's intention to deliver high quality and well-designed development at the village. Further, the Design Guidance document prepared by Aecom provides a useful and simplified framework for applicants to follow.
- 5.7 Nevertheless, the Policy wording appears to be too prescriptive, onerous and replicates some of the suggested approach in the Design Guidance. For clarity, we recommend that the wording of the Policy should be amended to:

*“Development in the Neighbourhood Area should be of a high quality and respect residential amenity and local character and should have regard to the King’s Somborne Design Guidance”.*

## 6.0 Conclusions

- 6.1 These representations have been produced by Pro Vision on behalf of the of The Trustees of CB Morgan Will Trust in response to the Regulation 14 pre-submission draft of the King's Somborne Neighbourhood Plan.
- 6.2 The proposed LGS designation at KSLGS11 does not meet the requirements of paragraph 102 of the Framework and so it must be deleted from Policy KS/E3 on this basis. No compelling evidence has been provided by the Parish Council to support the proposed designation as LGS, or demonstrate that such a designation meets the requirements of national planning policy and guidance.
- 6.3 The Trust consider that the Parish Council's approach to the 'site selection process' and the proposed housing allocations has significant potential to undermine the delivery of sustainable development and the overall vitality of the village, contrary to basic conditions (a) and (d). This reinforces the need to consider further the development strategy for King's Somborne and approach to identify sites for housing. The Trust's land at Site 80 and 81 would deliver small scale housing that would deliver the aims and objectives of the Neighbourhood Plan.
- 6.4 In its current form, it is considered that the draft NP cannot proceed and the Parish Council need to consider further revisions to address the fundamental implications the draft NP will have for the delivery of sustainable development and sufficient housing through the lifetime of the plan.