

DELEGATED OFFICER REPORT:**Application Ref:** F/26/100693**Site Address:** 1 to 19 Cheping Gardens & 5 to 41 Mortimer Road, Botley, SO30 2FW**Case Officer:** Clare Martin

Description: Reinforcement and refurbishment of the existing retaining wall structure between the residential gardens. Proposal includes installing structural reinforcement (Geopins) into the existing structure, constructing a new Tobermore block retaining wall system directly in front of the existing wall with 1.1m high handrail on top and back filling the space between the two walls with concrete.

Particular Site Constraints?	Yes ☐	No ☒
Inside the urban edge		

Planning History?	Yes ☒	No ☐
F/10/68318 - Construction of 31no. Two bed bungalows with extension to highway, off road car parking, landscaping and reinforced earth bank, following demolition of existing 31no. dwellings and felling of trees – Permitted (July 2011).		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	<u>Comment (12 Cheping Gardens)</u> I have no objection to this application as the work is absolutely necessary. I would like to point out the following: 1 - if the infill between the Tobermore Block Retaining Wall is going to be back filled with concrete - that infill is consistent with earth/ stones/ wood/ concrete/ and a Geo pin mix. 2 - That wall is 12-15ft High which currently consists of mainly earth with rotten wood - fronted by falling stones. 3 - Given the climate change and increased rainfall each year. What drainage system is going to be in place ? 4 - I would assume the current system of earth/ wood and stones would filter away slowly through natural filtration ? 5 – However, if the existing structure is now going to have a solid stone retaining wall and a concrete infill - what provision is being made for drainage away from an enormous amount of earth backing onto each and every property in Cheping Gardens. As a resident, I am concerned about these drainage issues and would request that these questions are answered in order that I can be assured as an elderly tenant that drainage proposals are within the planning application.		
Ecology Officer:	<u>Comment</u> I have reviewed the Ecology Impact Assessment (by Dawin Ecology) as well as the email from Ellis Belk Associates (May 2026) responding to my earlier ecology consultation response. It is acknowledged that some adverse ecological effects will be unavoidable, however the safety of the residents and their properties is an over-riding concern. <u>Ecological Impact Assessment</u> I agree that the mitigation and compensation measures outlined in the EclA are appropriate and must be adhered to.		

	A CEMP and a Biodiversity Enhancement Plan can be conditioned and the following information must be included: <u>Mitigation and Compensation</u> • Works to be timed for when invertebrates, reptiles and amphibians are most likely to be active and able to escape; • Pre-commencement ecological checks. A receptor area must be identified and agreed so that any animals found can be moved to a suitable and safe habitat. • Supervision of certain works by a suitably qualified ecologist; • Implementation of a Construction Environmental Mitigation Plan (CEMP); • Precautionary working methods to minimise disturbance. <u>Biodiversity enhancements:</u> • Installation of bird boxes. Bird boxes should only be installed where they will be safe from predation by cats, not in full sun so they do not get too hot for young birds and protected from rain and winds. This wall faces south but the ideal aspect for bird boxes is facing north and east, so locating bird boxes within the wall is not appropriate. It may be more appropriate to install bird boxes within the gardens of the houses or in the wooded area adjacent to number 1, rather than built into the wall. • Provision of a variety of insect habitat features within the wall. This should be recommended by the ecological consultant based on the types of insects likely to be present and their habitat requirements. • Opportunities to improve connectivity for reptiles and hedgehogs at ground level where feasible. • Landscape plants to be chosen for their ability to provide nectar, pollen, fruit and seeds for wildlife. It is not clear from the proposed plan where landscape planting would be located.
Parish Council:	No comment

Site Visit:	Yes ☒	No ☐
Details: Visited site 23/4/26		

Pre-commencement Conditions:	Yes ☒	No ☒
Details: Email from agent confirming pre-commencement conditions (received 27/5/26).		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i>

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: <u>The Eastleigh Borough Local Plan 2016-2036</u>. The most relevant policies are:

Strategic policies: S1 and S2; and

Development Management policies: DM1 and DM11.

Supplementary Planning Documents: Quality Places

Assessment:

Proposal and Principle of Development

The proposal is to reinforce the existing structural wall system, which is reaching the end of its lifespan and shows signs of significant deterioration. The work is necessary to protect the structural integrity of the existing residential properties and prevent the gardens of the Mortimers Road properties collapsing into the properties below.

The site is within the urban edge where the principle of development is acceptable.

Visual and Residential Amenity

Policy DM1 requires development to take full and proper account of the context of the site including the character and appearance of the locality or neighbourhood and be well integrated with these (in terms of mass, scale, materials, layout, density, design and siting,) both in itself and in relation to adjoining buildings, spaces and views. It also requires development not to have an unacceptable impact on the amenity of existing residents (most notably by a loss of outlook, light or privacy).

The proposal is to create a 3.3m high retaining wall between the gardens of the properties along Mortimers Road and Cheping Garden. On top of the wall is a 1.2m high grey handrail, which is required under building regulations and replaces an earlier mansafe railing system. The wall will be positioned approximately 0.2m to the south of the existing crib lock wall and the land between the two structure will be back filled with concrete.

The proposed wall will comprise of a row of bricks with variations of colour from the secure grand heather range. This brickwork will provide a more pleasant outlook for the residential properties than a grey blockwork wall. The wall is positioned within a private locked alleyway and so will not be visible from the wider public realm.

In conclusion, the new retaining structural wall is not considered to unacceptably harm the character and appearance of the locality or the amenity of existing residential properties and so accords with Policy DM1.

Ecology

Policy DM11 states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitats, protected or priority species unless it can be demonstrated that:

- a. there are no alternative solutions;
- b. the adverse effects are unavoidable;
- c. measures are taken to mitigate or, as a last resort, compensate for the adverse effects;
- d. there is an overall biodiversity net gain; and
- e. if there are any residual adverse effects, the benefits of the development clearly outweigh the adverse effects on priority habitats, priority and protected species, and the local ecological network.

The construction of a new retaining wall is considered necessary to ensure the long-term safety of the residential properties. The only alternative option is to demolish the existing retaining wall and reconstruct a new structure in its place (thus negating the need to backfill with concrete). However, this is not feasible as it would increase the risk of garden instability and so cause a greater disturbance to the natural habitat.

An ecological impact assessment has been submitted with the application. While it is not possible to fully protect invertebrates, amphibians or reptiles present within the existing wall, the impact will be reduced as far as possible through pre-commencement checks by a qualified ecologist and other precautionary methods (e.g. works to be timed for when creatures are most likely to be active and able to escape).

The scheme also includes biodiversity enhancements in the form of new bird boxes and insect habitat features within the wall etc). Conditions will be used to ensure that an environmental construction management plan and the biodiversity enhancement package is in place.

Overall, the ecological impacts have been minimised and are outweighed by the benefits of the development, in terms of protecting the existing residential properties. The proposal meets the requirements of Policy DM11.

Sustainable Drainage

Policy DM6 requires new development to incorporate a sustainable drainage system (SuDS), including one form of non-naturalised filtration. In this case, runoff water from the upper gardens will continue to travel through the existing porous gabion wall into a weep pipe. This pipe is located at the bottom of the new concrete wall structure and will transport run off water into a buried tank in each of the lower gardens. The excess water will then be slowly released through an overflow into the main drainage system.

Both the tank and first 0.5m of the wall structure will be backfilled with shingle sized free draining aggregate, which will help filter the runoff surface water and provide additional support for the system.

The proposal therefore meets the requirements of Policy DM6.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) states:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:		
Recommendation:	PERMIT ☒	REFUSE ☐
Comments ...		