

DELEGATED OFFICER REPORT

Application Ref: RM/24/97106

Site Address: Land identified for the biodiversity enhancement zone within the wider Botley Fields development. , Land north and east of Winchester Street, Eastleigh, SO30 2AA

Case Officer: Gary Osmond

Description: Reserved Matters for the delivery of the biodiversity enhancement phase of Outline Planning Approval O/18/83698 for the erection of up to 375 no. dwellings, public open space, allotments, drainage, landscaping, other supporting infrastructure and mitigation measures associated with the development. 2 no. new accesses onto Winchester Street, associated on-site roads, footpaths/cycleways and setting of a Public Right of Way (route number 3). Detailed matters to be considered: scale, appearance, landscaping and layout.

Particular Site Constraints?	Yes ☒	No ☐
- Within the urban edge - Adjacent to countryside and settlement gap - Route of Botley By-pass (Policy BO5) - Adjacent to railway line - Public right of way - Water main		

Planning History?	Yes ☒	No ☐
O/18/83698 - Outline: Erection of up to 375 no. dwellings, public open space, allotments, drainage, landscaping, other supporting infrastructure and mitigation measures associated with the development. 2 no. new accesses onto Winchester Street, associated on-site roads, footpaths/cycleways and setting of a Public Right of Way (route number 3). Detailed matters for consideration access (all other matters reserved - scale, appearance, landscaping and layout). – Outline approval granted March 2022		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	A total of seven representations have been received, all objecting to the application on the following grounds: - Overdevelopment of the local area - Impact on local infrastructure - Traffic pollution - Visually intrusive - Overlooking and loss of privacy - Disturbance to existing residents - Loss of wildlife habitat - Increased flooding - Devaluation of property - Highway safety		
Ecology:	No objection in principle. However, queries the need for such a wide vehicular access strip, which takes up a large proportion of the overall site area and in turn will reduce its effectiveness as an ecological mitigation and enhancement area.		
Landscape:	Broadly supportive of proposals, although further details will be required via conditions.		

Hampshire Highways:	No objection.
Rights of Way Officer:	No objection in principle subject to ensuring new planting along edges of the public right of way do not encroach and are properly maintained.
Network Rail:	No objection provided Network Rail's Asset Protection and Optimisation (ASPRO) team is consulted by the developer prior to works commencing.
Botley Parish Council:	Objection – Councillors require confirmation that the bypass will be completed before any planning applications should be considered.
Eastleigh Ramblers:	The Eastleigh Ramblers were expecting Hampshire County Council as the highway authority responsible for Footpath No 3 Botley and the construction of the Botley Bypass to address the issue of the tunnel under the railway flooding during wet periods in the winter. This issue can only be resolved by further works within the application area. The use of this tunnel will increase significantly when the residential development is carried out and the issue needs resolving as part of that scheme.
Southern Gas Networks:	No comments received.
Portsmouth Water:	No comments received on proposals.

Site Visit:	Yes ☐	No ☒
Details: No formal site visit was considered necessary as the principle has already been accepted, application relates to the specific details of the proposals.		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1, S2, S3, S5, S6 and S9; and Development Management policies DM1, DM2, DM6, DM11, BO2 and BO5. Supplementary Planning Documents: Quality Places; Character Area Appraisals; Biodiversity; Trees and Development.

Assessment:
Site Context: The application site consists of an approximately 25 metre wide strip of land to the south of the existing Botley to Eastleigh railway line, and runs from the access track to Newhouse Farm down to the River Hamble. It currently consists of grazed agricultural paddocks, with tree and dense hedge planting along the railway line. At the southern end this becomes wet woodland adjacent to the river. The site is crossed by a public right of way approximately halfway along the site, which dips down underneath the railway line. Proposals: The application is the first in a future series of reserved matters applications following on from the granting of outline approval for the erection of up to 375 dwellings and associated facilities and infrastructure as part of application O/18/83698, which was approved in

March 2022. The application specifically relates to the creation of a biodiversity mitigation and enhancement zone which will be in a strip of land between the existing railway line along the north-eastern site boundary, and the approved route of the Botley by-pass which will run along the north-eastern and northern edge of the wider housing development.

The biodiversity enhancement zone will consist of a mixture of habitats, including trees planting, grassland and wetland habitat.

Policy & Principle:

The site now lies within the urban edge, being an allocated housing development site, as set out by Policy BO2 of the adopted Local Plan. This, together with the granting of outline planning approval establishes the acceptable principle of developing the site for housing purposes, albeit the specifics of this application relate to the biodiversity enhancement zone, rather than actual built development.

Policy BO2 is an extensive policy which covers all aspects of the wider development. However, criteria a, j, k, l & n. These are set out below:

Planning permission will be granted provided that the detailed proposals comply with the Development Plan and with an approved masterplan for the whole site which addresses the following specific requirements:

- a. land is safeguarded for the route of the Botley bypass in accordance with policy BO5 and details of this route shall be agreed with the highway authority, and the Borough Council (see strategic policy S11); contributions shall be made towards the bypass unless a transport assessment demonstrates that this is not necessary;*
- j. to preserve water quality and flows into the River Hamble details of Sustainable Urban Drainage shall be provided in accordance with policy DM6 as part of any application for outline or full planning permission;*
- k. ensure avoidance or mitigation of direct and indirect adverse impacts on habitats or species protected by legislation or identified as of principal importance within the NERC Act 2006 S41 lists, ensure that the routes remain open within the Railway Priority Biodiversity Link for wildlife dispersal and that there is a net gain in biodiversity;*
- l. the retention, improvement, and maintenance of the existing Public Rights of Way through the site and the provision of good quality pedestrian and cycle links both within the site and to connect the site to the surrounding area also the delivery of a section of a new and strategic footpath/cycleway/bridleway route between Winchester Road and Wangfield Lane to link with the proposed Botley to Bishop's Waltham rail trail;*
- n. the provision of a good quality landscape setting for the development (including landscape treatment of the corridor adjacent to the railway line for the proposed bypass) and maintaining and reinforcing existing boundary hedgerows, tree belts and woodland;*

Also of relevance is Policy BO5 which relates to the proposed route of the Botley by-pass which has been partially constructed, with the final section intended to run through the wider development site.

Other Policies of note are DM1, which requires all new development to be of a good standard of design and to take appropriate account of the site context and that of the locality, as well as minimise impact on surrounding occupiers, uses and the character of the area. Policy DM6 is also of relevance and requires all drainage associated with new development to be sustainable.

Reserved Matters:

Layout:

In terms of the context of that being considered as part of this reserved matters application, there are no issues with regards to the layout of the site. Room is maintained for the approved route of the Botley by-pass, as well as retention of the existing public right of way, as required by criteria a & l of Policy BO2. The location of new tree planting also takes into consideration the easement required for a water main which runs parallel to the railway line.

Landscaping:

The proposed landscape scheme has been reviewed by the Council's Landscape Consultant and Ecologist, who have both raised no issues in principle, albeit further details in relation to landscaping detail and specifications are required, although can be conditioned.

Scale:

No built development is proposed for this phase of the wider scheme, so scale in the usual sense is not strictly relevant. However, one point of note was the proposed width of what is described as a 'vehicular access route'. At ten metres in width, it is considered to be excessive for providing vehicular access to the site for maintenance purposes, when a 2-3 metre wide route would suffice.

After discussions with the applicant, it appears that there has been some misunderstanding of the reasons for the wide access route, which is initially intended to provide suitable access for the construction of the Botley by-pass. Once the by-pass has been constructed, the wide access route will be seeded to provide wild flower meadow habitat.

Appearance:

Again, the design and appearance of built form is not relevant to this particular reserved matters application. Notwithstanding, the site will provide visual enhancement and screening for the development and the by-pass.

Other Material Considerations:

Landscape Impact:

Whilst the site lies within the local plan urban edge, neighbouring land to the north and east of the site is outside the urban edge boundary, as well as some being within identified settlement gap. As such, the development's impact upon these more sensitive areas will also need to be taken into consideration, as required by criteria n of Policy BO2, as well as strategic policies S5 & S6. The biodiversity enhancement zone will add to the existing landscape and tree planting along the edge of the railway, as well as that proposed for the by-pass scheme, which combined will assist in softening the visual impact of the by-pass and the housing development.

Trees & Biodiversity:

The proposals will add to existing habitat, as well as provide new types of habitat to provide mitigation and enhancement for the wider development scheme. That proposed has been reviewed by the Council's Ecologist and Landscape Consultant who are both happy in principle with that proposed, albeit further details will be required prior to commencement, which can be secured via conditions.

Amenity:

A number of the comments received from those objecting to the application make reference to the wider development proposals, rather than the specifics of this reserved matters application. Whilst the various concerns raised with regards to redeveloping the site and issues of privacy are noted, the principle of developing the wider site has already been agreed, although the specific of the layout of the development phases will be

reviewed in detail as part of future reserved matters applications, where existing residents will again be given the opportunity to comment.

With regards to the specifics of this proposal, it is not expected that proposed will have any adverse impact upon existing residential properties, or the wider character of the locality.

Highways:

The application proposals will have no impact upon the existing highway network, due to the nature of that proposed and the site's location, but it does have the potential to impact upon the route of the approved Botley by-pass. However, this has been taken into consideration with regards to the site boundaries and nature of landscape planting proposed.

Drainage:

The proposals include a series of swales and ponds along its length, which are intended to provide new wetland habitat and can assist with existing flooding issues where the public right of way passes underneath the railway line.

Public Right of Way:

Existing flooding issues in the railway underpass have been raised by the local ramblers' association. This has been taken on board by the applicants who have confirmed that works to upgrade the public right of way will form part of the works for the by-pass scheme. Notwithstanding, the proposed wetland creation will likely assist in this regard by reducing surface water runoff onto the footpath. The comments from the Rights of Way Officer with regards to the proximity of new planting are noted and the suggested condition can be included without compromising the overall scheme, which has been amended to reflect this request.

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 adopted local 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 local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted 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 Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the 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.

Equalities Implications:

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

Conclusion:

Recommendation:	PERMIT ☒	REFUSE ☐
-----------------	---	--

For the reasons set out above, the application is recommended for approval subject to the following conditions:

1. The development hereby permitted shall be implemented in accordance with the following plans numbered:
 P09623-HCC-BF-00-DR-T-0058 Rev P2 – Location Plan;
 P09623-HCC-BF-00-DR-T-0059 Rev P2 – Application Plan;
 P09623-HCC-BF-00-DR-T-0060 Rev P3 – Block Plan;
 251898-ARP-XX-XX-DR-L-0001_P02 – Landscape General Arrangement Sheet 1 of 2;
 251898-ARP-XX-XX-DR-L-0002_P02 – Landscape General Arrangement Sheet 2 of 2; &
 251898-ARP-XX-XX-DR-L-0004 – Landscape Sections.
 Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall comply with the conditions imposed on the grant of the outline planning permission reference O/18/83698 which was permitted on 24th March 2022.
 Reason: To secure properly planned development.
3. No development shall start until full details of the landscaping planting scheme and planting specification, together with an updated Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all landscaping [including trees and boundary treatment] and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard.
 Reason: In the interests of ecological enhancement and the visual amenity of the locality.
4. No hedge or shrubs shall be planted within two metres and no trees within four metres of either edge of the Public Right of Way (Botley Footpath 3).
 Reason: To protect public safety and convenience on the Public Right of Way.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (December 2023), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Note to Applicant: Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to

review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>).