

DELEGATED OFFICER REPORT

Application Ref: F/25/98780

Site Address: Land adjacent to Wayside, Woodhouse Lane, Botley, SO30 2DJ

Case Officer: Rachael Morris

Description: Provision of new vehicle access from the public highway

Particular Site Constraints?	Yes ☒	No ☐
- Settlement Gap - Countryside - Adjacent to a right of way (Bridleway)		

Planning History?	Yes ☒	No ☐
- Z/24322/000/00 - Two storey side extension – Permit – Apr 1980 - Z/24322/001/00 - Two Storey Side Extension and Construction of Detached Building for Garage/Carport/Workshop/Store Following Removal of Existing Out Buildings – Refuse – Apr 2002 - Z/24322/002/00 - Two Storey Side Extension, Single Storey Rear Extension and Construction of Detached Building for Garage/Carport/Workshop Following Removal of Existing Outbuildings – Permit – Jul 2002 - F/05/55201 - Construction of detached garage (amendment to previously approved garage 24322/2) – Permit – Nov 2005 - H/19/84696 - Two-storey and single-storey side extension – Refuse – Feb 2019 - H/19/86361 - Single storey side and rear extension – Permit – Oct 2019 - H/22/93087 - Single storey side and rear extensions and alteration to fenestration – Permit – Aug 2022		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None		
Town Council:	No Objection		
Ecology:	I have reviewed the Design, Access and Planning Statement by Southern Planning Practice (January 2025) and an email update from their ecologist Nikki Windebank (February 2025). Although the trees along the front boundary have been assessed as not having potential bat roost features, they may be suitable for use by nesting birds. The site is in a green impact risk zone for great crested newts. There is a pond near the site, but no records of great crested newts in the area. There are records of hedgehogs very close to this site. Removal of the vegetation along the existing fence is proposed under permitted development. This has the potential to affect hedgehogs and nesting birds. It is possible that great crested newts or hedgehogs could be using this vegetation for shelter. If great crested newts are found on site, all work must stop, and an ecologist should be consulted for advice. To avoid disturbance to nesting birds, vegetation clearance must be done outside of bird nesting season (late February through the end of August) or only after a check for active birds' nests by a suitably qualified ecologist. To avoid disturbance to hedgehogs, low level vegetation clearance must be done between March and November when they are not likely to be hibernating. The area should be cleared by hand to allow any animals time to escape. Piles of dead wood and brash piles can be created in other areas around the site to mitigate for the removal of suitable nesting sites. These can be created behind hedges or out of the way for smaller developments with limited space. Replacement		

	habitat can include log piles, leaf litter, dead wood and scrub. Hedgehog houses can also be made or purchased. If hedgehogs are found, they should not be handled but be left to move away on their own to a place of shelter. The applicant must be advised that although planning permission is not required to remove this vegetation and fencing, wildlife protection laws still apply. Hedgehogs are a priority species, and nesting birds are protected by law. The application has correctly claimed the de minimus (below the threshold) exemption from providing 10% biodiversity net gain, however no net loss and some net gain is required in accord with Local Plan policy DM 11 and NPPF (December 2024) paragraphs 187d and 192 b. Replacement trees are also proposed for biodiversity enhancement. As these are not likely to be large enough to provide cover for nesting birds for quite some time, at least one bird box must be installed on a suitable building or tree as a replacement for lost nesting opportunities. Alternatively, a nest box for swifts or sparrows could be mounted on the house. Hampshire Swifts will be able to advise whether the building is suitable for nesting swifts.
Tree Officer:	We raise no arboricultural objection to the proposals, subject to a condition.
Hampshire Highways:	No objection to the proposals. Visibility splays from the proposed access are acceptable, and adequate space on site is available to enable turning and facilitate forward gear access and egress. It is noted however that an existing telegraph pole is in very close proximity to the proposed access, and that a cable support crosses the proposed access and will need to be moved (as shown on plans) prior to utilisation. There will also be a need to remove two mature trees, which are believed to be within private land rather than on the highway. Additionally, subsequent to any planning permission that may be forthcoming from EBC as Local Planning Authority, additional permission will be required from HCC to actually implement the drop kerb works.

Site Visit:	Yes ☒	No ☐
Details: 31/01/2025		

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, S5, S6 and S12; and Development Management policies DM1, DM11, DM13 and DM14. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
The development is considered acceptable and complies with policies S1, S5, S6, S12, DM1, DM11, DM13 and DM14 from the 2016-2036 local plan, in that:

Site and surroundings

- The site is set within relative isolation with a semi-detached neighbour being the only current residential neighbour. The site has had recent changes to the road layout outside the dwelling which has contributed to an altered character of the road and street scene in Woodhouse Lane. In addition, in the future the site opposite has planning permission for residential development of up to 605 units under local plan policy designation HE1. Therefore, this is an edge of countryside location with recent and future change which somewhat affects this character.

Principle

- Policy S5 refers to acceptable development in the countryside in which limited residential development is listed but specifically refers to residential extensions or replacement dwellings (Policy DM26).
- Policy S6 refers to the protection of settlement gaps, requiring new development to not undermine the physical extent and/or visual separation of settlements; and not have an urbanising effect detrimental to the character of the countryside; or the separate identity of the adjoining settlements.
- Policy S12, specifically point (3) states that “New development should integrate with existing routes and public rights of way and wherever possible maintain, protect and enhance their function. Development that would sever, obstruct or otherwise have a detrimental impact on the existing or proposed network of green routes as shown on the policies map will not be permitted”.
- Policy DM1 sets out the general criteria for new development and point (f) specifically references that new development should “protect and enhance public rights of way and National Trails and provide fully connected green infrastructure that interlaces the development and connects into the wider network”.
- At present, there is an existing vehicular access serving the property which is shared with the entrance to a bridleway (PROW No: 026/6/1Path). The right of vehicular access for Wayside over the bridleway (PROW) is subject to the annual renewal of a licence with Hampshire County Council. However, there are no guarantees that a licence will be granted by the County Council each year in perpetuity. The agent claims that if this additional vehicular access is given planning permission, then this shared access would no longer be required and the licence not renewed. As such, there is an existing vehicular access to Wayside and the attached neighbour at Glenfield also has a vehicular access.

Design and layout

- The proposal includes a dropped kerb and new access to Wayside which includes development to outside of the residential curtilage. However, other development to facilitate the proposal can be achieved through permitted development.
- The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1, Class F makes provision for hard surfaces incidental to the enjoyment of a dwellinghouse which can be utilised for some additional hard standing to be laid inside the curtilage to connect the existing parking and turning area to the proposed new access provided it is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
- The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 2, Class A makes provision for gates, fences, walls etc and would be able to accommodate a section of the existing front boundary fence of the property that needs to be replaced with suitable gates to allow vehicles to enter and exit via the proposed new access.
- As discussed above, the road network to Woodhouse Lane has had considerable changes in the recent past and in this context, the additional access would not detrimentally alter the character of this locality in the countryside or street scene.

Moreover, the development would not create an urbanising effect to the countryside nor physically or visually detriment the settlement gap.

- By ceasing the vehicular use at the entrance to the bridleway (PROW), the amenity of the users of the bridleway would be improved and potential conflict would be removed.

Other material considerations

- The development would not require a Biodiversity Net Gain (BNG) as it would not impact 25 sqm or more of habitat and as such would be classified by the de minimum exemption. However, a biodiversity enhancement is required under policy DM11 of the Local Plan. A plan to demonstrate this has been provided and will be conditioned.
- It is proposed that 2.no silver birch trees would need to be removed for this development. However, they are not protected by a Tree Preservation Order (TPO) and are proposed to be replaced at a two for one basis elsewhere within the residential curtilage. All other trees within the curtilage would be retained. This is submitted within the Arboricultural Method Statement (AMS) and will be conditioned.
- The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.
- There are no likely significant impacts on the SPA.
- The construction of the proposed new access cannot proceed without the grant of by the Highways Authority of the necessary licence. Nonetheless, at this stage, Hampshire County Council have offered a no objection consultation response.

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.

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 ☐
-----------------	---	--

Comments ...
