
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 12 DECEMBER 2023

Present: Councillors Savage (Chair), Windle (Vice-Chair), J Baillie, Beaurain, Cox, A Frampton and Greenhalgh

39. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meetings held on 31 October 2023 and 21 November 2023 be approved and signed as a correct record.

40. **THE SOUTHAMPTON (112 BOTANY BAY ROAD) TREE PRESERVATION ORDER 2023**

The Panel considered the report of the Head of City Services detailing an objection received to the making of a tree preservation order.

No members of public or ward councillor were in attendance and there were no updates presented to the Panel.

Upon being put to the vote the officer recommendation to confirm the tree preservation order was carried unanimously.

RESOLVED that the Panel confirmed the Southampton (112 Botany Bay Road) Tree Preservation Order 2023.

41. **THE SOUTHAMPTON (102 BOTANY BAY ROAD) TREE PRESERVATION ORDER 2023**

The Panel considered the report of the Head of City Services detailing an objection received in the making and serving of a tree preservation order.

Mike Kelly (local resident) was present and with the consent of the Chair, addressed the meeting.

No updates were reported to the Panel. Upon being put to the vote the officer recommendation to confirm the tree preservation order was confirmed unanimously.

RESOLVED that the Panel confirmed the Southampton (102 Botany Bay Road) Tree Preservation Order 2023

42. **PLANNING APPLICATION - 23/01247/FUL - 65 & 67 PORTSMOUTH ROAD**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be refused subject to the criteria listed in the report.

Redevelopment of the site. Erection of 4 x two-storey buildings to create 11 houses (8x 3-bed and 3x 2-bed) with associated amenities, following demolition of existing buildings.

Loise Cutts (agent), Ben Webb and Jenny Harper (local residents supporting) and Councillors Keogh and W Payne (ward councillors) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that a statement had been received, circulated, read and posted online from Mr Webb and the agent's tree surveyor.

The presenting officer reported a number of small amendments to the published report noting that paragraph 6.12 was incomplete and should finish "harmful to local character", and that the reasons for refusal should read as set out below. It was noted that amended plans had been received but had not been accepted by the Planning Department and no public consultation had taken place. It was noted that, even if they could be taken into consideration, they would not have affected the officer's recommendation to refuse planning permission.

Following the request by the applicant's agent, a vote on whether to defer consideration of the application was taken and was lost.

The Panel then considered the officer recommendation to refuse to grant planning permission. Upon being put to the vote, the recommendation to refuse to grant was carried.

RECORDED VOTE to refuse Planning Permission

FOR:	Councillors Savage, Windle, Cox and Greenhaigh
AGAINST:	Councillors J Baillie and Beaurain
ABSTAINED:	Councillor A Frampton

RESOLVED that planning permission be refused for the reasons set out below:

Reasons for Refusal

(1) Reason for refusal: Site Overdevelopment.

The proposed redevelopment comprising frontage and backland housing, by reason of its layout and level of site coverage with buildings and hardstanding (which exceeds 50% of the site) would be out of keeping with the character and appearance of the area. The siting of the development forward of the prevailing building line within Portsmouth Road combined with the chosen building design and proportions doesn't suitably reflect the neighbouring context that, when combined with the poor front boundary landscape treatment proposed, would be harmful to the Portsmouth Road street scene. Furthermore, the proposal would result in the loss of trees leading to potential harm to a group Tree Preservation Order. Whilst the promotion of high

density residential schemes on previously developed land is encouraged it is considered that the proposed development represents poor design, which fails to respond to the visual characteristics and building to plot ratios of its context, is out of character for this location, and is symptomatic of a site overdevelopment contrary to “saved” policies SDP1 (i), SDP7 (i), (ii), (iii) & (iv), SDP9 (i) & (iv) and H2 (iii) of the adopted City of Southampton Local Plan (March 2015) and policies CS5, CS13 (1, 2, 6, 7 & 11), CS19 and of the amended Local Development Framework Core Strategy Development Plan Document (2015) as supported by sections 2.3 3.2, 3.7, 3.9, 3.11, 4.4, 5.2 and 5.3. of the approved Residential Design Guide Supplementary Planning Document (2006); as supported by the National Design Guide (2021) and the relevant design sections of the National Planning Policy Framework (2023) that seeks to foster well designed, beautiful buildings and places (Chapter 12).

(2) Reason for refusal – Insufficient information; drainage strategy

The application is not supported by a sufficient drainage strategy to clearly demonstrate how surface water will be disposed of, including an assessment of the existing (pre-developed) greenfield runoff rates and volumes compared to post development, and ground investigations supported by soakaway testing to demonstrate that use of infiltration is appropriate. As such the wider implications of the chosen drainage solutions and its impacts upon the existing site’s tree coverage are currently unknown. The development proposal is thereby contrary to policy CS20 of the Amended Core Strategy Development Plan Document (2015) and paragraph 169 of the National Planning Policy Framework (2023).

(3) Reason for refusal – Mitigation; S.106 Legal Agreement

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Southampton Amended Core Strategy Development Plan Document (2015) as supported by the Council’s Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:

- a) site-specific transport works for highway improvements to bus stops in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms – in accordance with policies CS18 & CS25 of the amended Core Strategy Development Plan Document (2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) – have not been secured;
- b) without a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway – caused during the construction phase – to the detriment of the visual appearance and usability of the local highway network;

- c) a financial contribution towards the Solent 'Bird Aware' Disturbance Mitigation Project (SDMP) and towards measures to reduce pressures from residents visiting the New Forest and Solent Waters SPAs - in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), SDP12 of the Amended Local Plan Review (2015), CS22 of the Amended Core Strategy Development Plan Document (2015) and the Planning Obligations SPD (2013) as supported by the current Habitats Regulations – have not been secured;
- d) Affordable housing to meet an identified need in accordance with policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document and the adopted SPD relating to Developer Contributions (April 2013) – including a review mechanism to ensure the scheme's viability is properly accounted for – have not been secured; and
- e) a Carbon Management Plan, setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated, in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013) – has not been secured.