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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2021

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Present: Councillors Mitchell (Chair), Coombs (Vice-Chair), L Harris, Prior, Savage, Vaughan and Windle

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

**RESOLVED:** that the minutes for the Panel meeting on 2 February 2021 be approved and signed as a correct record.

51. **MARLHILL COPSE REFERRED FELLING LICENCE APPLICATION AND ASSOCIATED WOODLAND MANAGEMENT PLAN**

The Panel considered a report of the Head of City Services detailing the referred felling licence application and accompanying woodland management plan for trees at Marlhill copse that are protected by a Tree Preservation Order and Conservation Area which have been registered as 20/00340/TPO. 20/00341/TPO and 20/00091/TCA.

Angela Cotton, Dr Isabel Sargent and Dr Neil Wells (local residents/ objecting), Steve Thurston, Mike Weeks, Hugh Milner and Jo Proctor (supporting the application) and Councillor Harwood (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The Panel explored the reasoning for the officer recommendation (v), regarding the Monterey and Corsican Pines in compartment 1a(i). Panel Members expressed a view that felling the trees would affect the character and appearance and special character of the Copse and voted to refuse to grant consent to fell these trees, as set out in the amended recommendation below. Upon being put to the vote the Panel unanimously supported the remaining aspects of the officer recommendation as set out below.

**RESOLVED** that the Panel after careful consideration of the officer's report and hearing the submissions of those at the meeting, panel members voted:

- (i) To grant TPO consent to 20% thinning of sycamores and mixed broadleaf trees in compartments 1a, 1b and 1c.
- (ii) To raise no objection to 20% thinning of Goat Willow, Common Alder and mixed broadleaf trees in compartment 2a
- (iii) To raise no objection to 20% thinning of Goat Willow, Common Alder and native broadleaf trees in compartment 2b.
- (iv) To raise no objection to 20% thinning of Common Alder, Goat Willow and Ash trees in compartment 2c.
- (v) To refuse consent to felling of Monterey Pine, Corsican Pine in compartment 1a(i).
- (vi) To refuse consent to the felling of all broadleaf trees in compartment 1a(i)

Panel Members considered that the refusal to grant consent to the felling of the Monterey Pines and Corsican Pines in compartment 1a(i) was justified because the loss of the trees would fail to secure the maintenance of the special character of the woodland, would be harmful to the visual amenities of the local area and would fail to

preserve the character and appearance of the conservation area. The reasons for the other decisions followed the officer's report

52. **20/00943/CONSUL - SOUTHAMPTON AIRPORT**

The Panel considered the report of the Head of Planning and Economic Development detailing considerations in relation to consultation from Eastleigh Borough Council on amendments to planning application Ref F/19/86707 at Southampton Airport for the following works to facilitate airport expansion.

Angela Cotton (local resident), Robin Henderson (agent), and Councillors Fuller, Harwood and White (ward councillors) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED**

That the Panel considered the changes set out in the amended documentation supporting Eastleigh Brough Council's planning application Ref F/19/86707 at Southampton Airport and agreed with officers that the changes to the documents are not significant enough to merit revisiting its decision to OBJECT to the application, and delegated authority to officers to respond to Eastleigh Borough Council maintaining the Council's objection with no change to the previous response dated 3 December 2020;

53. **PLANNING APPLICATION - 20/00681/FUL - NEWTOWN ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Alterations and extension of existing building to form 7 flats (4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats)

Chris Leeder,(local residents/ objecting), Neil March (agent), and Councillors Blatchford and Payne (ward councillors) were present and with the consent of the Chair, addressed the meeting. In addition, a written statement from Mr Rawlings was circulated to the Panel.

The presenting officer reported an amendment to the space standard as set out in the table in the report, noting that Flat 7 should read 43m<sup>2</sup> and Flat 6 should read as 56m<sup>2</sup>. In addition, it was explained that the conditions required amending as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission with the additional and amended conditions. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Coombs, L Harris, Prior, Savage and Windle  
AGAINST: Councillor Mitchell  
ABSTAINED: Councillor Vaughan

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Head of Planning and Economic Development to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
  - a. An agreement between the applicant and the Council under s.278 of the Highways Act to undertake a scheme of works or provide a financial contribution towards site specific transport contributions for highway improvements, including a Traffic Regulation Order (if required) and the reinstatement of the dropped kerb, in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
  - b. The submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - c. A scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Head of Planning and Economic Development be granted authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

**Additional and Amended Conditions**

**Amended Condition**

**08 CONSTRUCTION MANAGEMENT PLAN (PRE-COMMENCEMENT)**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,

- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.
- (h) Details of the timing and management of construction deliveries so as to avoid key school pick up and drop off times.

REASON: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

#### Additional Conditions

##### ON SITE TURNING

The proposed on site parking for 2 vehicles and access (including on-site turning space) shall be provided in accordance with the details hereby approved prior to the occupation of the development hereby approved. The site shall be maintained in accordance with these details as such thereafter and the on-site turning space kept clear for this purpose with no parking at any time.

REASON: In the interest of highways safety so that vehicles do not need to reverse out onto the junction and to ensure that parking is provided

##### ECOLOGICAL MITIGATION STATEMENT

Prior to the development commencing, the developer shall submit a programme of habitat and species mitigation and enhancement measures to be agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with these details prior to the first occupation of the development hereby approved with the agreed scheme being retained as such thereafter.

REASON: To safeguard the ecological value of the surrounding area.

#### 54. **PLANNING APPLICATION - 20/01675/FUL -19 WESSEX LANE**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Erection of semi-detached pair of dwellings (1x3 and 1x2 bed), with associated parking and refuse storage following demolition of existing house (Resubmission of 20/00807/FUL) (Amended Description)

Ian Knight (agent), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the recommendation as set out in the report needed to be amended, as set out below, delegating the permission to the Head of Planning and Economic Development subject to the receipt of an arboricultural assessment of a tree on neighbouring land. It was also explained that additional conditions would be required as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the amended recommendation to grant conditional planning permission. Upon being put to the vote the amended recommendation was carried unanimously.

**RESOLVED** that:

1. The Panel delegated authority to the Head of Planning and Economic Development to grant planning permission subject to:
  - a. the planning conditions recommended at the end of this report and any additional or amended conditions as set out below;
  - b. to an acceptable/favourable assessment by officers of the impact of the proposed development on the adjacent tree on neighbouring land at no. 17 Wessex Lane through the submission of an adequate arboricultural impact assessment and survey (based on BS 5837:2012) and consultation with SCC Tree Team.
2. The Panel delegated authority to the Head of Planning and Economic Development to add, vary and /or delete conditions as necessary.
3. Following the Panel meeting, in the event that officers find that the impact on the neighbouring tree would adversely affect local visual amenity or no or insufficient information is provided within 2 months from the date of Panel to assess the tree impact, the Head of Planning and Economic Development be authorised to refuse permission on these grounds.

**Additional Conditions**

**SITE LEVELS (PRE-COMMENCEMENT)**

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

REASON: To ensure that the heights and finished

**PARKING AND ACCESS (PRE-OCCUPATION)**

Notwithstanding the approved plans, prior to the first occupation of units A and B hereby approved, details of access and vehicle turning shall be submitted and agreed in writing to the Local Planning Authority to include:-

- (i) the widening of the length of dropped kerb to aid turning and increase visibility from cars parking on Wessex Lane adjacent to the raised kerb section;
- (ii) revised vehicle tracking diagram to show on site turning.

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved for the residents and their visitors only. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level on the front boundary.

REASON: To provide safe access to the development and prevent obstruction to

traffic in neighbouring roads and in the interests of highway safety.

#### MINIMUM CILL HEIGHT – UNIT A (PERFORMANCE)

The rooflights serving the bedroom in the roof-space shall be installed with minimum cill level of 1.5m above the internal floor level before unit A is first occupied. The windows shall be thereafter retained in the manner.

REASON: In the interests of residential amenity.

#### 55. **PLANNING APPLICATION - 20/01810/FUL - CHAPEL RIVERSIDE FORMER TOWN DEPOT SITE ALBERT ROAD NORTH**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Implementation of planning permission 16/02016/OUT (for the redevelopment of the site) not in accordance with condition 4 (odour). Variation of condition 4 sought to enable residential accommodation in phase 3 of the development to be occupied in advance of the new wastewater tanks being finalised and the existing tanks being decommissioned.

Neo Radoki (agent), and Ian Barnett were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the officer report an updated Habitats Regulation Assessment and comments from the Environment Health Team had been received and that these had been circulated and placed online.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

**RESOLVED** that the Panel:

1. Approved the amended Habitats Regulations Assessment, which will be provided by way of update ahead of the Panel meeting.
2. Delegated authority to the Head of Planning and Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Deed of Variation to the original S.106 Legal Agreement to secure:
  - (i) any outstanding planning obligations from the original s.106 legal agreement under LPA ref: 16/02016/OUT together with any ongoing requirements;
  - (ii) to secure the cleaning of the existing wastewater tanks at specified times and specified events with agreement from Southern Water;
  - (iii) to ensure the submitted programme of works is adhered to ensure full removal and suitable replacement within agreed timescales; and,
  - (iv) To enable the occupation of the development in line with the condition hereby recommended for approval on this basis.

3. That the Head of Planning and Economic Development be granted delegated authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
4. In the event that the s.106 legal agreement is not completed by the 25<sup>th</sup> March 2021 – the application target date - the Head of Planning and Economic Development be granted authority to:
  - (i) refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement that would result in a poor residential environment for occupiers of the development, due to the odour effects of the existing wastewater tanks not being adequately mitigated; and
  - (ii) Issue a Breach of Condition Notice, as required, in line with current scheme of delegation