



Minutes of the Meeting of the Sway Planning & Transport Committee held on Thursday 14th March 2018, at the Jubilee Field Pavilion

Present:

Cllr Hugh Marchant, Chairman
Cllr Stephen Tarling
Cllr John Warden
Cllr Ted Fleat
Cllr Peter Dance
Cllr Alex Pepper
Karen Marshall, Tree Representative
Katie Walding, Clerk & RFO

9 members of the public (MotP) and Sway News in attendance

The meeting started at 7:30pm with a welcome from the Chairman.

PT19/036. Apologies

Cllr Seacombe sent apologies.

PT19/037. Declarations of Interest

Cllrs Tarling and Warden are members of the New Forest Association. Cllr Marchant sits on the Planning Committee of the New Forest Association.

PT19/038. Nik Gruber, Senior Tree Officer NFNPA

Mr Gruber had been invited to attend to provide information and explanation to the role of the Tree Protection Order (TPO); how and when they were applied. He explained that he knew that the Jubilee Oak was a matter of concern to residents as it was refused a TPO.

Since 1967, 111 TPOs have been issued in Sway. A TPO is a legal document for a single tree, multiple (specified) trees, a group of trees, or an area (e.g. parkland or woodland, which would include all tree species including seedlings, but not vegetation or shrubs).

Mr Gruber had produced a map showing that the concentration of TPOs in the parish of Sway is around the village centre. TPOs are not issued for any trees on the crown land.

Tree Officers (who are trained and qualified arboriculturists) evaluate an application on its own merits, using a national standard. The TPO itself comprises a schedule and a plan, and is a legal document. Objections raised will often require some negotiation. If no successful conclusion is reached then the NFNPA Planning Committee has to consider and resolve.

The main criteria is public visual amenity value: the tree must be seen and enjoyed by the public from a public place, footpath, highway etc. Also considered are the tree's age, condition, visibility and finally expediency (how imminent is any perceived threat). Please see appendix

TPOs are only granted to trees under threat. Threats could include bad management or felling due to a proposed development.

In regard to the Jubilee Oak specifically, Mr Gruber took the members through the TEMPO form to illustrate how the decision was made, and members noted the scores for the Jubilee Oak:

Part 1: (a) – score 5, (b) – score 5, (c) – score 4, (d) – score 3

Part 2: score 2 (members) score 0 (Mr Gruber)



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In fact, the Jubilee Oak score of 17(19) meant that it surpassed the score needed to 'definitely merit TPO' (noted on the form as 16+) but because it is publicly owned (by Hampshire County Council) none would be granted. Mr Gruber didn't dispute the importance of the tree, but didn't consider it was under any threat because HCC have a thorough and careful management plan for all their trees.

Members and MotPs expressed their frustration at this, because there was – at least – a perceived threat, in their opinion, from the proposed large development on Church Lane and the impact on the highway that it would inevitably cause.

Mr Gruber finally recommended speaking to directly HCC tree team – he thought that they may have some authority to grant TPOs and this could be taken up directly with them.

Mr Gruber then fielded some questions:

He explained the protection of trees in a conservation area. Tree species with trunk diameter of 75mm measured at 1.5m above ground level were automatically protected in a conservation area and had similar protection to a TPO. The authority cannot refuse works in a conservation area but could raise an objection if they felt work was inappropriate or unnecessary, which could result in a preservation order.

In respect of fines or sanctions to a developer that removes a tree, Mr Gruber explained that this was set by a court hearing; legislation enabled fines of up to £20K for loss of a tree, and approximately £2K for lesser offences. If a matter goes to trial and the judge deems that there was financial gain (to a developer) from the removal of tree, then the fine could be unlimited. A judge could also impose replacement planting.

He explained how to contact the Tree Officers at NFNPA: the tree hotline was available Mon-Friday between 9am and 1pm on 01590 646620. trees@newforestnpa.gov.uk was monitored during business hours. In an emergency, people should call the main reception on 01590 646600 and ask for a tree officer.

Mr Gruber answered a question about root protection. There is a British Standard used to calculate the root protection area: trunk diameter x12 in metres. Veteran or ancient trees (roughly 200-400 years old) qualify for the maximum which is 15m. There should be no excavation within the area but there could, for example, be gardens. In new developments, special foundations can be applied for rooted areas.

The Chairman gave thanks for Mr Gruber's time.

PT19/039. Minutes of the previous Meeting

The minutes were approved as a true record of the meeting held on 14th February by those in attendance and signed by the Chairman.

Matters Arising

- Cllr Warden asked that the Clerk chase up Phil Dominey for a response to our letter.
- Cllr Marchant noted that the NFDC Plan submission had been received and acknowledged.
- Cllr Marchant noted that he was working on the draft letter to Hampshire County Council (reference PT19/033) and on reflection felt that perhaps it needed sending additionally to the NFNPA.



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PT19/040. Clerk's Report

- The Stanford Rise Green opening event had been cancelled for Saturday 16th March due to the weather warning and extreme conditions forecast. It would be re-scheduled for a later date.
- The Garmin Ride Out 2019 was scheduled to take place on Friday 6th September 2019.
- The Clerk confirmed that she was looking into the purchase of a new projector as paper plans will no longer be issued by NFNPA.

PT19/041. Transport Representative's Report

Cllr Warden noted that numbers are slightly up, with some new registered passengers. Some maintenance and repairs to the buses was expected.

PT19/042. Tree Representative's Report

Summarised by the Tree Representative and attached as appendix.

PT19/043. Roads, hedges and ditches

Cllr Warden noted that he had reported the flooding issues on Lower Mead End Road to the Highways Team at HCC. He had telephone them on the previous Friday and the work was done on Tuesday.

The proposed closure of Manchester Road was noted, though no reason was known and the Clerk noted that NFDC were unaware of any planned works.

It was noted that Church Lane continues to flood on the corner between Set Thorns Road and the B3055. No agency would take responsibility for the water appearing there.

PT19/044. Rights of Way

Cllr Dance had investigated signage which looked to be quite costly; he felt that most of the signs in Sway needed replacing.

ACTION: Cllr Dance to contact HCC Rights of Way Team to see what can be done.

PT19/045. New Planning Applications

1 TEBOURBA COTTAGES, STATION ROAD, SWAY, SO41 6BG Ref. No: 19/00103 First floor side extension	13 th March (ext. 15 th)
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DECISION: 5. We are happy to accept the decision reached by the National Park Authority's Officers under their delegated powers (unanimous)

Sway's decision is subject to the extension conforming to DP11 since the property is outside the defined village. If the total area is greater than 30% then Sway would amend their decision to a 4.

FOREST NOOK, PITMORE LANE, SWAY, LYMINGTON, SO41 6BX Ref. No: 19/00094 1no. front dormer; porch; render	18 th March
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The applicant's agent spoke in favour and confirmed that pre-planning advice had been taken. The applicant was trying to create some interest to the front of the building with the addition of a modest porch. There would shortly be an amendment to show stained cladding rather than artificial timber. The rendering would cover poor quality, holed brick.



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DECISION: 1. We recommend PERMISSION, for the reasons listed below, but would accept the decision reached by the National Park Authority's Officers under their delegated powers (unanimous)

Sway's decision is subject to the more natural cladding promised by the applicant, bringing the application in line with p19 of the Sway Village Design Statement.

BELGRANO, CHURCH LANE, SWAY, SO41 6AD Ref. No: 19/00152 Two storey side extension; extension to existing rear extension; car port (Revised design to planning permission reference 18/00491)	1 st April
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DECISION: 5. We are happy to accept the decision reached by the National Park Authority's Officers under their delegated powers

- Sway would support more natural cladding (also noted by the Planning Officer) in line with the guidelines on p19 of the Sway Village Design Statement.
- Rather than corrugated iron, Sway would prefer to see the more robust roof to the car port (as was in the application 18/00491), which would be more in keeping.

PT19/046. Outcome of planning applications

- 19/00021 Twillingate Farm – granted, subject to conditions
- 19/00057 Oakbank, Pitmore Lane – granted, subject to conditions

PT19/047. Planning Enforcement

Summarised by Cllr Marchant and attached as Appendix 1.

PT19/048. Planning Inspectorate and Enforcement Appeals

Ref: 3203501 (18/00092) Restaurant The Silver Hind, Station Road, Sway, SO41 6BA

This appeal has finally been confirmed and will be determined by hearing and a site visit. Sway's written representation must be submitted by 5th April. Cllrs Marchant and Tarling will work on this with our tree representative dealing with that aspect of the appeal.

ACTION: Karen Marshall to draft a response to the tree related aspect.

ACTION: Cllr Tarling to draft the main response for approval by the Committee.

Two new appeals have been registered and await start dates and procedures:

- 18/00624 Springfield, Station Road, Sway, SO41 6BA
- 18/00866 7 Durrant Way, Sway, SO41 6DQ

Start dates and procedures also still awaiting for:

- 18/00548 Land to the Rear of 1&2 Shelleys Cottages, Manchester Road, Sway, SO41 6AS
- 18/00711 Land of South Sway Orchard, South Sway Lane, Sway, SO41 6DP

PT19/049. NFNPA Planning Committee

The next meeting is scheduled for Tuesday 19th March. Hatch Motors is the first item on the agenda and Sway will be represented by Cllr Tarling.



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PT19/050. Community Speedwatch (CSW) and ‘Vera’ (vehicle activated speed limit reminder)

In February CSW reported 83 speeding vehicles to the police. One failed PNC checks as having no current owner. 68x letter 1 and 11x letter 2 were sent and 3 were escalated – 1 for high speed and 2 having been caught 3 or more times. CSW would be active again the following week.

Following the granting of permission to operate on 40mph roads, Cllr Marchant had submitted a further four locations and awaited their confirmation. More volunteers would help to incorporate these additions and Cllr Marchant noted thanks to Tony Hockley, Chair of the CDA, for his recent mention of this in the Lymington Times. It was hoped that commoners may volunteer.

Cllr Marchant reported that Vera was now back on the B3055 at the top of Durnstown. Middle Road, Tiptoe yielded 667 speeders in just over 13 days (51 per day – compared to Pitmore Lane or B3055 which were nearly that number per hour). Durnstown showed 3,112 speeding vehicles in just 4 days.

It was noted that residents of Tiptoe had reported noticeably slower vehicles whilst walking on Middle Road, Tiptoe and this was welcomed.

PT19/051. Other items for discussion

- Karen Marshall – confirmed that she had participated in the consultation on street trees
- Cllr Marchant – noted a new consultation on road safety. Ideas on improving road safety could be submitted before 18th April. He invited individuals to respond directly. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/transport-committee/inquiries/parliament-2017/road-safety-17-19/commons-written-submission-form/>
- Cllr Marchant – noted the Wiggle mass cycling event on 30th March which – the Committee was concerned to note – was routed down Station Road, then Church Lane and onto the B3055 at Durnstown. This had previously been rejected as an unsuitable route for safety reasons and Cllr Marchant would follow this up as a matter of urgency.
- Cllr Marchant also noted that now Wiggle were running their own event but that UK Cycling Events would also hold a two-day ‘Free Wheel’ event (scheduled for the weekend of 13th/14th April) so that the number of events continued to increase.

PT19/052. Agenda items for the next meeting

Cllr Marchant noted that due to the Council elections, there would be no PaTC meeting between 11th April and (probably) the last week of May. This was too long, given the number of applications generally received and their consultation periods. He proposed that the full Council meeting on 25th April include agenda items for those applications requiring consideration.

ACTION: The Clerk to add applications for consideration to the meeting agenda for 25th April

PT19/053. Date of Next Meeting – Thursday 11th April 2019

With all business concluded, the meeting closed at 21:07 pm.

SIGNED:.....DATE:.....