



## Minutes of the Meeting of the Sway Planning & Transport Committee held on Thursday 14<sup>th</sup> February 2019, at the Jubilee Field Pavilion

### Present:

Cllr Hugh Marchant, Chairman  
Cllr Stephen Tarling  
Cllr John Warden  
Cllr Ted Fleet  
Cllr Peter Dance  
Katie Walding, Clerk & RFO

No members of the public (MotP) in attendance

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

### **PT19/017. Apologies**

Cllrs Pepper and Seacombe sent apologies.

### **PT19/018. 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.

### **PT10/019. Minutes of the previous Meeting**

The minutes were approved as a true record of the meeting held on 10<sup>th</sup> January by those in attendance and signed by the Chairman.

### **Matters Arising**

- PT19/008 – Hatch Motors – Cllr Tarling noted correspondence indicating that amendments will be made. He felt it was likely that the revised application would come back to the Planning and Transport Committee (PaTC) again. He further noted that the paper files held at Lymington Town Hall showed further significant correspondence which – once again - was not present on the website.
- Cllr Warden asked for any response from Phil Dominey and the Clerk confirmed that nothing had yet been received.
- The Clerk confirmed that NFNPA Tree Officer Nik Gruber was now confirmed to attend the PaTC meeting on Thursday 14<sup>th</sup> March.
- The Clerk confirmed that the priority vegetation cutting list had been returned to HCC.

### **PT19/020. Clerk's Report**

The Clerk had received a request for the Sway Spring Clean volunteers to litter pick the 'narrows' on Pitmore Lane between the cattle grid and Mount Pleasant Lane. She felt that this would be inappropriate as it is such a dangerous piece of road for anyone on foot, and that it should be formally managed by the expert team at NFDC. The Committee agreed that this was correct.

A brief reminder was given for the Hampshire County Council (HCC) Town and Parish Council Spring Workshop which was themed 'Highways and Transport'. This would take place between 5.45pm and 8.30pm on Wednesday 13<sup>th</sup> March.

### **PT19/021. Transport Representative's Report**

Cllr Warden reported that the Cango numbers for the last month are not so good, causing some concern.



## Minutes of the Meeting of the Sway Planning & Transport Committee held on Thursday 14<sup>th</sup> February 2019, at the Jubilee Field Pavilion

a) email from New Milton Town Council regarding funding shortfall for Cango  
Cllr Warden went on to express great concern in regard to the email from New Milton Town Council which explained that there was a shortfall in the funding for the Cango booking service. The Clerk reported that during a conversation with County Cllr Keith Mans the previous week, he had very generously offered to support the Cango service by allocating £500 from his Grant fund. This would leave a £500 shortfall which, it was hoped, would be covered by either Lymington and Pennington Town Council or their County Councillor, as had previously been the case.

**ACTION:** The Clerk to respond to Graham Flexman (New Milton Town Clerk) to confirm funding was secured from Cllr Keith Mans.

### **PT19/022. Tree Representative's Report**

The Tree Representative was not present and no tree report had been circulated.

a) Street trees consultation, closing date 28<sup>th</sup> February

**ACTION:** Cllr Marchant to confirm with the Tree Representative that she would formulate a response from Sway to the consultation.

### **PT19/023. Roads, hedges and ditches**

Cllr Warden noted the presence of flood water on Lower Mead End Road, where culverts need to be cleared. This had been reported by one of the Cango bus drivers.

**ACTION:** Cllr Warden to report the flood water to HCC by phone.

The Clerk noted that the A337 road would be closed at Stanford Hill in Lymington by SGN from 17<sup>th</sup> February, probably for a week. This was for the replacement of gas mains, and would likely push north bound commuter traffic onto the B3055 and Pitmore Lane as a result. It was noted that Community Speedwatch would be active that same week.

Cllr Fleat noted that Barrows Lane has had some minor repairs to the surface and potholes.

Cllr Marchant reported a huge pothole in Kings Lane, which had been temporarily filled with a piece of concrete to reduce the risk to vehicles.

The Clerk reported an accident on the B3055 at Birchy Hill when a motorbike had unfortunately hit a cow which had escaped from land between Church Lane and the B3055. It was noted that cows are frequently breaking out of the poorly fenced/gated land and that this was very worrying. She went on to note that she had reminded residents of the numbers to call if livestock were ever spotted where it shouldn't be, and that these small credit card sized flyers could be tucked into a wallet or kept in vehicles for ease.

Cllr Tarling suggested that some info packs could be made available to residents who attended the Parish Assembly including this important reminder.

### **PT19/024. Rights of Way**

Cllr Dance commented on the smart, new footpath signage for footpaths in the New Milton area (Stem Lane). It was noted that this area fell outside the National Park and likely had different rules around signage.



## Minutes of the Meeting of the Sway Planning & Transport Committee held on Thursday 14<sup>th</sup> February 2019, at the Jubilee Field Pavilion

**ACTION:** Cllr Dance to investigate options for renewing footpath signs in Sway.

### PT19/025. New Planning Applications

CHURCH COTTAGE, CHURCH LANE, SWAY, SO41 6AD Ref. No: 19/00004 <a href="#">Application to vary Condition 4 of Planning Permission 18/00090 for one and two storey extensions</a>	8 <sup>th</sup> Feb ext. 15 <sup>th</sup> Feb
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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)

TWILLINGATE FARM, MIDDLE ROAD, TIPTOE, SO41 6EJ Ref. No: 19/00021 <a href="#">Conversion of outbuilding to home office; 3no. rooflights; re-roofing to include 8no. photovoltaic panels</a>	18 <sup>th</sup> Feb
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**DECISION:** 2. We recommend REFUSAL, for the reasons listed below, but would accept the decision reached by the National Park Authority's Officers under their delegated powers (majority of 4 to 1)

On the previous related application 17/00057 Sway commented:

*"Whilst Sway Parish Council supports home office working there were some concerns over whether the outbuilding might become a separate dwelling. From the proposed structural details for a home office it is apparent there is the use of a WC, but not a shower or kitchenette, and the Committee shares the officer's concerns over the possibility of this extending over the existing wing - the development would already cover some 50m<sup>2</sup>. The Committee therefore recommend that if granted there should be the strongest possible conditions limiting use of the outbuildings as a home office to incidental use only (and removing further permitted development rights)."*

Condition 2 of that permission stated:

*"The building the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.*

*Reason: To protect the character and appearance of the countryside in accordance with Policies DP11 and DP12 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010)."*

In 1982 (NFDC/81/21051) Twillingate Farm was extended and in NFDC/82/21596 permission to build a new dwelling in exactly the location of the current application was comprehensively refused for similar sound reasons as those for which this application should be refused. In 1983 NFDC/83/24182 granted permission for a garage and shed with the condition that they 'shall be used only for the purpose stated.'

All these previous concerns are now being tested again in this application, and Sway Parish Council firmly support the previous stance and the previous decisions. Previously in 17/00057, what was a tumbledown potting shed with a single skin wall and corrugated metal roof was to be upgraded to a 49m<sup>2</sup> home office.



## Minutes of the Meeting of the Sway Planning & Transport Committee held on Thursday 14<sup>th</sup> February 2019, at the Jubilee Field Pavilion

Sway are disappointed and suspicious to note that no dimensions are marked on the plans, but we have measured various dimensions from the paper plans in the NFNPA files open to public examination. We further note that no pre-application advice was sought and no applicant or agent came to the appropriate Sway Parish Council Planning and Transport Committee meeting to answer any questions.

What we now see in what is actually quite a small plot, is a substantial structure covering 91m<sup>2</sup> (including a replacement for the dilapidated open-fronted car port), including double-skinned brickwork and a slate roofing with window-lights and extensive utilities, fenestration and amenities, and a new front door. This constitutes overdevelopment on such a small site and Sway also notes that there is already sufficient width of entrance to provide a separate entrance to this proposed development. It therefore seems likely that this development, if permitted could well become a separate dwelling and there would be no way of policing otherwise.

NFNPA Core Policy CP12 is quite clear, and details where new residential development may take place. This application fulfils none of the criteria: it is not inside a defined village, is not a replacement dwelling, not an extension, not an agricultural or forestry workers dwelling, and not affordable housing. This would therefore contravene CP12 – which is essentially carried forward into the new Local Plan. This is clearly not an incidental outbuilding and provides additional habitable accommodation and therefore contravenes DP12. Sway fear that this is a blatant attempt to circumvent policy DP11 because if this were an extension it would presumably exceed the 30% allowed under that policy. As was noted even back in 1982 the contrived squeezing in of a substantial development in this otherwise spacious locale would erode the local character and thus this application contravenes current policy CP8. This development, whatever its intended use would not be appropriately sited or of appropriate layout and thus contravene policy DP1.

The Sway Village Design Statement (an adopted Supplementary Planning Document) guidelines include (page 18) that new developments should maintain generous plot sizes and should avoid overcrowding, and on page 22 notes that outbuildings should not be positioned in front of the house.

For any and all of the above reasons Sway Parish Council recommend that this application be refused.

Without prejudice: if for any perverse reason this application were to be granted, every condition should be added to attempt to prevent this becoming a separate dwelling by stealth, secrecy or an Application for a Certificate of Lawful Development in due course. Further Permitted Development Rights should be removed, both surface water and foul water drainage should be agreed, compliance should check to ensure it is built according to the plans, and appropriate landscaping should be agreed before any development commences.

OAKBANK, PITMORE LANE, SWAY, SO41 6BX

Ref. No: 19/00057

[Application to vary condition 6 of planning permission 18/00270 for roof alterations](#)

27<sup>th</sup> Feb

**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 recommends:

- Matching roof tiles and other materials
- Rendered walls should be pale in colour and either smooth or roughcast; as per Sway Village



## Minutes of the Meeting of the Sway Planning & Transport Committee held on Thursday 14<sup>th</sup> February 2019, at the Jubilee Field Pavilion

Design Statement (p19) guidelines

- To be developed as per the drawings

HAZELHURST FARM, FLEXFORD LANE, SWAY, SO41 6DN Ref. No: 19/00032 <a href="#">Subdivision of dwelling to create 1No. self contained holiday let; alterations to fenestration;</a>	27 <sup>th</sup> Feb
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**DECISION:** 4. We recommend REFUSAL for the reasons listed below (unanimous)

**ACTION:** Cllr Tarling to draft a final response to include the following points:

Concern over sewerage system arrangements and how another dwelling would affect this.  
Appears to be a separate dwelling outside the defined village and contravenes CP12 and CP8  
Clear over-development of the site

Sway would also note that application 17/00091 Hazelhurst Farm, Flexford Lane: Creation of new access; driveway; drainage channel; gate; remove existing field gate – has still not been decided and would clearly have some impact on this new application were it eventually to be approved.

BEVERLEIGH, MIDDLE ROAD, TIPTOE, SO41 6EJ Ref. No: 19/00059 <a href="#">Single storey side extension</a>	5 <sup>th</sup> March
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Deferred to 28<sup>th</sup> February meeting as no Parish Briefing Note available.

CHERRIES, CRABBSWOOD LANE, SWAY, SO41 6EQ Ref. No: 18/00931 <a href="#">Replacement dwelling</a>	5 <sup>th</sup> March
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Deferred to 28<sup>th</sup> February meeting as no Parish Briefing Note available.

LAND AT FORMER ARNEWOOD TURKEY FARM, BARROWS LANE, SWAY, SO41 6DD Ref. No: 19/00003 <a href="#">Notification of proposed Change of Use of agricultural building to flexible use class B8</a>	Awaiting Decision
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This was information only and has already been decided as “Details not required (prior)” i.e. granted.

SPORTS PAVILION, JUBILEE FIELD SPORTS GROUND, STATION ROAD, SWAY, SO41 6BE Ref. No: 18/00965 <a href="#">Continued siting of a storage container with cladding</a>	For info
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No comment.

### PT19/026. Outcome of planning applications

- 18/00972 and 18/00973 – Tower Hall, Flexford Lane: Withdrawn
- 18/00939 – Jubilee Field Sports Ground, Station Road: Permitted Development
- 18/00916 – Sway House Cottage, South Sway Lane: Granted Subject to Conditions
- 18/00869 – Coombe Grange, Coombe Lane: Withdrawn
- 18/00957 – Claywood House, Arnewood Bridge Road: Granted Subject to Conditions



## Minutes of the Meeting of the Sway Planning & Transport Committee held on Thursday 14<sup>th</sup> February 2019, at the Jubilee Field Pavilion

- 18/00580 – Setters Farm Workshops, Mount Pleasant Lane: Granted Subject to Conditions
- 18/00980 – Merrifield, Flexford Lane: Refused

### **PT19/027. Planning Enforcement**

Summarised by Cllr Marchant and attached as Appendix 1.

### **PT19/028. Planning Inspectorate and Enforcement Appeals**

- 3214166 Land to the rear of 37 & 38 Set Thorns Road: This appeal was dismissed. Congratulations were offered to Cllr Seacombe who coordinated Sway's response.
- 3215481 Land Rear of 1 & 2 Shelleys Cottages – still no decision.

Cllr Marchant noted that there was still no indication whether or how the Silver Hind appeal might be handled. He confirmed that there was now a further Sway application awaiting process; 18/00711 the Manege at South Sway Orchard.

Cllr Tarling noted that of the last 10 appeals within Sway (which was every one since September 2017) not one appeal had been won (9 dismissed, one was invalid). This was an amazing record and a testament to both the NFNPA Planning Officers and the support from Sway Parish Council, and in one case a separate campaigning group of local residents.

### **PT19/029. NFNPA Planning Committee**

The next meeting was scheduled for Tuesday 19<sup>th</sup> February, when no Sway cases would be heard.

### **PT19/030. New Forest District Council Local Plan**

The hearings would commence 3<sup>rd</sup> June 2019. It was noted that Sway's response to the consultation mainly concerned the impact of new housing on the traffic across the Forest. There was some discussion around the need, or otherwise, to attend the hearings but this would be difficult to arrange since there would be a new Council and Committee by that time.

**ACTION:** Cllr Marchant would draft a response for submission to the Inspectors.

### **PT19/031. NFNPA SW Quadrant meeting**

Cllrs Marchant, Fleat and Tarling, and the Clerk, had attended the meeting hosted at the Jubilee Field Pavilion on 12<sup>th</sup> February 2019. Cllr Marchant provided a summary of the key points:

- The NFNPA updated on the new Local Plan which they hoped would be finalised and adopted around June or July 2019.
- There was a short presentation on the updated process of notifications for new applications to parishes. This would be rolled out on some applications between now and 1<sup>st</sup> March, when all paper applications would cease to be issued by the NFNPA as Planning Authority.
- All documentation would be available on the portal and continue to be available for viewing at the NFNPA Offices at Lymington Town Hall.
- It was noted that some scaling capability is available when using Adobe Reader and Internet Explorer.
- The Planning Authority already encouraged applicants to include dimensions but they could not make this mandatory.
- It was requested that Lawful Development Certificates should be added to the portal for ease of reference.
- The position of a Compliance Officer was again debated and universally agreed as a vital aspect to the whole process.



## Minutes of the Meeting of the Sway Planning & Transport Committee held on Thursday 14<sup>th</sup> February 2019, at the Jubilee Field Pavilion

- The NFNPA would offer workshops to new Councillors following the May elections, which was welcomed by all parishes.
- It was noted that Sway receive more planning applications than any other parish on the Forest, with Brockenhurst receiving the second highest number.
- 2019 is the 70<sup>th</sup> anniversary of National Parks and also designed the Year of Green Action. This ties in with the Julian Glover review which will be reporting in May. It is also the 100<sup>th</sup> anniversary of the Forestry commission.
- The Forestry Commission plan for deforestation was briefly mentioned; it is still not finalised. 53% of respondents to the consultation want a working forest and only 17% thought the plan was acceptable. The next consultative panel meeting is 7th March.

**ACTION:** Cllr Tarling to draft a letter to the NFNPA to state how vital Sway considers the role of a Compliance Officer in ensuring that developments are actually built in line with the plans and applications (with any conditions) that have been granted.

### **PT19/032. [Community Speedwatch](#)**

The Sway team would be active the following week, commencing 18<sup>th</sup> February.

Cllr Marchant noted that Vera is proving popular with residents. Vera would remain on Pitmore Lane for another full week and then be located (for the first time) to Middle Road, Tiptoe.

### **PT19/033. Other items for discussion**

The NFNPA were helping the Forestry Commission to put together a submission for a river restoration award. Cllr Marchant noted that the closing date was the current day, and had submitted personal views that the Wootton project was a success, which were endorsed by Cllr. Tarling. There was noticeably less flooding downstream. They had also drawn attention to the accessibility issues that remained in relation to lack of useable footbridges.

Hampshire County Council Highways appeared to believe that the NFNPA has powers that they clearly do not have. Recent correspondence between HCC and NFNPA had referred to the NFNPA as being the "Local Parking Authority" and had further suggested that they were also the authority in charge of household waste collection vehicles and their dimensions.

**ACTION:** The Clerk to draft a note to Cllr Mans and others to highlight the confusions that Highways seem to have about NFNPA and NFDC jurisdictions.

### **PT19/034. Agenda items for the next meeting**

- Nik Gruber, Tree Officer, NFNPA

### **PT19/035. Date of Next Meeting – Thursday 14<sup>th</sup> March 2019**

With all business concluded, the meeting closed at 21:17

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