

FORDINGBRIDGE TOWN COUNCIL

Minutes of a meeting of the Planning Committee held on Wednesday 12th February 2020 at 7.30pm in the Town Hall (Minutes subject to approval at the next meeting of the Committee)

Present: Cllr Hale - Chairman
Cllrs Adams, Anstey, Earth, Goldsmith, Jackson, Mouland, Paton, Perkins & Wilson.

In attendance: Mr P Goddard, Town Clerk
Mrs R Edwards, Asst Town Clerk
Cllr Ann Bellows (NFDC)

1. To receive any apologies for absence

Apologies were received from Cllrs Lewendon and White.

2. To receive any Declarations of Interest

No declarations of interest.

3. To confirm the minutes of the meeting held on 15th January 2020 and report any matters arising

Cllr Mouland proposed and it was seconded by Cllr Goldsmith and therefore **RESOLVED:** that the minutes of the meeting held on the 15th January 2020 be signed as a true record. All in favour.

Matters arising

Agenda item 10 – Cllr Bellows confirmed that planning decisions and conditions are published by NFDC on their website. The Clerk is still awaiting a response from Claire Upton-Brown, Chief Planning Officer, to his questions regarding planning application 18/11467 – land to the rear of 46 Whitsbury Road and Sunnyside Farm, planning application 19/10713. Cllr Wilson reported that an Enforcement Officer will visit 46 Whitsbury Road later this week.

4. To receive any matters raised by Members of the Public

No matters raised.

5. To report any Results on Planning Applications, Appeals, Tree Works Applications & Tree Preservation Orders made

Application 19/10993

SITE: BURGATE ACRES, SALISBURY ROAD, BURGATE, SP6 1LX
DESCRIPTION: Environmental Impact Assessment Screening Request (Screening Opinion)
DECISION: EIA Required

Application 19/11450

SITE: 12 PARK ROAD, FORDINGBRIDGE SP6 1EQ
DESCRIPTION: Rear single-storey extension
DECISION: Granted Subject to Conditions

Application 19/11477

SITE: 19 ST GEORGES ROAD, FORDINGBRIDGE SP6 1ER
DESCRIPTION: Proposed two-storey rear extension and single-storey side extension
DECISION: Granted Subject to Conditions

Application 19/11478

SITE: THATCHMANS FARM, FLOOD STREET, BURGATE, SP6 1NB
 DESCRIPTION: Change of use from Agricultural to Dwelling (Prior Approval Application)
 DECISION: Prior Approval not required

Application 19/11514

SITE: AVONWAY COMMUNITY CENTRE, 36 SHAFTESBURY STREET, SP6 1JF
 DESCRIPTION: Replacement of roofing materials; demolition of chimneys
 DECISION: Granted Subject to Conditions

Application 19/11592

SITE: 7 BURGATE FIELDS, FORDINGBRIDGE SP6 1LR
 DESCRIPTION: Use part of garage as living accommodation; form patio doors; internal alterations (Lawful Development Certificate that permission is not required for proposal)
 DECISION: Was Lawful

Tree Work Decisions

Case Ref: CONS/20/0006
Proposed Works: Yew x 1 Reduce
Site Address: 10 Farriers, Fordingbridge, SP6 1FE
Decision: Raise No Objections

6. To consider new Planning Applications

19/11586	6 MIDGHAM FARM COTTAGES, MIDGHAM ROAD, FORDINGBRIDGE SP6 3DA	Ms Manston
Use as dwelling in breach of agricultural occupation condition (Lawful Use Certificate for retaining an existing use or operation)		
For details of this application please click on the following link: view online here		
Cllr Adams reported that no one with a connection to agriculture has lived at the property for over ten years. Letters have been submitted to that effect.		
Cllr Moulard proposed and it was seconded by Cllr Wilson and therefore RESOLVED to recommend permission under PAR3 as the occupants have proven their case. All in favour.		
19/11436	71D HIGH STREET, FORDINGBRIDGE SP6 1AS	Mr Harper
Change of use, for Room 2 of Unit 4, from D1 to A1; The room would be used as an office for an electrical contracting company, and also for retail of electrical items such as light bulbs, light fittings and sockets/switches		
For details of this application please click on the following link: view online here		
Cllr Earth proposed and it was seconded by Cllr Perkins and therefore RESOLVED to recommend permission under PAR3 as it uses a building which has been empty, for a good business use, which is good for the town. All in favour.		

19/10990	Cross Cottage, Salisbury Road, Burgate, Fordingbridge SP6 1LX	Mr Etherington
Car port; fence (Re-Consultation)		
For details of this application please click on the following link: view online here		
<p>Cllr Hale reported on this application. The proposal is for a timber building, double car port, sited on the boundary of the property. This application differs from plans previously submitted as access is from the track to the rear, so keeping as much of the hedge as possible. The design of cladding has also changed.</p> <p>Cllr Paton proposed and it was seconded by Cllr Anstey and therefore RESOLVED to recommend permission under PAR3 as it blends in, doesn't affect anyone else and gives safer access. All in favour.</p>		
20/10102	47 SALISBURY ROAD, FORDINGBRIDGE SP6 1EH	Mr & Mrs Jenkins
Rear single-storey extension; garage conversion		
For details of this application please click on the following link: view online here		
<p>Cllr Anstey reported that the case officer has written to the architects to ask for clarification regarding the close proximity of the extension with the boundary of 45 Salisbury Road; whether the extension will serve as the boundary and whether the guttering will breach into 45 Salisbury Road. Cllr Anstey reported that the extension to the rear of the dwelling will not be visible from the street.</p> <p>Cllr Goldsmith proposed and it was seconded by Cllr Jackson and therefore RESOLVED to recommend permission under PAR3 as the extension is a modest addition to the footprint and will not detract from the character or appearance of the house. It does not affect anyone else. All in favour.</p>		

7. To consider new Tree Works Applications

Members considered the following application.

Case Ref: CONS/20/0063
Proposed Works: Ash x 1 - Reduce
Site Address: 16 West Street, Fordingbridge, SP6 1JH

8. To consider any Licensing Act 2003 applications

Members considered the following Premises Licence applications.

Licensing Act 2003 - Grant of Premises Licence (S17)

Premises: LUXURY BUBBLE LUXURY BUBBLE, 60 HIGH STREET, FORDINGBRIDGE, SP6 1AX

Ref: LICPR/20/00312

The details of the application for a premises licence are as follows:

Grant of a premises licence to permit sales of alcohol on the premises (cafe area) Monday to Saturday 08:30hrs to 20:00hrs. Opening hours the same.

Licensing Act 2003 - Grant of Premises Licence (S17)

**Premises: FORDINGBRIDGE SPORTS CLUB FORDINGBRIDGE SPORTS CLUB,
FORDINGBRIDGE RECREATION GROUND, RINGWOOD ROAD, FORDINGBRIDGE
Ref: LICPR/20/00779**

The details of the application for a premises licence are as follows:

Grant of a premises licence (premises currently benefits from a Club Premises Certificate) to permit sales of alcohol on the premises, 12:00hrs to 23:00hrs Monday to Friday, 11:00hrs to 23:00hrs Saturday and 11:00hrs to 18:00hrs Sunday. Monday to Fridays to be open on a maximum of 18 occasions in the year. Hours the premises are open to the public, 12:00hrs to 23:00hrs, Monday to Friday, Saturday 11:00hrs to 23:00hrs and Sunday 11:00hrs to 18:00hrs. On Monday to Fridays the premises will be open on a maximum of 18 occasions per year.

Cllr Adams asked if the Sports Club application meant that there could be drinking up until midnight. Cllr Mouland confirmed that this would not be possible as everyone needed to be out by 11.20pm.

9. To consider the monitoring of planning conditions

Cllr Wilson gave a PowerPoint presentation showing planning conditions on the NFDC website and associated recommendation sheets showing the discharge of these conditions. Neither Sunnyside Farm, application 07/90634, nor land rear of 46 Whitsbury Road, application 18/11467, had anything to say the conditions had been discharged. Cllr Wilson referred to the Whitley principle, quoting from Eversheds Sutherland's website:

"According to the general principle commonly referred to as the Whitley principle, works that contravene conditions precedent cannot be taken as lawfully commencing development. This principle has caused much confusion amongst local planning authorities and developers alike in recent times. It is necessary to draw a distinction between non-compliance with positively worded conditions that require something to be done 'before development takes place' and 'true conditions precedent', which normally contain wording such as 'not to commence development until ...' or 'no development shall take place until ...'. The former is a breach of condition that can be enforced against. In the latter, development cannot be taken to have lawfully commenced until the condition has been discharged. Any development that occurs in breach of such a condition cannot be considered to have lawfully commenced development under the relevant planning permission."

Cllr Wilson stated that a condition precedent in English law is something that must be done before an official agreement can become law. She said that if the conditions have not been discharged then the development is unlawful and can be pulled down. Cllr Wilson reported that if the local authority didn't ensure that planning conditions were discharged then they would be guilty of maladministration and could be reported to the ombudsman.

Cllr Wilson reported that the owners of Sunnyside Farm had purchased the adjacent land which they are starting to clear. Cllr Wilson reported that there is an enforcement on Sequoia Farm which is not being enforced.

Action: Clerk to write to Claire Upton-Brown, Chief Planning Officer, to ask for a response to his former correspondence within 21 days and to advise that Fordingbridge Town Council is considering taking further action.

Action: Cllr Wilson to investigate how many applications have had their conditions discharged during the past year.

10. To note any items of correspondence

A Strategic Sites Update on FORD1 – Augustus Park (Land East of Whitsbury Road), Fordingbridge, SP6 1NQ has been received from NFDC. See Appendix.

11. To receive a report from the Clerk or any other relevant planning business

Cllr Earth reported that the new bungalow in the long stay car park has installed a plaque on the wall saying 'Parking - Brewers Cottage'. She asked if they had permission to do so.

Action: Clerk to query car parking sign with NFDC

Cllr Perkins asked for further information about the temporary road closures of the High Street 17-21 February and Salisbury Street 24-28 February. No detail on access to properties has been received. The X3 bus will enter Fordingbridge from the top end (Salisbury Road) and be routed via Alexandra Road and Park Road before exiting Fordingbridge the same way. The X3 will not service the following stops - Post Office, Recreation Ground, under the A338 flyover.

12. To note the date of the next meeting as Wednesday 11th March 2020.

The meeting closed at 8.22pm.

APPENDIX

Strategic Sites Update (February 2020)

FORD 1 – Augustus Park, (Land East of Whitsbury Road), Fordingbridge SP6 1NQ Planning Permission Ref: 17/10150 – 145 dwellings

The landscapers have been on site and the Landscape Manager spoke to me regarding some queries he had. I said I would flag them up with the planner who was meeting me on site that morning.

- Hedging. There is no hedging in situ on the Northern boundary of the site and the Landscape Manager stated that 100 plants was only really an infill amount for that length of hedging. He stated that he thought that more plants were required. The Planner stated that he didn't think that 100 plants would be enough, but said that we couldn't request more than had been agreed.
- The Landscape Manager also stated that Pyrus Chanticleer was too big a tree to be planted in the front garden of Plot 47 and in a 1.5m wide bed. It would block out light from the front windows and could damage the gas main that goes through that section of flower bed from the highway to the houses. The Planner suggested that I check this with our Tree Officer. The Tree Officer did not think the planting bed was large enough for any tree to be planted there. The Planner requested that I inform the Landscape Manager that the proposed trees should be planted elsewhere. This has been carried out.
- Pathways on 2 of the Northern side roads adjoining Plots 6 and 28 are being turfed not tarmacked. There would be no pedestrian walkway along these side roads. The Planner said he would check the highway details on the plans and would let me know what should be there. He would also consult our Principal Environmental Design Officer who knows the site.

The Planner, myself and a new colleague inspected the SANG areas.

The water levels in the Western SANG are high as the stream has burst its banks. The area/boardwalk is not affected and people can still use the area. The area is functioning as it should be. We are still awaiting the extra fencing to be fitted to the higher sections of boardwalk adjoining the two bridges. There are a couple of uneven sections on the boardwalk that may become a trip hazard. I have flagged these up with the Site Manager as it would make sense to address these issues whilst the contractor is fitting the extra fencing.

The head walls to the dry pond in the Eastern SANG have not been altered, nor have they been planted. This work is required to be carried out as a matter of urgency.

The footpath running along the Eastern boundary of the site through the SANG is open and accessible to members of the public. The Play area has not been levelled off. The remedial landscaping has commenced. This will be checked by the Site Monitoring Officer and the Tree Officer nearer to the Spring.

I have drafted copy of an updated snags list for the Planner to peruse and add to, ready to pass on to the developer in the short term.

The allotment development has not commenced yet. The developer is constructing the housing in that section of the site and the allotments will commence construction when this is finished.

The Phase 1 houses are complete with two being used by the Sales Team, three houses are for sale, one has been reserved, one has exchanged, twenty-three of the privately-owned houses are occupied and occupation of the social housing has commenced.

Phase 2 continues to progress with many of the privately-owned houses being at internal and external fix stages. The non-private housing is also at the external and internal fix stage. Plots 86-88 are at ground floor level and plots 82-85 are at 1st floor level. Of the completed houses in Phase 2, nine are for sale, three have been reserved and nine are occupied.

In Phase 3 plots 91-96 have had their floor pads constructed and construction of the ground floor level has now commenced. The foundations have been laid for plots 89, 90, 97, 98 and 99, ready for the floor pads to be constructed.

Regular monitoring of the site by the Site Monitoring Officer will continue in the short, medium and long term.

FORD1 – Occupation Plan – SV 24th January 2020



Occupation Status

- Not commenced construction
- Under construction
- For Sale

- Reserved
- Exchanged
- Occupied