

Fornham St Martin cum St Genevieve Parish Council

Minutes of the Meeting of Fornham St Martin cum St Genevieve Parish Council
held on Thursday 8th September 2022 at 7.30pm, in the Village Hall

Councillors present: Cllr. J. Borrett - Chair (JBo), Cllr. M Collier - Vice Chair (MC), Cllr. P. Borrett (PBo),
Cllr. P. Butler & Cllr. P. Forster (PF).

Also present: Vicky Bright, Clerk PC. Cllr. Rebecca Hopfensperger, WSC/SCC. Stuart Turner, Molly
Bedford & Tanner Call – FAS Hotel Health Hub and 8 members of the public.

ITEM

PUBLIC FORUM:

The Chairman offered his respects to HM Queen Elizabeth II, RIP and said “God Save the King”.

- Several residents raised strong concerns over the retrospective outdoor gym application at the All Saints Hotel (DC/22/1378/FUL); concerns raised included;
 - noise pollution, including early mornings, as early as 7am, with noise being heard as far as Lark Valley Drive. This incorporates loud shouting by instructors, music and repetitive noise from the use of a punch bag. Residents have been raising concerns over the noise issue for the last 18 months, with no real address or resolution to the problem, with residents left feeling they are being ignored.
 - The felling of trees is a major concern and especially as Tree Officers had already advised a replanting scheme that has not been adhered to.
 - The fact the application is retrospective is also a concern, with the applicant having total disregard for planning law, and it taking 16 months for the retrospective application to be submitted, after advice from WSC.
 - The building is too close to neighbouring properties.
 - The felling of more trees, for parking and the bonfires used to dispose of the trees is another concern.

Mr Turner from the Health Hub was given an opportunity to support the gym application and to answer questions. He explained that the need for the outdoor gym arose during lockdown, and that after the marquee flooded the current building was erected. He said they were unaware planning approval was needed! He states ‘no trees were removed for the building to be erected’. The Chair responded that there is photographic evidence that trees were removed and the Tree Officer agreed on site inspection and advised a replanting scheme that was yet to be carried out.

Cllrs gave their views and the item will be discussed further under the agenda item 6 (ii). Cllr. Hopfensperger commented that “the application/development started out on the wrong footing and this had planted a seed of distrust and if the application had been submitted in the correct format, then the application could have been duly considered and conditions could have been considered to address the resident’s concerns regarding noise etc.”

- A resident raised concerns over the gully’s and flooding in the villages. The Clerk advised that she is happy to report any highways issues online, if residents inform her. The Chair said he would meet with them to discuss which areas and gully’s are a concern.

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- 22/09/1 **Chairman's Welcome & Acceptance of Apologies for Absence (LGA 1972, Section 85(1) & (2)):**
Apologies: Cllr. Frank Stennett.
- 22/09/2 **Declaration of Members' Interest (for items on the agenda) – LGA 2000 Part III:**
Cllr. M. Collier declared a prejudicial interest in Item 6 (v).
- 22/09/3 **Councillor Vacancy Co-Option:**
Simon Eley presented himself to the Council, following his application. Cllr. P. Borrett proposed co-option of Simon Eley, this was seconded by Cllr. P. Butler, and following a majority vote in favour, Cllr. Eley was co-opted onto the Council. Cllr. Eley then signed his Declaration of Acceptance of Office, which was duly countersigned by the Clerk.
Resolved 22/09/3.01
Simon Eley was co-opted onto the Council following a majority vote in favour. The Chair welcomed Cllr, Eley to the Council. The Clerk is to provide Cllr. Eley with a Register of Interests form to complete and the Council's Governing documents and Code of Conduct.
- 22/09/4 **Approval of the Minutes of the Parish Council meetings:**
Meeting held on 21st July 2022 – LGA 1972, Schedule 12, para 41(2):
Resolved 22/09/4.01
The minutes of the Parish Council meeting held on 21st July 2022 were adopted as a true statement and signed by the Chairman (JBo).
- 22/09/5 **Local Authority Reports:**
County & District Councillors:
Cllr. Hopfensperger gave the following report;
- Cllr. Hopfensperger advised she would be asking for application DC/22/1378/FUL the outdoor gym at the hotel to be called in for Delegation Panel.
 - The Rural Coffee Caravan will be at Thingoe Lodge the first Thursday in October, and will be giving advice and help on energy saving and fuel poverty.
- 22/09/6
- i **Planning (For Consideration):**
Planning Appeal 22/0039/STAND (Application DC/21/1142/FUL a. change of use of part of golf course for the siting of 15 caravan lodge holiday homes b. associated infrastructure Location: All Saints Hotel, The Street, Fornham St Genevieve)
It was suggested the Clerk write to the Planning Officer to reiterate our previous objections and comments and request that they are forwarded to the Inspector for consideration.
- ii **DC/22/1378/FUL – RETROSPECTIVE APPLICATION – outdoor gymnasium with open sided exercise shelter and moveable exercise equipment Location: All Saints Hotel, The Street, Fornham St Genevieve**
Resolved 22/09/6.01
It was agreed to object to retrospective application DC/22/1378/FUL. *Full comments can be requested from the Clerk and are available to view in the Bugle newsletter.
- iii **DC/22/1409/HH – single storey rear extension with pitched roof (following demolition of existing conservatory) Location: 14 Turnberry Drive, Fornham St Martin**

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- Resolved 22/09/6.02**
No objections to application DC/22/1409/HH.
- iv **DC/22/1339/FUL – a. change of use from I (Class E) to mixed use for I (Class E) and function events (Sui Generis); b. single storey front and side extensions; c. opening hours to be 8.30am to 4pm Monday to Sunday and Bank Holidays, opening hours for events 5pm to 12am Monday to Sunday and Bank Holidays Location: Fornham Business Court, Unit 11 The Drift, Fornham St Martin**
The Clerk is to write to the Planning Officer to request further information and clarification on opening hours, types & frequency of events, use of outdoor space for late events and licensing. The Clerk is to request and extension to the deadline until this further information has been provided.
- v **DC/22/0984/HH – a. single storey rear extension following demolition of existing garden room b. first floor side extensions over existing single storey elements c. replacement veranda d. render to all external elevations e. replacement roof covering f. replacement windows and doors Location: 3 Parklands Green, Fornham St Genevieve**
Cllr. M. Collier declared an interest in this application and as such, did not take part in the discussion.
Resolved 22/09/6.03
No objections to application DC/22/0984/HH.
- vi **DC/22/1494/HH – a. single storey first floor extension with balcony b. installation of door to side elevation c. single storey rear extension Location: Larks Pool, Mill Road, Fornham St Genevieve**
Resolved 22/09/6.04
No objections to application DC/22/1494/HH.
- vii **Discuss Concerns over WSC LPA Planning Procedures and Consultation deadlines**
The Cllr's raised concerns over the recent lack of support by the Planning Enforcement Team and the fact that recent requests for deadline extensions and requests for further information are being refused. It was agreed that the Clerk would write a letter raising our concerns and send it to Cllr. Hopfensperger, who will raise it with the Cabinet Member.
- viii **(For Information):**
DC/21/1426/FUL – a. reconfiguration of second floor roof to existing bedroom wing b. four storey linked extension creating 37 bedrooms and three residential dwellings on the second floor – Delegated 12th July 2022 *Recommended for Refusal – Decision still pending!
- ix **DC/22/1096/HH – single storey rear extension (following demolition of existing conservatory). Location: 3 Troon Court, Fornham St Martin Suffolk – Approved 30th August 2022.**
- x **DC/22/1104/FUL – first floor extension to gymnasium. Location: All Saints Hotel, The Street, Fornham St Genevieve – Approved 16th August 2022.**
- xi **Update on Enforcement Ref: St Johns Plantation/Golf Course Trees & Outdoor Gym Building Ref: EN/21/0057**

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The Clerk advised that following the Tree Officers site inspection in April 2021, the hotel had been advised *that 'remedial works and replacement planting to negate the impact of the loss of trees that has been identified at the site was needed, along with some replanting that had already been requested at another area of the site.'* This works and replanting has never happened and despite many emails and follow ups, the Enforcement Team have failed to address the issue, with a recent response from Rachel Almond to Cllr, Hopfensperger stating, *"The development comprises of a roofed structure and adjacent gym equipment. We understand it was installed as a response to government legislation during the pandemic which allowed for group fitness activity to be conducted outside. Government guidance at the time was to allow businesses to adapt to lockdown rules with minimal interference from Local Planning Authorities and to effectively tolerate short term breaches of planning rules. This was followed up by subsequent emergency amendments to the General Permitted Development Order and briefing notes from the Ministry of Housing, Levelling Up, Housing and Communities along the same lines. Similarly, the subsequent enforcement investigation that followed the original complaint about tree removal was conducted at a time where normal working practices were suspended and matters were delayed. Additionally, the two officers involved have now left the authority. I can see that the investigation was hindered by the pandemic and continuity that one would ordinarily expect.*

Turning to the enforcement investigation, once the facts were established the enforcement team then had to consider whether it should instigate criminal proceedings in relation to unauthorised tree removal, whether any loss of trees would have been granted had consent been applied for and a need to regularise the development of the outside gym. The complaint was the clearance of an area of woodland TPO and the operational development as an outside gym. The latter is not in doubt and indeed the subject of the current application. The investigating officers confirmed that it was likely that trees had been removed and there was some evidence that land levels had been changed. An existing concrete pad had been extended and a road/track resurfaced. The unauthorised removal of such protected trees would constitute an offence. To pursue this through the courts would require the evidential and public interest test to be satisfied. From an evidential perspective the Council could prove the existence of the woodland TPO; as to what exact trees were or were not removed proved to be difficult to evidence beyond reasonable doubt, which is the test applied in the courts. From a public interest perspective, given the pandemic, government guidance on assisting businesses to adapt to Covid recovery and that the matter could be addressed through a subsequent planning application (which could include replacement planting), it was determined that criminal proceedings were not appropriate."

The Council expressed their frustration that the replanting scheme was not being enforced and that the applicant was being allowed to break the law with no consequence. Cllr. Hopfensperger is to go back and follow this up with Rachel Almond.

xii **Update on Enforcement Ref: Petting Zoo/Field at bottom of Barton Hill Ref: EN/22/0105**

The Clerk advised that Enforcement had investigate the site and had given the following update, the case has now been closed by WSC; *"The owner has no intentions of opening a petting farm. They do not own the field, they rent it and it's just a little small holding of rescue animals that is purely for the family. A caravan is stored there but nobody is living in it. The tenant has been reminded of their responsibility to keep the site tidy."*

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xiii **Update on Enforcement Ref: 21 Barton Hill Market Stall Ref: EN/22/0153**
The Clerk advised that enforcement has investigated with the following update; “*The owner of the property has been contacted and he has said that the 2 tents in the front garden will be cleared away, at least 1 of the tents has now gone.*” The Clerk is to advise that the stall is still there.

22/09/7

i

Highways/Footpaths & Trees:

Update on Outstanding Highways Issues RE: Engineer Village Walk-about (RH)

- Flooding BMW garage – this has been added to the works schedule for this financial year (22/23); new gulley’s will flow into carrier pipes (extra pipes to be added) into the ditch.
- Russell Baron Road – Still flooding!! We were told the drainage had been jetted in July 22, but the Chair has confirmed that this is not the case. Cllr Hopfensperger to follow up.
- Barton Hill Flooding – a kerb outlet not in operation has been identified and will be re-commissioned, the Chair advised that this has been filled back in! Cllr. Hopfensperger is to follow up.
- The street licence application and Locality funding application is to be filled out by the Clerk for the new entrance gate (FSG end) and new sign on The Street.
- The team have confirmed that the 4 trees removed on the new footpath to the Hub will be replaced.
- The missing/damaged 30mph signs are to be replaced/make better.

ii

Footpath from Barton Hill to the WSOH Crossing Safety Update (RH)

Cllr. Hopfensperger advised that the team have said that the crossing is ‘uncontrolled’ as it is low usage, this was discussed and it was agreed that this is a contradiction as to why the crossing was installed in the first place, as it was deemed necessary then due to usage being high and needed! Cllr. Hopfensperger said if usage increases, controlled options can be looked into.

iii

Highways Investment Fund Sites Update (RH)

The sites for suggested vegetation clearance and skirting have been put forward.

iv

Vegetation/Grass Cutting on verges/footways/public footpaths Update SCC Ref: 00365939, 00365940

Works to the Thetford Road footway have been ordered. Cllr. Hopfensperger has been asked to chase up the cut to the Bridleway/Footpath 005, and to ensure that it is added to the regular cutting schedule in future.

v

Ivy/Brambles south boundary of churchyard (facing the Playing Field) Update on Landowner

The Clerk is still trying to ascertain the correct landowner and who is responsible for maintaining the track. The Clerk is to ask PROW for assistance.

22/09/8

i

Parish Matters.

Weekly Play Area Inspection Reports / Agree Rota / Discuss Bark Top-up

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The bark is due to be delivered end of October, date TBC, the Clerk is to put a notice in the Bugle asking for volunteers to help. No issues were highlighted on the weekly or monthly inspections. Cllr. J. Borrett is to continue with the weekly inspections until the October meeting.

ii Discuss Fruit Tree Vandalism / Replacement

Cllr. J. Borrett advised that several fruit trees had been damaged and had died. The Clerk is to contact Greener Growth to ask for advice on what trees should be replaced and with what type of tree. The item is deferred to the October agenda.

iii Discuss Gates Security / Replacement & CCTV

The Clerk presented the quote for the metal security gates and presented a report from Will Wright, WSC on what measures should advisably be put in place, he suggests that the current gates are not fit for purpose. It was discussed that the current gates are more aesthetically pleasing and some members wanted them to remain. It was discussed that it was vital to act fast to prevent any more illegal encampments gaining access. The suggestion of an overhead barrier was also discussed, as was access to utilities. It was agreed to install the new gates as a first phase, with the barrier, hedging/fence security and utilities access being discussed on a later agenda as a second phase. It was agreed that the new metal gates should be installed behind the wooden Jubilee gates, which are to remain. The Clerk is to ask NICE to amend their quote accordingly, and is to look at installation quotes and options/quotes for an overhead barrier. The Clerk will circulate the new amended quote for approval via email to Cllr's to expediate the process.

iv Discuss Bugle Editorial Vacancy Applicants and Interviews

The Chair advised that one applicant had come forward, but it was agreed to extend the application process and the Clerk is to do a full page spread in the next edition of the Bugle. Cllr. J. Borrett is to compile and prepare the next edition. He is to liaise with Sue Brooklyn regarding access to the email account, contacts list and timeline of events etc.

v Discuss Village Hall Electricity Account and Annual Donations

It was agreed that the account be handed over to the Village Hall Committee to manage going forward. The Clerk is to contact Eon Next to transfer the account over and set up the new Direct Debit details for the Village Hall bank account.

Resolved 22/09/8.01

It was agreed that going forward the Parish Council would give a £500 annual donation to the Village Hall Committee for Maintenance and a further £500 donation towards electric costs.

vi VAS/SID Data Report / Discuss Lithium Batteries Upgrade

Matthew has been regularly charging and rotating the units around the village sites, our thanks to him for his hard work. Training still needs to be completed in order to set up the data extraction and compiling. The batteries need replacing in one of the units, Cllr. Collier is to liaise with Matthew and Westcotec to do this and to look into new Lithium batteries, as discussed previously. Cllr. Collier is to discuss electric costs and claiming back from the PC with Matthew.

22/09/9

Correspondence:

None.

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22/09/10

Finance & Policies:

i

Parish Council Bank Reconciliation from list of payments/receipts

Resolved 22/09/10.01

The bank balances and reconciliation of payments and receipts were received and adopted and initialled & signed as such by the Chairman. The bank account balance as of the 1st August 2022 is £37,847.41.

ii

Cheques for signing and approval and to authorise payment of outstanding invoices

Resolved 22/09/10.02

It was agreed to approve payments of outstanding invoices as below and cheques were signed by Cllr. M. Collier & Cllr. P. Forster.

Herringswell PC	Printer Toner contribution	002301	£23.48
Mr P Forster	Gate & trim trail bay repairs	002302	£90.00
M&TJ's	Grass cutting	002303	£240.00
Mrs D Pott	Litter Picker	002304	£216.66
First Impressions	Bugle printing	002305	£326.03
Fornham Ladies Club	Annual donation	002306	£200.00
Mrs V Bright	Mileage & postage	002307	£10.57
CPA Horticulture	Bark for Trim Trail	002308	£1778.40

iii

Discuss/Consider a Laptop for the Clerk to use for Council Administration

The Clerk advised that historically she has used her own laptop for the Council works, however, the last audit advised that best practice, for security and GDPR purposes, is for the Council to have its own designated laptop, and not to use the Clerks personal laptop. This was deferred to the next agenda.

The next Parish Council Meeting is to be held on Thursday 13th October 2022 at 7:30pm, in the Village Hall.

Meeting closed at 10:13pm

Signed: J. Borrett
Chair, FSMSGPC

Date: 13th October 2022