

Minutes of Ufford Parish Council MeetingHeld on 3rd February 2023 ~ 7.00pm

Ufford Community Hall, The Avenue, Ufford

Present

Cllr. Nigel Smith (Chair)

Cllr. Keith Bennett

Cllr. Nick Crocker

Cllr. Pat Edworthy

Cllr. Jane Hawthorne

Cllr. Steve Mayhew

Cllr. Ashley O'Malley

Cllr. Vincent Smith

Judi Hallett (Clerk)

Cnty. Cllr. Alexander Nicoll

Seven members of the public were present

In the absence of Cllr. Findley, the Clerk asked for nominations for a Chair of the meeting. Cllr. Hawthorne proposed Cllr. N Smith. This was seconded by Cllr. Crocker and all were in agreement. Cllr. N Smith took the chair.

*The Chair welcomed everyone to the meeting***1. Apologies for absence:****a) To Receive Apologies:**

Apologies had been received from Cllr. David Findley (unwell), and Cllr. Kathryn Jones (family matter). Apologies had also been received from Dist. Cllr. Carol Poulter

b) To Accept Apologies:

Cllr. Hawthorne proposed that the apologies of Cllrs Findley, and Jones were accepted. This was seconded by Cllr. Bennett and all were in agreement.

2. To receive any:**a) Declarations of Pecuniary Interest in Agenda Items**

None

b) Declarations of Non-Pecuniary Interest in Agenda Items

- Cllr. Crocker declared a non-pecuniary interest in items 5. a) – as an opposite neighbour of the land in question and 5. b) as an adjoining neighbour of the applicant

c) Applications for Dispensation on Agenda Items

None

Chair's initials.....

d) Declarations of Gifts or Hospitality received over the value of £25.00

None

e) Notification of Lobbying with reference to any Planning Application to be discussed

- Cllr. Hawthorne declared she had been lobbied in relation to application DC/23/0077/VOC
- Cllr. Crocker declared he had been lobbied in relation to application DC/22/4985/FUL but declared he had no personal interest in the application
- All Councillors declared they felt they had been lobbied by email in relation to application DC/22/4985/FUL

3. Public Session:

a) Reports or comment from any member of the public (notes only):

- Re. DC/23/0077/VOC:
 - I have written to ESC, I have concerns about access, landscaping, light pollution, noise, deliveries, the types of businesses that will be operating, loss of the orchard (will there be replanting?), the café will not be viable as there are great cafes in WM and Woodbridge (and at Ufford Park)
 - I echo the comments above, the new houses in WM will add to the traffic, which often speeds, along the High Street
 - Again, I feel the same, this will create more traffic along the High Street and the access is totally unsuitable
 - [The Clerk explained that the permission for the Business Hub had already been granted by ESC, what was on the agenda tonight were amendments to the agreed plans. The type of businesses were unknown, the PC had been told it would be 'office' type, but this was not in writing]
 - The additional windows should not be agreed, the plans should stay as they are
 - The junction at the top of the Avenue is very dangerous and this development is only going to add more vehicles to it, it will be ridiculous
 - I am the Tree Warden for the village, the orchard on this site has a number of very important apple tree varieties in it and it is a designated a Priority Habitat (PH) on the DEFRA MAGIC website; has this been considered by the Planners? I have sent an email to the Planning and the Ecology Teams at ESC, but not had a reply yet. Did ESC do a survey? Natural England should have been consulted on this application as it is a PH. There are very rare apple varieties in the wood, potentially these could still be moved.
- Re. DC/22/4985/FUL:
 - [The Clerk explained that the motion was to write to ESC on the points set out on the agenda. The letter of 'no objection' decided at the last meeting could not now be reversed]

- This development will greatly affect the light in to both the house next door (11 Lodge Rd) and the two opposite (1 and 2 Forge Cottages), my house will be overlooked and there will be more cars on the High Street
- This is a massive invasion of light and privacy for three existing dwellings; the land is higher than the High Street and my bedroom will be totally overlooked; trees were cut down a few years ago and the light is so much better now, if this is built it will undo this good; it is very close to 11 Lodge Rd and will also affect my property (opposite) and my neighbour; the plot was quoted in the Crown Nursery application as a 'green space', they can't have it both ways; 11 Lodge Rd is side on and the new building will be very close; if there has to be a building there then a bungalow would be better; it will also interrupt the Sky signal for the neighbour; there used to be a great deal of wildlife on that site but they have all gone now the site has been cleared; the security light on Hungarian Lodge shines right in to my property, there must be no similar light on this new property
- As immediate neighbours to the proposed development we have four main concerns:
 - There has been no consultation with neighbours by the applicant, this is very disappointing
 - Previous applications on this site have been refused in the past for various reasons and this new application does not mitigate against those reasons so they should still be valid
 - Our main issue is the impact the building will have on the light in to our property. We have had an independent review carried out and they have told us an official assessment is required; the building will be 7.5m high and 4m away from our property
 - There are a number of Listed buildings very close and yet no Heritage Assessment has been undertaken and no Ecological Survey carried out, there are definitely bats in the area; before any building work is carried out this needs to be challenged
- The PC can make it clear in a subsequent letter that a light survey must be carried out
- [Chair – This application was properly on the agenda for the meeting on 17th Jan but the comment of only one neighbour had been posted on the Portal at that time]
- [Councillor – there was pre-application advice, which is on the portal, ESC did visit the site, whether this was sufficient or not is a matter of opinion]
- I have great concern that the pre-application advice was incorrect and based on incorrect statements
- [The Clerk explained, on two occasions, that the UPC were just a statutory consultee and did not decide any planning application. Also that comments from neighbours would hold great weight with the Planning Department]

b) Reports or comment from ESC and SCC Councillors (notes only):

- **Dist. Cllr. Carol Poulter** - Cllr. Poulter had sent her apologies.
- **Cnty Cllr. Alexander Nicoll** – Cllr. Nicoll stated he following:
 - I am sorry I could not stay for the debate on 17th January but I had another meeting to attend
 - I have over 20 years' experience when it comes to planning matters, I heard from two of my constituents (with whom, for the record, I have no connection and I have no interest in the application) and I then wrote to ESC with my objections to this dreadful application, I alerted the Clerk to this fact; this is not lobbying
 - I have taken a decision to write to ESC because this is such a crap application.
 - For the Clerk to claim that neighbours' comments hold great weight is wrong, the comments of the Parish Council hold great weight and the papers will show that UPC have 'no objection' to this proposal, you should be 'up and shouting' about this [applause from the public]
 - [UPC Councillor – In the past year we have objected to 9 separate applications, 8 of which have been approved by ESC, with one still awaiting a decision. That demonstrates the 'weight' our comments have]
 - [UPC Councillor – Asking the Clerk for the reasons that the PC did not object is information and not lobbying as is informing the PC that you had objected, but there were other emails in addition to those]

4. To sign Minutes of meeting dated 17th January 2023:

The minutes of the Full Council meeting dated 17th January 2023 had been circulated and slight amendments had been made to the initial draft. The minutes were proposed as a true record by Cllr. Hawthorne, seconded by Cllr. O'Malley and all Councillors, who were in attendance at the meeting, were in agreement that they be signed.

The Clerk agreed to publish the minutes on the website.

Action: Clerk

5. To discuss and agree responses to the following Planning Applications:

- a) DC/23/0077/VOC - Variation of Conditions 2, 14, 16 and 18 of DC/21/3237/FUL at Part Of Former Crown Nursery, High Street, Ufford. Councillors made the following comments:
- [The Chair explained the changes under consideration and that they had been described as 'minor design changes' in the paperwork]
 - The shop and café will be reduced in floor space, the paperwork shows this is a result of discussions with the developer at the latest very shortly after the original application was approved
 - The shop and café will not be commercially viable if they have no storage, this will also result in more frequent deliveries for both

Chair's initials.....

- There are now more windows at different angles on the ‘office blocks’ and these will cause a greater chance of overlooking the houses on the opposite side of the road
 - The solar panels now appear to be on the north facing side of the roof
 - We must definitely object, if there is no storage then the café and shop will not be marketable and soon there will be a call for a further ‘change of use’
 - A further traffic survey will now need to be done, if less storage means more deliveries
 - The outside of the buildings should be as per the original plans, with timber weatherboarding: it is not clear what the finish will now be (this is to be agreed with the Planners at a later date)
 - Will the use of the units be the same? We must ensure there is no industrial use which will cause noise and light pollution
 - If the café and shop are not viable, will the other units be viable
 - When was the orchard designated a Priority Habitat? ESC should have consulted Natural England over the orchard [Clerk was requested to ask ESC and Defra when the orchard was designated a PH] – See Appendix II
 - They are trying to make this a cheaper development
 - There are also new additional rear doors to the properties, why is this?
 - When do the number of variations warrant a totally new application?
 - These changes are NOT minor!
 - Conclusion: **Objection** (on the grounds above) (Prop: Cllr. Mayhew, Sec: Cllr. V Smith, all in agreement) Clerk to draft letter for speedy review. The Clerk was also asked to follow up on the Tree Warden’s correspondence, to ensure it was answered.
- b) DC/22/4985/FUL - Construction of 1 dwelling at Hungarian Lodge, High Street, Ufford – To discuss requesting additional comments be added to the original letter from UPC, including:
- i. requesting a Light and Character Impact Survey is conducted on the impact this proposed development will have on neighbouring properties, before any decision is made by ESC.
 - ii. requesting Bat and Ecological Surveys are carried out by the Applicant, either before a decision is made by ESC or they form part of Conditions, should ESC be minded to approve the application. Councillors made the following comments:
 - Cllr. Mayhew proposed the following wording (a slight amendment to the agenda) be sent to ESC:

“The Pre-Application planning advice (REF DC/22/3682/PREAPP) should have advised that the following information should be provided by the applicant with the subsequent application DC/22/4985/FUL:

- A Light Impact Assessment on the neighbouring properties particularly No. 11 Lodge Road, which is more than 20 years old. Generally any property having uninterrupted enjoyment of light for more than 20 years acquires rights to light by prescription under the Rights of Light Act 1959 and Prescription Act 1832, he proposed;
Claim to the use of light enjoyed for 20 years. When the access and use of light to and for any dwelling house, workshop, or other building shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.
- That Natural England should also be consulted on the requirement for an Ecological Assessment or Survey. We note that this consultation has subsequently been mandated on the public access portal by the ESC Ecologist on 30th January 2023.
- That, should the officer be minded to approve this application, the case be decided by Planning Committee, due to the extent of neighbour opposition.”
- Cllr. Mayhew added that the only caveat to the above proposal would be if the Rights of Light Act 1959 were found to be repealed, which he thought had not. It was agreed that the Clerk and Cllr. V Smith would check this and suggest alternative wording, if the Act was not in force – See Appendix to minutes
- Conclusion: **Wording above to be sent in addition to original letter** (Prop. Cllr. Mayhew Sec. Cllr. Hawthorne, all in agreement) Clerk to draft letter to ESC and circulate to all for review.

Action: Clerk

6. To receive agenda items for next meeting and agree date of Next Meeting (21st February 2023):

- Report on Warm Room sessions
- Kings Coronation

Action: Clerk

The meeting was closed at 8.24pm

Signed:.....

Date:

Cllr. David Findley - Chair

Judi Hallett
Clerk to Ufford Parish Council

Chair's initials.....

Appendix I

Cllr. V Smith advised that the Rights of Light Act 1959 may at least have been partly repealed so the suggested wording for the light assessment, in conjunction with Cllr Mayhew, is proposed as below:

“A Light Impact Assessment on the neighbouring properties particularly No. 11 Lodge Road, which is more than 20 years old. We understand that there may be a right to light for the benefit of that property which we believe will need to be taken into consideration before any decision on this application is made. A full light survey therefore appears essential prior to determining this case.”

Appendix II

The following information was received from Nicholas Newton, Arboricultural Manager at ESC, with reference to the ‘Priority Habitat designation:

“The important thing to understand is that it isn’t actually a designation. The Government’s MAGIC mapping site is just that; it’s mapping and not designation. It has identified the site as orchard regardless of age, content etc. Elsewhere, the mapping shows orchards and they are in fact domestic gardens! It then makes a theoretical assumption that all orchards are priority habitat, which in the case of older/ancient orchards is a very important thing to do. In the case of the Ufford Crown Nurseries site, historic Streetview images show the trees as recently planted young trees on stakes in 2009, so even now the trees would be 17-18 years old which is not sufficient time for the site to have the ecological value of an ancient orchard. So although the presence of the orchard was considered as part of the planning balance in relation to the 2021 application, the specific merits of the site were not considered sufficient to justify grounds for refusal.”