

**GREAT CANFIELD PARISH COUNCIL**  
**MINUTES OF THE ORDINARY MEETING OF THE PARISH COUNCIL**  
**held in the Village Hall Monday 11<sup>th</sup> July 2016**

Present: Cllrs Chris Easter, Stuart Hepburn, Jenny Jewell and Robert Mackley (Chairman) and the Clerk Allison Ward

District Cllr Keith Artus (leaving after agenda item 7)

8 members of the public (leaving after agenda item 7)

1. APOLOGIES FOR ABSENCE were received from Cllr Ginny Barlow, Cllr Michael Knight and Cllr Declan Tiernan and accepted by the Parish Council.
2. DECLARATION OF INTERESTS FOR THIS MEETING – None.
3. PUBLIC FORUM - None
4. MINUTES OF THE ANNUAL PARISH COUNCIL MEETING 13<sup>th</sup> June 2016, were proposed by Cllr Mackley as a true and correct record, this was seconded by Cllr Easter with all in favour; the Chairman signed the minutes.
5. DISTRICT AND COUNTY COUNCILLORS REPORT – Nothing to add.
6. CANFIELD NURSERY

Cllr Mackley opened this item to public debate and began by asking Cllrs for their views on whether to consider renegotiating the Easement and the restrictive covenant set out within this which restricts development to 7 houses.

Cllr Jewell began by stating this Parish Council had discussed with input from residents, the suitability and scale of this site for housing and had agreed that 7 dwellings is the number acceptable to all parties; nothing has changed to amend this view. Cllr Barlow had submitted a written statement confirming that the legal advice states the covenant is firm in that only 7 houses can be built on the land and Cllrs are satisfied that having taken a sounding from residents this is the best solution and no further increase should be agreed. Cllr Mackley added that the Parish Council entered into the discussions originally because it was clear the site was troublesome and needed tidying up. This Parish Council is proud that at this time it worked with the agent and local residents to achieve a solution that was suitable for all parties; permission to access over Parish Council land was given in return for a fee, there is no reason given to change this decision.

*District Cllr Artus arrives.*

Residents asked for clarity on the easement and it was confirmed that the legal advice sought by this Parish Council states the restrictive covenant set out within the contract for easement restricts development to 7 houses, irrespective of whether the second access is used. The original issue whereby both the title deed of the Parish Council and the title deed for Canfield Nursery had not been correctly registered by the owners of Canfield Nursery has now been resolved and both title deeds have been updated to include the benefit of access and the burden associated with the limitation to 7 dwellings. The decision and resultant actions by the Parish Council to sue the Parish Council Solicitors for negligence remains open. District Cllr Artus asked whether the Parish Council had taken advice on the financial damages, the Clerk confirmed the Parish Council is aware of the difficulties in quantifying these should it pursue the case, it is understood the option to take further action is open for a period of 3 years.

The Clerk confirmed in addition to the views of residents present tonight a further 4 letters had been received from residents who are unable to attend tonight's meeting. All are in favour of no further negotiation and that the size of the development should remain as agreed at 7 dwellings.

District Cllr Artus added that he was at the original site meeting and a number of Planning Committee District Cllrs were surprised that there were so few houses on the site, it might be that they would encourage an application for additional housing on the site. Cllr Jewell added that she had subsequently spoken to a Planning Officer who had

Signed  
 Robert Mackley (Chairman Parish Council)

suggested they were not looking for higher density on the site. Cllr Mackley asked District Cllr Artus if he would support the views of residents and the Parish Council should a new application be submitted and go to the Planning Committee, District Cllr Artus confirmed he would support the view of the Parish Council. There was some discussion on the process and it is noted should the Parish Council decide not to renegotiate the easement this does not prevent the site owners from submitting a new application to increase the number of dwellings on the site, Uttlesford District Council could approve the application and it would then be for the Parish Council to take out an injunction on the owners to prevent the development exceeding 7 dwellings.

Cllr Mackley proposed that the Parish Council thanks Mr McGarr for putting the proposals to the Parish Council, however the decision of the Parish Council is not to renegotiate the restrictive covenant set out within the contract for easement which restricts development to 7 houses. This was seconded by Cllr Jewell with all in favour.

*(8 residents and District Cllr Artus leave).*

## 7. PROGRESS UPDATE

7.1. The Clerk had received confirmation that the Phone box is being used by the book club/others, there is a message book and a recent entry confirms its use. A resident has confirmed they are willing to purchase the necessary bulb and arrange for this to be changed; the Parish Council is very grateful and agreed to reimburse for the cost of the bulb; Clerk to respond.

7.2. Cllr Easter will arrange for the Hope End notice board to be reinstated when time allows.

## 8. CORRESPONDENCE TO NOTE

On Friday 10 June and in accordance with Section 22 of the Town and County Planning (Local Development) (England) Regulations 2012, Essex and Southend-on-Sea Councils submitted their Replacement Waste Local Plan along with supporting documents to the Secretary of State for independent examination. The next step is a timetable for the enquiry will be issued.

## 9. PLANNING

### 9.1 Applications

Application No	UTT/16/1748/HHF and UTT/16/1749/LB
Development	Demolition of outbuilding and part of adjoining garden wall. Alterations to existing garden wall. Replacement of plastic downpipe with metal downpipe. Erection of single storey side extension and associated internal alterations
Location	Green Easter, Cuckoos Lane

Cllr Easter proposed that the Parish Council has no objections with the proposals, this was seconded by Cllr Jewell with all in favour.

### 9.2 Decisions

Application No	UTT/16/1189/HHF
Development	Retrospective application for the erection of an ancillary workshop and store
Location	Haydens End, Green Street
Decision	Refused

To note an enforcement notice is in existence on this building and is re-instated following the refusal of this application. The Parish Council has submitted a further request for Uttlesford to verify that planning application UTT/45/3687/FUL for the conversion of the garage to an annexe, is being completed in accordance with the approved plans.

## 10. GLADMAN COST APPEAL

On 28<sup>th</sup> June, The Secretary of State decided that no awards of costs, on grounds of unreasonable behaviour resulting in unnecessary or wasted expense, are justified in the particular circumstances of the Gladman appeal. The full report is available on request from the Clerk or on the Planning Appeals website.

Signed

Robert Mackley (Chairman Parish Council)

The current position is summarised as follows,

Total costs to consultants	£4,404
Parish Council contribution agreed	£2,000
Residents donations including pledged but not received	£4,095

The donations from residents have exceeded the costs incurred and the Parish Council discussed at length its options for the value of funds to return. In conclusion Cllr Mackley proposed to increase the contribution from the Parish Council to £2,356 and to offer to return 50% of all resident's donations, this includes monies pledged but not received. This was seconded by Cllr Easter with all in agreement. The Clerk was asked to contact residents and to make arrangements for funds to be returned.

## 11. REPRESENTATIVES REPORTS

11.1. Footpaths, Byways, Bridleways and Greens - Nothing to report

11.2. Highways/Road Safety - Cllrs commented on the areas Highways had marked for repair along Green Street and Bullocks Lane and were concerned that the markings will have faded before the work is carried out. The Clerk was asked to chase Highways for an update and for information on when the roads in Great Canfield are due for resurfacing

11.3. Crime Prevention/Neighbourhood Watch – Nothing to report

11.4. Tree Warden - Clerk continues to chase for information on what is being done to resolve the issues with the dead tree at Hellmans Cross.

## 12. FINANCE

12.1. Cheques for Approval

<b>PAYMENT TO</b>	<b>VALUE</b>
Allison Ward - Parish Clerk June 2016	£168.49
Rural Community Council of Essex – Annual Subscription	£48.00

12.2 The VAT refund for 2015/16 of £820.00 has been received from HMRC.

12.3 The Clerk presented the quarterly financial report and the bank reconciliation which shows a cash balance of £56,570.54.

12.4 The Parish Council previously made a decision to open a savings account with monies equally split between Saffron Building Society and Santander, both with 0.5% interest rates. Various issues have arisen in trying to open the accounts, as a result the Clerk has carried out further research and recommends the Parish Council reconsiders and opens one account with The Cambridge Building Society which has a specific savings account for Parish Councils offering 0.5%. There are some limitations with the account, e.g. funds can only be transferred in or out of the account via an existing Parish Council current account, however as the account is specifically for Parish Councils, the issues identified in the original decision do not arise. Cllr Easter proposed that the Parish Council opens a savings account with The Cambridge Building Society and that Cllr Hepburn and Cllr Mackley are the two authorised signatories. This was seconded by Cllr Mackley with all in favour.

## 13. ITEMS FOR THE NEXT AGENDA

14. DATE OF NEXT MEETING Monday 12<sup>th</sup> September 2016.

TIME AND CLOSE OF MEETING 9.45pm

**Allison Ward**  
**Parish Clerk 01245 231798**

Signed  
Robert Mackley (Chairman Parish Council)