



COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:	Mrs
First name:	Jessica
Last name:	Allen
Address:	Penderels 30 Town Street Thaxted Essex, CM6 2LA
Daytime telephone:	-
Evening telephone:	01371 830407
Mobile telephone:	-
Email address:	-

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Are you a:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the standards committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
Cllr	John	Freeman	Thaxted Parish Council & Uttlesford District Council

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the assessment sub-committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

- You should say whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Background

On the 20th March 2013, an outline planning application for the development of 13 dwellings with all matters reserved at land to the rear of 22-30 Bolford Street, Thaxted, was validated by Uttlesford District Council's Planning Department under reference UTT/13/0558/OP.

One of the supporting documents within the planning application is the Design, Access & Heritage Statement, prepared by Alun Design Consultancy on behalf of the applicant.

Clauses 4.6 and 4.7 of the aforementioned document states: -

"4.6 The proposed development is clearly not an estate scale development; it comprises only 13 dwellings wrapped around existing built form and would comprise a natural extension of the ribbon development

Pre-Application Consultation.

4.7 Although this is defined as a major planning application, it is not a 'large scale' application to which the statutory requirements for pre-application engagement apply. Nonetheless, this outline scheme has been discussed by the applicant with some member of Thaxted Parish Council. In fact, three different layouts were presented and this submitted scheme is the one chosen by the consulted members of the Parish Council."

The Parish Council has scheduled the application for discussion in the Agenda of the Full Council Meeting to be held this Thursday, the 4th April 2013. Having made a number of enquiries, it would appear that no discussion or consultation has been had.

It does however transpire that Cllr John Freeman has been consulted in his capacity as both a Parish Councillor and District Councillor. The statement purports and infers his views represent the views of the Council as a whole.

The Complaint

Cllr Freeman is more than 'just acquainted' with the applicant. It is my understanding that he and the applicant's families mix socially and even have reciprocal shooting rights across each other land. As such, I firmly believe that he has an interest which should have been declared.

It would however appear that far from declaring an interest, the Cllr has gone even further in so far as projecting the views of the Council without the Council having even had sight of the application or neighbouring residents the opportunity to raise the matter with the Council in the forum prescribed.

I understand from the Uttlesford District Council website that there is a Code of Conduct that both Parish & District Councillors should abide by in order to maintain good practice.

Under General Obligations, Clause 3.2 it states that Councillors should observe and protocols and Codes of Practice.

Clause 3.37 of the Code of conduct says that Councillors must not conduct themselves in a manner which could be reasonably regarded as bringing the Authority into disrepute. Residents, including myself are dismayed with the content of the Design Statement and the suggestion that the Parish Council supports the application without giving residents the opportunity to comment.

Clause 3.3.8 states that Councillors must not use or attempt to use their position as a member improperly to confer or secure for themselves or any other person an advantage or disadvantage. It would appear that Cllr Freeman's action have done just that and aside from bringing the Council into disrepute, he has now placed himself in a position where his honesty and integrity is being questioned, both of which being principles contained in s.28 (1) of the Localism Act 2011.

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the

complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- Disclosure of your identity or the details of your complaint may prejudice the conduct of an investigation
- There is a real threat of reprisals against you or members of your family

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment sub-committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please also be aware that once an investigation has been carried out if a hearing is required to determine whether there has been a breach of the Code such hearing would normally be held in public and the investigators report (which will contain details of your complaint) is almost certain to be a public document.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

-

Additional Help

- 6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.**

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

Michael Perry

From: Jessica Tiarks <jessica.tiarks@hotmail.co.uk>
Sent: 18 April 2013 21:51
To: Michael Perry
Subject: RE: Notification of decision to investigate a complaint

Thank you for your e-mail. I have put my responses to each of your questions below.

Subject: Notification of decision to investigate a complaint

Date: Mon, 15 Apr 2013 15:28:45 +0100

From: mperry@uttlesford.gov.uk

To: jessica.tiarks@hotmail.co.uk

Dear Mrs Allen,

I met last week with one of the independent members of the Standards Committee to consider your complaint regarding Cllr John Freeman of Thaxted Parish Council and Uttlesford District Council. Our conclusion was that your allegations should be investigated. I shall personally be conducting the investigation. I am notifying Cllr Freeman accordingly and providing him with a full copy of your complaint.

I do not think it will be necessary for me to interview you in connection with the application although I would be grateful if you could respond by e-mail to the following points:-

1. Was is the basis for your statement that Cllr Freeman was consulted in his capacity as both a Parish Councillor and a District Councillor?

Please can you clarify the question - should it start as What is the basis or Was it the basis?

2. On what do you base your statement that only Cllr Freeman from the parish council was consulted?
It was brought to my attention that the Parish Council was not aware of Cllr Freeman's involvement or comments until another resident in Bolford Street informed the Chairman of the Council by email having viewed the application online. This to my knowledge was the first the Parish Council knew of it. John Freeman admitted he had been consulted and all other members have apparently said they were not.
3. Do you have any grounds to believe that Cllr Freeman was in any way instrumental in the drafting of the Design and Access Statement?
Yes. When I viewed this application online, it clearly stated that the Applicant had sought approval from the Parish Council and their Design Statement is worded to that effect. As it transpired, Cllr Freeman was to only Cllr to have been consulted on a number of options proposed by the applicant and the remainder of the Parish Council was not made aware that he had had this conversation. This demonstrates that he clearly influenced and affected the application. Following uproar from other Parish Cllrs, I understand that the applicant was written to and asked to withdraw this particular part of the Design Statement.
4. You say that the parish council had scheduled the application for discussion at its meeting on 4 April 2013. Please would you inform me:-
 - a. Were you present at that meeting?
No due to existing family commitments but a significant number of residents were in attendance due to this particular planning application being an item on the agenda.
 - b. Was the application discussed?
Yes – for some considerable time. Cllr Freeman was the only Cllr in favour of the application. (see 4e)
 - c. Did Cllr Freeman declare an interest?

Yes but late in the day in that he had already inferred his views to the point they were considered by the applicant and their appointed agent and referenced in the planning application

d. If he did was the interest can you remember what he said?

I am not sure as I was not in attendance and would need to seek clarification from one of the Boldford Street residents who was in attendance.

e. Did Cllr Freeman take part in the debate?

I was not present but understand he spoke at the start of the item in favour of the application and then left in what I would have seen as an attempt to influence the Council.

f. If he did can you remember what he said?

I understand he spoke for a minute or two and read from notes he made in favour of the application

g. Did Cllr Freeman vote?

I was not present but understand that he was not in the Council Chamber when the remainder of the council voted.

h. Did the council decide to support or oppose the application or to make no comment?

The Council unanimously opposed the application on a number of grounds which have I can see has now been submitted to the Council and uploaded against the application.

5. You state that Cllr Freeman has "gone ... so far as projecting the views of the council without the council having even had sight of the application...". Is this something you infer from the wording of the Design and Access Statement or do you have other evidence to support this allegation?

This matter was brought to the attention of the Council by an email from another resident. I know from the response that the resident received from the Chairman of the Parish Council that she denies that the Council had had any involvement with the applicant prior to it being submitted and in the email the Chairman clearly states that they had no prior knowledge.

Please feel free to add any further information you consider relevant.

Once I have heard from you I shall consider what other enquiries I need to make before I prepare my report for the Standards Committee.

Yours sincerely

Michael J. Perry LLB(Hons) Solicitor(Hons) Monitoring Officer

Uttlesford District Council

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Document: 008835/025536

I will notify you of the outcome of my discussions with the independent person as soon as possible.

Regards

Michael J. Perry LLB(Hons) Solicitor(Hons)

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Michael Perry

From: Thaxted Parish Council <clerk@thaxted.co.uk>
Sent: 19 April 2013 12:58
To: Michael Perry
Subject: RE: Investigation into an alleged breach of the Code of Conduct
Attachments: 4Council_Minutes_04_04_13.doc; Email from Sally Delaney.pdf; Email to Alun Designs.pdf

Dear Michael,

Further to your request for information regarding an allegation of a breach of the Code by Cllr. Freeman, I shall respond to each of your questions in turn:

1. The Parish Council was not consulted formally by the applicant prior to the application's submission. Cllr. Freeman reported his discussions with Mr Latham to me and the Council Chairman, Ruth Ship. We discussed the prospect of pre-application discussions with the whole Council and Cllr. Freeman said that he would suggest this to Mr Latham. I saw Mr Latham myself a couple of weeks later and he said he was unwilling to bring the application before the Council prior to submission primarily because of some of the personalities involved.
2. n/a
3. The full application was delivered to TPC by the UDC courier and started circulation to all councillors in turn on 21st March. In addition, an e-mailed notification was sent to all councillors on 21st March which includes the link to the application on the UDC website.
4. The a hard copy of the full application was circulated to all members prior to the Council meeting on 4th April. The system we have here in Thaxted is that the application goes first to the Chairman and then passes from one councillor to another so that everyone has had sight of all the documents before it is considered at a Council meeting.
5. The full application.
6. The Design, Access and Heritage Statement was made available to all members through circulation of the hard copy of the application prior to the Council meeting on April 4th.
7. The Council Chairman received an e-mail on 23rd March from a resident, Sally Delaney about Alun Design's statement that '*some members of the parish council*' had been consulted. (Appended). On 25th March I e-mailed all councillors to ask that they confirm individually if they had been in discussion with the applicant prior to submission of the application. Cllr Ship confirmed that Cllr Freeman had shown her plans and he confirmed to the whole Council that that he had spoken with Mr Latham. I received two other replies from councillors confirming that they had not been in discussions with Mr Latham. At that point I contacted Alun Designs (26th March) to request that the statement was corrected via UDC. I also e-mailed Sally Delaney on 2nd April to confirm the Council's position and what action had been taken.

I was made aware by Cllr. Ship that Cllr. Frostick was unhappy that Cllr. Freeman had spoken with the applicant. I suggested to Cllr. Freeman that he might benefit from some advice from you about his interest in this matter. I understand that he obtained this. This specific matter was not discussed at the Council meeting. Cllr. Freeman declared a pecuniary interest at the start of the meeting and advised that he would leave the room when it was considered. When the item was reached on the agenda, he read a short statement in support of the application and left the room for the duration of the Council's deliberations.

8. Members resolved to object to the scheme.
9. I have attached a set of unapproved minutes from the meeting of 4th April. The application has not been discussed to my knowledge at any other time.

Please do let me know if anything is unclear or if you require any further information.

Regards

Julie Abel

Clerk to Thaxted Parish Council
Community Information Centre
7 Town Street
THAXTED
Essex CM6 2LD
Tel: 01371 831952

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From: Michael Perry [<mailto:mperry@uttlesford.gov.uk>]
Sent: 15 April 2013 16:13
To: Clerk to Thaxted PC
Subject: Investigation into an alleged breach of the Code of Conduct

Dear Julie,

I met with an independent member of our Standards Committee last week and it was our decision that the allegation against Cllr Freeman should be investigated. I have sent John an e-mail today informing him of this.

You have already indicated that Cllr Freeman declared a pecuniary interest regarding a planning application made by Mr C. Latham at the meeting of the parish council on 4 April and that having read a statement he left the room while the item was under discussion. To assist me with my investigation I would be grateful if you could answer the following questions:-

1. Were the parish council consulted as such with regard to the planning application before it was submitted? (To assist in this respect the district council ratified the application on 23 March so presumably it was submitted a few days earlier at least.
2. If the answer to 1. Is affirmative what was the nature of the consultation please, when did it take place and who was involved?
3. If the answer to 1. Is negative was the first time members became aware of the content of the application when the papers for the council meeting were distributed prior to the meeting on 4 April?
4. What papers were sent to members?
5. What other papers were available to members at the PC meeting (I appreciate other documents would have been available to them on our website)?
6. Specifically were members aware of the content of the Design, Access and Heritage Statement lodged with UDC in support of the application?
7. One part of that statement says "... this outline scheme has been discussed by the applicant with some members of Thaxted Parish Council. In fact, three different layouts were presented and this submitted scheme is the one chosen by the consulted members of the Parish Council." Was this statement the subject of any comment at the meeting on 4 April (or any time before or since)?
8. Did members approve or oppose the scheme?
9. Please could you provide a copy of the minutes (in draft form if need be) of the meeting on 4 April and of any other meetings when this application (or prospective application) was discussed.

I look forward to hearing from you.

Regards

Michael J. Perry LLB(Hons) Solicitor(Hons)
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Document: 008835/025541

**MINUTES OF THE COUNCIL MEETING OF THAXTED PARISH COUNCIL HELD ON THURSDAY
4TH APRIL 2013 AT 8PM IN THE GUILDHALL**

Present:

Councillors: R. Ship (Chairman)
W. Brazier
C.M. Collins
J. Freeman (District Councillor)
T. Frostick (Vice Chairman)
V. Knight
V. Pedder
D. Piper
A. Wattebot
R. Williams

Also present: District Cllr Martin Foley (from 8.45pm) 29 members of the public
Mrs Julie Abel - Clerk

12-13/272. APOLOGIES FOR ABSENCE

Apologies for absence were accepted from County Cllr. Simon Walsh and Cllr. M. Foley who expected to arrive during the meeting.

12-13/273. DISCLOSURE OF INTERESTS

Cllr. John Freeman declared a pecuniary interest in respect of item **12-13/280 iv) UTT/13/0558/OP, Land to rear of 22-30 Bolford Street, Thaxted** by virtue of the fact that the applicant is a personal friend. He advised that he would leave the room when this matter was considered by the Council.

Cllr. W. Brazier declared a non-pecuniary interest in item **12-13/280 vi) UTT/13/0618/FUL The Winnows, Thaxted** by virtue of the fact that the applicant is a friend of the family. He also declared a non-pecuniary interest in item **12-13/283 Thaxted Market** by virtue of the fact that he is the Chairman of the Traders Guild.

12-13/274. PUBLIC REPRESENTATIONS

A resident suggested that street name signs should be erected in Bull Alley and Cinder Alley and expressed disappointment about the pseudonym, 'Poo Alley', which had been adopted by residents in respect of Cinder Alley.

The applicant for application number UTT/13/0558/OP, land to rear of 22-30 Bolford Street, spoke about the proposal to erect 13 new dwellings. He advised that there would be no effect on the existing sewage system as the homes would have independent Bio-Disk systems. The site is above the flood plain and surface water run off would discharge into the River Chelmer. He pointed out that the Village Design Statement supports small clusters of development in the town and the scheme also includes 40% low cost housing which is more than the planning system requires.

A resident asked whether there is a local plan against which planning applications can be assessed. The Chairman advised that this was not a document which existed at parish level as the Parish Council does not have the power to permit or refuse applications for new development. However, the District Council, as the local planning authority, has a local plan which is available on its website.

A resident advised that the homes immediately adjacent to the proposed development site in Bolford Street had not received notices advising of the proposal for 13 new dwellings. The Chairman commented that this was a responsibility of the Planning Authority and not the Parish

Council. The resident was asked to contact the Clerk in order that this could be taken up with Uttlesford DC.

12-13/275. REPORTS FROM COUNTY COUNCILLORS ON MATTERS RELATING TO THE PARISH OF THAXTED

None.

12-13/276. REPORTS FROM DISTRICT COUNCILLORS ON MATTERS RELATING TO THE PARISH OF THAXTED

Cllr. John Freeman reported that he had made some preliminary investigations into the freehold transfer of Clarence House Conservation Gardens and that Essex County Council had confirmed that it would be more than willing to transfer the garden subject to receipt of appropriate supporting documentation and evidence.

12-13/277. MINUTES

RESOLVED to approve and sign as a correct record the minutes of the Council meeting held on 7th March 2013.

12-13/278. MATTERS ARISING FROM THE MEETING OF 7TH MARCH 2013

Item 12-13/258 Clarence House Gardens – Replacement Gate

The Clerk advised that a discussion had taken place with Andrew Taylor (UDC Planning Officer) who had advised that the Council should put a request in writing to him explaining what was proposed.

Item 12-13/260 Parish Plan Update

Members noted that a pilot questionnaire would be distributed to all councillors at the end of the meeting and that a further meeting would be held on April 16th to receive feedback.

Item 12-13/261 Thaxted Market, Committee Membership

The Clerk asked for an update on the suggestion that Cllr. Williams joined the Traders Guild Committee. Cllr. Brazier advised that Cllr Williams would be attending the next meeting as an interested resident but not as a councillor.

Item 12-13/262 Community Asset Register

Cllr. Frostick advised that following a recent Parish Forum meeting it had become apparent that parish councils were reviewing additions to the Uttlesford District asset register. This followed news from UDC that costs of £10,000 had been incurred when an Uttlesford parish council, which had registered an asset, decided that it did not wish to pursue the option to buy when the asset became available for sale. UDC was responsible for compensating the landowner. The Council felt that it should review the assets it had registered in the light of this information and after it had received residents' views through the forthcoming Parish Plan questionnaire.

Item 12-13/264 Meeting with Football Club

Members noted that the Club had obtained some new brushes but had yet to fit them.

Item 12-13/266. Broadband UK, Project Update

The Clerk reminded councillors of a presentation taking place at Lt. Easton Parish Meeting on Wednesday 24th April 2013 at 7.30pm.

Item 12-13/267 Tour De France

Cllr. Ship confirmed that the Tour de France was not now likely to be in the Thaxted area in 2014.

12-13/279. COMMITTEE MINUTES

RESOLVED to note the unapproved minutes of:

- i) the Guildhall Management Committee meeting held on 4th March 2013
- ii) the Finance and Assets Committee meeting held on 21st March 2013
- iii) the Market Committee meeting held on 19th March 2013

Cllr. Freeman commented that the minute reporting that '*following their discussions with the Parish Council Chairman market stallholders were unnerved*' was unprofessional. He further queried minute ref. 7ii) and the statement that '*councillors agreed to preserve the market committee in its current form*'. He reminded the Council that it had agreed in March to open the Committee to any councillor from May 2013.

Cllr Ship commented that the Market Committee had agreed that the Parish Clerk should prepare the agenda and prepare the minutes. This was at odds with the Council's decision made the previous month when it was not thought to be cost or time-effective for the Clerk to attend the meetings. The Chairman of the Finance Committee confirmed that there were no budgetary implications and it was noted that the Clerk would be expected to absorb these additional duties.

RESOLVED that the Clerk will prepare future agendas and minutes for the Market Committee.

12-13/280. PLANNING APPLICATIONS

The Council considered the following planning applications:

i) UTT/13/0072/HHF, 21 Wedow Road, Thaxted CM6 2JY

Proposal: Extension to rear

Applicant: Mr B. Atkinson

RESOLVED to make **NO COMMENT**

ii) UTT/13/0108/OP, Land East of Barnard's Field, Thaxted (Amended)

Proposal: 8 no. dwellings including access

Applicant: Misses E & H Barnard

RESOLVED to maintain the Council's objection to the application as follows:

- This proposal is a case of overdevelopment of the site;
- The gardens are too small and the proposal will lead to development very close to existing homes impacting on light and privacy. This is particularly the case for nos 30 – 33 Barnards Field;
- The site is outside the Village Development Limit;
- There is no evidence of affordable housing included in the proposal;
- The development will rely on a private sewage pumping station which already creates an unpleasant smell in Barnards Field/Bardfield Road;

iii) UTT/13/0472/FUL & UTT/13/0473/LB, Dove House Farm, Dunmow Rd, Thaxted

Proposal: Single storey extension to rear

Applicant: Miss B. Haigh

RESOLVED to **SUPPORT** this application

iv) UTT/13/0558/OP, Land to rear of 22-30 Bolford Street, Thaxted**Proposal:** Outline application for the erection of 13 no. dwellings with all matters reserved**Applicant:** Mr C. Latham

Cllr. J. Freeman read a short statement in support of this application and left the meeting room prior to any discussion by the Council. One resident's letter of objection was noted.

RESOLVED to **OBJECT** to this application as follows:

- The Council is unhappy with the dense area of parking proposed in the centre of the development;
- Concerns were expressed that the view of the Town from the River Chelmer may be adversely affected;
- Concerns were expressed about access and visibility splays entering and exiting the proposed development;
- The design is unappealing being too dense and with small gardens;
- The site is outside of the Village Development Limit and is contrary to Policy S7 as it represents development in the Countryside;
- Development would have a harmful effect on wildlife or geological features (Policy GEN7);
- This is backland development which would have an overbearing effect on neighbouring properties (Policy H4);
- The area is subject to unacceptable levels of aircraft noise.

Comments were made that:

- councillors would have welcomed pre-application discussions with the applicant;
- small clusters of new homes as oppose to large scale developments are supported by the VDS;
- the inclusion of smaller homes in development proposals could be of benefit.

Cllr. Freeman rejoined the meeting.

v) UTT/13/0592/FUL, Piggotts Mill, Watling Lane, Thaxted, CM6 2QY**Proposal:** Removal of conditions relating to dwelling and garage**Applicant:** Mr & Mrs Hingston

RESOLVED to make **NO COMMENT** on this application.

vi) UTT/13/0618/FUL, The Winnows, Thaxted CM6 2RQ**Proposal:** Removal of conditions relating to converted cartlodge**Applicant:** Mr & Mrs Edwards

RESOLVED to make **NO COMMENT** on this application.

9 Members of the public left the meeting.

vii) UTT/13/0640/HHF, The Chase, Richmonds Green, Thaxted CM6 3QF**Proposal:** Erection of part two storey part single storey extension**Applicant:** Mr M. Leeder

RESOLVED to make **NO COMMENT** on this application.

viii) UTT/13/0648/HHF, Stralyns, The Drive, Thaxted CM6 2QY

Proposal: Single storey extension to rear

Applicant: Mr & Mrs T. Hutchings

RESOLVED to make **NO COMMENT** on this application.

ix) UTT/13/0483/FUL, The Barn Nursery, Buckingham Farm, Stanbrook, CM6 2NS

Proposal: Classroom

Applicant: Mrs J. Barnard

Cllr. John Freeman declared a non-pecuniary interest by virtue of the fact that the applicant is a neighbour.

Cllr. V. Pedder declared a non-pecuniary interest by virtue of the fact that she is an employee of the applicant.

RESOLVED to **SUPPORT** this application.

x) UTT/0401/HHF, 10, St. Clements, Thaxted CM6 2LL

Proposal: Single storey extension to the front of house

Applicant: J. Holt

Cllr. David Piper declared a non-pecuniary interest by virtue of the fact that the applicant is a friend of the family.

RESOLVED to **SUPPORT** this application.

12-13/281. OTHER PLANNING MATTERS

The Chairman reported that she had attended a meeting with the chairmen of several other Uttlesford parishes to discuss the Local Development Framework and planning matters including the worrying amount of speculative applications for development in the District. Councillors were advised that an application for 800 homes in Elsenham had been submitted. A leaflet was also shown to Members which had been delivered to several Thaxted households promoting a public exhibition focussing on the proposed further development of Wedow Road (phase 2). The proposal detailed 50 new homes. The exhibition was scheduled to take place in the day Centre on 12th April between 3pm and 7.30pm. The Parish Council had not been contacted by the developers or landowners.

The Council discussed briefly the implications of supporting other parishes in the District with their objections to development. It was accepted that this could be challenging as it could risk further development in Thaxted if a development elsewhere is refused.

The Council agreed that Cllr Ship should continue to represent the Council at these meetings and that Thaxted should form part of the parish group.

Cllr. Brazier asked what the two district councillors are doing to press the District Council to progress the adoption of a new local development plan. Cllr. Foley explained that they are restricted in their powers.

12 members of the public left the meeting, 8 remained.

12-13/282. REVIEW OF THE ANNUAL PARISH MEETING HELD ON MARCH 28TH 2013

Councillors agreed that the meeting had been successful and that the Youth Club's assistance with refreshments was much appreciated. Cllr Ship felt that the 2014 Annual Parish Meeting should include some visuals.

RESOLVED that, in future years, all those councillors who wished to make a verbal report, including district and county councillors, should provide a written report in advance to be incorporated into the reports pack prepared by the Clerk.

12-13/283. THAXTED MARKET

Members noted the legal advice obtained from Michael Perry, UDC Solicitor and Joy Darby, EALC, regarding '*whether a councillor can legally hold the role of Market Officer*' as follows:

'If the market officer is acting on behalf of the council he or she cannot be a councillor as a council can only act by itself, through a committee/sub-committee or through an officer. Councillors cannot be officers and a council cannot act through a single councillor. The appointment of a councillor as market manager would therefore be ultra vires.'

Being mindful of the advice received, the Council considered a draft definition of the voluntary role of Market Officer as follows:

- To ensure that market traders have a current agreement with the Parish Council and that these are maintained in the Council Office;
- To ensure that market traders have current public liability insurance of at least £5 million and that a copy of this is maintained in the Council Office;
- To monitor and manage how and where traders set up their stalls;
- To monitor and manage where market traders park their vehicles;
- To ensure that market traders operate within the terms of the trading agreement
- To ensure that market traders conduct themselves and their stalls in a manner that presents no harm or hazard to market users and traders and the general public;
- To collect and bank weekly rents and to provide receipts and paying in slips to the Clerk;
- To liaise with potential new traders and manage enquiries in accordance with Market Policy.

RESOLVED:

- To agree the Market Officer's role;
- To note that the Market Officer has no decision making power;
- That the Market Officer must work more closely with the Clerk to ensure that the Clerk is aware of market activities and issues and that the Market Officer and the Council are protected.

12-13/284. DRAFT SCHEDULE OF COUNCIL MEETINGS 2013-2014

RESOLVED to agree the draft schedule of Council meetings.

12-13/285. NEWSLETTER

The Council reconsidered the procedure for writing and distributing the quarterly Council newsletter.

RESOLVED that the Clerk has full editorial control and that councillors will be provided with a final copy of the newsletter by e-mail prior to publication.

12-13/286. FINANCE

a) Expenditure

RESOLVED to agree Council gross expenditure from 1st – 28th February 2013 as follows:

Co-operative Current A/c	£11,463
Santander A/c (Market)	Nil
Co-operative (Guildhall) A/c	£406
Employee costs (as per payments sheet)	

b) Income

RESOLVED to note Council gross income from 1st – 28th February 2013 as follows:

Co-operative Current A/c	£1,585
Santander (Market) A/c	£450
Co-operative (Guildhall) A/c	£286

12-13/287. ITEMS FOR FUTURE AGENDAS

Clarence House: Councillors noted the article in the Spring 2013 edition of the *Thaxted Bulletin* urging the Council to move its offices and the Information Centre to Clarence House. It was felt that a formal Parish Council decision was required and that councillors needed to look at the feasibility of a move to Clarence House in terms of the Parish Council's requirements. It was agreed that a small group of councillors would visit Clarence House before the next Council meeting and that a discussion would take place with Adrian Webb at UDC to gain an update on the possible Library relocation.

Thaxted Scout's Hut: It was reported that the Scout Hut needed some repairs. It was suggested that the Scouts could apply to the Market Committee for a grant.

Health and Wellbeing: It was suggested that this issue should be addressed through the next agenda.

Margaret Street Car Park lights: It was reported that these are currently switched on in the daytime.

Thaxted Surgery, Patient Participation Group: Cllr. Piper advised that the Practice Manager wanted to meet with members of the Council.

12-13/288. DATE OF THE NEXT MEETING

The next meeting is the Annual Council Meeting which will be held on Thursday 2nd May 2013 at 8pm.

The meeting closed at 9.48pm.

CHAIRMAN

DATE: 2nd May 2013

Thaxted Parish Council

From: Thaxted Parish Council <clerk@thaxted.co.uk>
Sent: 04 April 2013 10:52
To: 'sally delaney'
Cc: 'Ruth Ship'
Subject: RE: Planning Application to erect 13 houses with all matters reserved on land at the rear of Nos.22-30, Bolford Street, Thaxted, Essex

Dear Mrs Delaney,

I note your comments, however, I think that your issues now are with the applicant's agent and not with the Parish Council. I can confirm whilst writing that the applicant has contacted UDC to clarify that pre-application discussions took place with one member of the Council only. For information, 'pre-application advice' means discussions with a planning officer.

Regards

Julie Abel

Clerk to Thaxted Parish Council
Community Information Centre
7 Town Street
THAXTED
Essex CM6 2LD
Tel: 01371 831952

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From: sally delaney [mailto:delaneysally@yahoo.co.uk]
Sent: 03 April 2013 15:58
To: Thaxted Parish Council
Subject: Re: Planning Application to erect 13 houses with all matters reserved on land at the rear of Nos.22-30, Bolford Street, Thaxted, Essex

Dear Ms Abel

Thank you for your email of 3rd April 2013. Whilst I am aware that pre-application advice may be sought, the applicant has stated that this was not sought on his planning application form. I apologise for continuing with this but an agent who undertakes planning applications on a regular basis must be aware of how to complete such a form correctly and provide a planning brief that does not place the Parish Council in an uncompromising position. I would be interested to know how Uttlesford District Council is dealing with a matter such as this.

Thanking you for your help in this matter.

Yours sincerely,

Sarah Delaney

From: Thaxted Parish Council <clerk@thaxted.co.uk>

To: 'sally delaney' <delaneysally@yahoo.co.uk>

Cc: 'Ruth Ship' <ruth_ship@hotmail.co.uk>

Sent: Tuesday, 2 April 2013, 17:20

Subject: RE: Planning Application to erect 13 houses with all matters reserved on land at the rear of Nos.22-30, Bolford Street, Thaxted, Essex

Dear Mrs Delaney,

Thank you for your e-mail. I am aware of the applicant's claims as highlighted in the text of your e-mail.

The first point I would make is that there is nothing improper about the Council holding pre-application discussions with potential developers. It is the Council's published policy to encourage developers to meet with the Council to discuss applications prior to submission. The issue here is that in this particular instance pre-application discussions were only held with our district councillor (John Freeman) and the applicant chose not to meet with the whole Council. The Council Chairman and I were also made aware of the impending application and had sight of the proposed scheme but were not involved in any discussions with the applicant. For this reason the statement made by the applicant is incorrect as it infers the support of more than one member of the Council. The applicant's agent has been asked to correct the statement but has yet to confirm that this has been done. However, I have no doubt that the Council will make this clear in its comments to UDC following its consideration of the application on Thursday evening.

Individual members of the Council are quite entitled to be consulted about matters of this sort and to be engaged in discussions about matters which affect local people and the Town. If they as individuals have an interest in the matter they may be precluded from the consideration of the matter at the Council meeting and this ensures that a fair unbiased debate precedes a decision. Individual councillors are responsible for establishing whether they have an interest which may affect their participation in a Council decision.

I am happy to forward to you the e-mail correspondence I have had with the applicant's agent over this matter as you request and this will follow separately.

Lastly, I would point out that the Parish Council is not in a position to 'agree' anything in respect of this application other than a comment to submit to UDC as the Planning Authority.

I hope that my response covers all the points you have raised. You are welcome to attend the meeting on Thursday 4th April. It will take place in the Guildhall at 8pm and there is a short period near the start of the meeting when residents are able to make representations.

Yours sincerely

Julie Abel

Clerk to Thaxted Parish Council
Community Information Centre
7 Town Street
THAXTED
Essex CM6 2LD
Tel: 01371 831952

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From: sally delaney [mailto:delaney.sally@yahoo.co.uk]

Sent: 29 March 2013 09:43

To: clerk@thaxted.co.uk

Subject: Planning Application to erect 13 houses with all matters reserved on land at the rear of Nos.22-30, Bolford Street, Thaxted, Essex

Dear Ms Abel,

As you are aware, I emailed Councillor Ruth Ship on 24th March 2013 in respect of the planning statement relating to the above planning application as I was concerned about the persuasive text used in it which suggested that some members of the Parish Council had selected a layout of development for the site. I have included these paragraphs below:-

4.6 The proposed development is clearly not an estate scale development; it comprises only 13 dwellings wrapped around existing built form and would comprise

a natural extension of the ribbon of development on this north side of Bolford Street. **In this context, it is significant that in pre-application discussions with**

the members of the Parish Council who were consulted by the applicant held no objection to the principle of this development, or the indicated layout,

were made to the applicant. Indeed, this is just the sort of development that the Design Statement envisages.

Pre-application consultation

4.7 Although this is defined as a major planning application, it is not a "large scale" application to which the statutory requirements for pre-application engagement apply. **Nonetheless, this outline scheme has been discussed by the applicant with some members of Thaxted Parish Council. In fact, three different layouts were presented and this submitted scheme is the one chosen by the consulted members of the Parish Council.**

5.0 Conclusions

5.1 In summary, there is a shortfall in the delivery of new housing within Uttlesford District. **This scheme is supported by those members of Thaxted Parish Council who were consulted prior to the application submission.** Granting planning permission for this scheme would make an important contribution to

housing supply; there are no major constraints to the development of the land and once permission is granted there is no reason why development could not

proceed immediately.

Although Ruth assured me in an email that all of the Parish Council had not met to discuss the matter (to be done so formally on 4th April with the public being able to comment prior to this), she said that she would alert members to the fact that the applicant had presented such a planning brief to Uttlesford District Council.

I, therefore, should be grateful if you would:-

- confirm as to whether the Parish Council has contacted the applicant or his agent responsible for this planning brief to remove these statements as when the public reads such matters online, they may assume that the Parish Council has agreed to something that they have not and...
- if the applicant/agent has been notified and will retract these comments, will the planning authority be notified and a revised planning statement be made available on the planning website so that members of the public are correctly informed?
- if the applicant/agent has contacted the Parish Council about their planning statement (ie. a letter or email) is it possible for me to see this under the Freedom of Information Act?

You may think that I am being overly concerned but I relocated to this area a couple of years ago (although my family have lived at Bolford Street for 50 years) and seeing such statements about the Parish Council in the planning application has alarmed me greatly as the Parish Council are obviously aware that they must be viewed as being open and transparent

Thanking you in this matter.

Yours sincerely,

Sarah Delaney

Thaxted Parish Council

From: Thaxted Parish Council <clerk@thaxted.co.uk>
Sent: 26 March 2013 10:59
To: 'DavidJones'
Cc: antoinette wattebot (amwattebot@yahoo.co.uk); 'Dave Piper'; David Morgan (dgllm@btinternet.com); John Freeman (jrfreeman4@gmail.com); Mike Collins (mike.thaxted@live.co.uk); Ray (rayv.williams@talktalk.net); Ruth Ship (ruth_ship@hotmail.co.uk); seaviewtel@tiscali.co.uk; vanessa@sfax.co.uk; Victoria Knight (VictoriaKnight@legacycompany.co.uk); William Brazier (enquiry@teamshare.co.uk)
Subject: RE: Development off Bolford Street- planning application reference UTT/13/0558/OP

Dear Mr Jones,

Thank you for your e-mail. With regard to your comments about the pre-application discussions with 'members' of the Council, I would be grateful if you could register an amendment to the application with Uttlesford DC.

With regard to your offer of a meeting, I have spoken with Uttlesford DC this morning and understand that this application will be going to planning committee on 8th May. It may well be the case that the Council would welcome the opportunity to meet with you/the applicant. We have already received some comments from residents about the scheme and would expect to receive some formal representations at the Council meeting where the application is discussed. I think the best thing is for me to suggest to the Council that it delays its consideration of this application to allow a meeting with you/the applicant and calls a special Planning Committee meeting on April 18th at 7.15pm.

I have copied members into my reply to you and will await their comments prior to confirming how we will proceed. I also await your confirmation that the correction to the application has been actioned with UDC.

Thanks for making contact.

Best regards

Julie Abel

Clerk to Thaxted Parish Council
Community Information Centre
7 Town Street
THAXTED
Essex CM6 2LD
Tel: 01371 831952

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From: DavidJones [<mailto:DavidJones@alundesign.com>]
Sent: 26 March 2013 09:43
To: clerk@thaxted.co.uk
Subject: Development off Bolford Street- planning application reference UTT/13/0558/OP

Dear Mrs Abel,

As you will be aware, we have submitted an outline planning application to erect 13 houses off Bolford Street. In the planning statement submitted, reference was made to the applicants having consulted with members of the Parrish Council. We have subsequently been informed that they consulted with John Freeman and had assumed he had spoken to others on your council regarding the matter. We now understand that this was not the case and are sorry. No offence was intended and the applicants wish to apologise to your council for the presumption.

We hope that nonetheless you will consider the application kindly; it has the benefits of providing housing close to the hub of Thaxted, including the of a substantial proportion of sustainable homes and fits nicely on the edge of the village, in a parcel of under-used land, rather than the sprawl proposed elsewhere.

If it would help, we would be happy to meet with your council, to listen to any concerns and to explain the scheme in more detail; please let me know if this would be of interest to your members.

Kind regards

David Jones
Alun Design Consultancy
The Barn, London Road,
Wendens Ambo, Saffron Walden
Essex CB11 4JL
Tel (01799) 540600 Fax(01799)540608
www.alundesign.com

Thaxted Parish Council

From: Thaxted Parish Council <clerk@thaxted.co.uk>
Sent: 02 April 2013 17:48
To: 'DavidJones'
Subject: RE: Development off Bolford Street- planning application reference UTT/13/0558/OP

Thank you.

Julie Abel

Clerk to Thaxted Parish Council
Community Information Centre
7 Town Street
THAXTED
Essex CM6 2LD
Tel: 01371 831952

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From: DavidJones [<mailto:DavidJones@alundesign.com>]
Sent: 02 April 2013 17:35
To: Samantha Wellard
Cc: Thaxted Parish Council
Subject: Development off Boiford Street- planning application reference UTT/13/0558/OP

Dear Ms Wellard,

Further to the above recent planning application, I write to clarify remarks in the supporting Design and Access Statement.

At paragraph 4.6, we stated:

".....in pre-application discussions with the Parish Council no objection to the principle of this development, or the indicated layout, were made to the applicant."

We have now been advised that the applicant's discussions were with Councillor John Freeman, and no formal presentation was made directly to the Parish Council nor opinion offered by the Parish Council. We apologise for the misunderstanding the statement in paragraph 4.6 will have caused. We understand the Parish Council will soon be considering the application and making its comments to you in the normal manner.

Please contact me if any further information is required.

Michael Perry

From: DavidJones <DavidJones@alundesign.com>
Sent: 23 April 2013 08:35
To: Michael Perry
Subject: RE: Land to the rear of Bolford Street Thaxted - attn Mr David Jones

Dear Mr Perry,

Sorry for the delay in replying, I wanted to check things with my client before doing so, You are correct, neither myself or any members of our staff had contact directly with the Parrish Council prior to application. At the time of application, we understood that Mr Latham had consulted with the Parrish Council, who had selected the preferred layout and the remainder of our statement was based upon this assumption. After the application was submitted, we were informed that Mr Latham had consulted with a member of the council, but hadn't appreciated that this had not been further discussed with other members. When we found that this was the case, we informed the planning officer via email to correct the matter.

Kind regards

David Jones
Alun Design Consultancy
The Barn, London Road,
Wendens Ambo, Saffron Walden
Essex CB11 4JL
Tel (01799) 540600 Fax(01799)540608
www.alundesign.com

From: Michael Perry [<mailto:mperry@uttlesford.gov.uk>]
Sent: 15 April 2013 16:46
To: DavidJones
Subject: Land to the rear of Bolford Street Thaxted - attn Mr David Jones

Dear Mr Jones,

I understand that you act as agent for the applicant for planning permission for the above mentioned site. Unfortunately this application has given rise to an allegation that a councillor has breached the Councillors' Code of Conduct and as monitoring officer for Uttlesford District Council I have the responsibility for investigating this complaint.

The application was accompanied by a Design, Access and Heritage Statement prepared by your firm. In paragraph 4.6 of that document it states that "... in pre-application discussions with members of the Parish Council who were consulted by the applicant held no objection to the principle of this development, or the indicated layout, were made to the applicant". In paragraph 4.7 it states that "... this outline scheme has been discussed by the applicant with some members of Thaxted Parish Council. In fact, three different layouts were presented and this submitted scheme is the one chosen by the consulted members of the Parish Council."

I would be most grateful if you would answer the following questions to assist me in my investigation:-

1. The wording of these paragraphs is strongly suggestive of the consultation having been carried out by Mr Latham and not by you or your firm. Is my interpretation of this correct?
2. Did you or any members of your firm have any contact with any parish councillors? If so:-
 - a. Who as the contact with?
 - b. When did it occur?
 - c. What was the nature of the discussion?

3. The allegation suggests that the applicant only consulted one councillor with regard to the application whereas the Design etc. Statement suggests that a number of councillors had been consulted. What was your understanding of the extent of the consultation carried out by your client please and where did that understanding come from?

I look forward to receiving your replies shortly.

Regards

Michael J. Perry LLB(Hons) Solicitor(Hons) Monitoring Officer
Uttlesford District Council
[Mailto:mperry@uttlesford.gov.uk](mailto:mperry@uttlesford.gov.uk)
Telephone: 01799 510416
Fax: 01799 510392

Document: 008835/025542



UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER

Telephone (01799) 510467, Fax (01799) 510499

Textphone Users 18001, DX 200307 Saffron Walden

Email planning@uttlesford.gov.uk Website www.uttlesford.gov.uk

Chief Executive: Alasdair Bovaird

Application for Outline Planning Permission with all matters reserved. Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.

If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	Mr	First name:	C	Surname:	Latham		
Company name:							
Street address:	Brookend Cottage		Telephone number:	Country Code	National Number	Extension Number	
	Brookend						
	Stebbing		Mobile number:				
Town/City:	Dunmow		Fax number:				
County:	Essex		Email address:				
Country:							
Postcode:	CM6 3AA						
Are you an agent acting on behalf of the applicant?			<input checked="" type="radio"/> Yes	<input type="radio"/> No			

2. Agent Name, Address and Contact Details

Title:	Mr	First Name:	David	Surname:	Jones		
Company name:	Alun Design Consultancy						
Street address:	The Barn		Telephone number:	Country Code	National Number	Extension Number	
	London Road				01799 540600		
	Wendens Ambo		Mobile number:				
Town/City:	Saffron Walden		Fax number:				
County:	Essex		Email address:				
Country:	United Kingdom						
Postcode:	CB11 4JL		info@alundesign.com				

3. Description of the Proposal

Please describe the proposal:

Application for outline planning permission to erect 13 dwellings, on land to the rear of Bolford Street, Thaxted

Has the building or works already been carried out? Yes No

4. Site Address Details

Full postal address of the site (including full postcode where available)

House: Suffix:

House name:

Street address:

Town/City:

County:

Postcode:

Description:

Description of location or a grid reference (must be completed if postcode is not known):

Easting:

Northing:

5. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

Yes No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

Yes No

Will the proposal increase the flood risk elsewhere?

Yes No

How will surface water be disposed of?

- Sustainable drainage system Main sewer Pond/lake
- Soakaway Existing watercourse

6. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

7. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes No

8. Site Area

What is the site area? sq.metres

9. Residential Units

Does your proposal include the gain or loss of residential units?

Yes No

Market Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses			8		
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Proposed Market Housing Total

Market Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Existing Market Housing Total

9. Residential Units (continued)

Social Rented Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses		5			
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Proposed Social Rented Housing Total

5

Social Rented Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Existing Social Rented Housing Total

0

Overall Residential Unit Totals

Total proposed residential units	13
Total existing residential units	0

10. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

Yes No Unknown

11. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Existing employees	0	0	0
Proposed employees	0	0	0

12. Hours of Opening

If known, please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	

13. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

n/a

Is the proposal for a waste management development?

Yes No

14. Existing Use

Please describe the current use of the site:

informal overgrown amenity land and part farm land

Is the site currently vacant? Yes No

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated? Yes No

Land where contamination is suspected for all or part of the site? Yes No

A proposed use that would be particularly vulnerable to the presence of contamination? Yes No

15. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

16. Certificates (Certificate B)

Certificate of Ownership - Certificate B

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land or building to which this application relates.

Notice recipient		Date notice served			
Name:	Mr S Latham	07/03/2013			
Number:	Suffix:				
Street:	The Stables, Park Farm				
Locality:	Park Street				
Town:	Thaxted				
Postcode:	CM6 2NE				
Title:	Mr	First name:	David	Surname:	Jones
Person role:	Agent	Declaration date:	07/03/2013	<input checked="" type="checkbox"/> Declaration made	

16. Certificates (Agricultural Land Declaration)

Agricultural Land Declaration

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding.

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

If any part of the land is an agricultural holding, of which the applicant is the sole tenant, the applicant should complete part (B) of the form by writing 'sole tenant - not applicable' in the first column of the table below

Title:	Mr	First Name:	David	Surname:	Jones
Person role:	Agent	Declaration date:	07/03/2013	<input checked="" type="checkbox"/> Declaration Made	

17. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date 07/03/2013

alun
design
consultancy
architectural design
planning
project management
interior design

Design, Access and Heritage Statement

Proposal: Application for outline planning permission to erect 13 dwellings.

Site: Land to rear of Bolford Street, Thaxted

Alun Design Consultancy
The Barn, London Road,
Wendens Ambo,
Saffron Walden, Essex CB11 4JL

Tel; 01799 540600

Fax; 01799 540608

email; info@alundesign.com

Contents

- 1. Introduction and description of proposals**

- 2. Site Description**

- 3. Planning History**

- 4. The Applicants Case**

- 5. Conclusion**

1.0 Introduction and description of proposals

- 1.1 This statement comprises the statutorily required Design, Access and Heritage statement supporting this outline application for the erection of 13 dwellings on land to the rear of Bolford Street, Thaxted.
- 1.2 This supporting statement and the associated application plans comply with the requirements of circular 01/06 regarding the provision of information in connection with outline planning applications. In summary,

Use – this application simply seeks to use the land for residential purposes, with ancillary details.

Amount of development – this application seeks planning permission for 13 new dwellings comprising a mixture of detached, terraced and semi-detached properties.

Indicative layout – an indicative layout is included with these proposals.

Scale parameters – the submitted layout plan gives an indication of the horizontal scale of built form. All buildings would be two-storey in height and finished with pitched roofs.

Indicative access points – in this case, means of access is not a reserved matter and is for consideration as part of this application.

- 1.3 Thirteen new dwellings are proposed in a variety of forms and layout. There would be a single detached dwelling to the front of the site, fronting Bolford Street. Alongside this property would be the main access road to the development serving the remaining 12 dwellings. On entering the site, adjacent to the west boundary would initially be a pair of semi-detached dwellings and beyond those a row of five terraced properties all laid out alongside and fronting the street scene to create a wrap-around courtyard effect. This design theme would be continued within the group of five properties laid out in an upside down 'L' shape positioned adjacent to the east boundary of the site. This eastern portion would wrap-around the rear of existing properties fronting Bolford Street.

2.0 Site Description

- 2.1 This site comprises land that is part overgrown informal amenity land immediately to the rear of existing dwellings, and part land that is used for farming purposes. The application site immediately adjoins existing dwellings and also wraps around the rear of those properties, including numbers 22-30 (even) Bolford Street. There is a burial ground immediately adjoining the east boundary of the site.
- 2.2 There are 2 distinct parcels of land. There is one portion to the east of established north-south aligned hedgerow which has an urban fringe character, and although largely overgrown is also used by occupiers of the frontage dwellings, with some evidence of vegetable gardening in parts. The portion to the west of the hedge is arable agricultural land.

- 2.3 The land is not flat and slopes downward, particularly for the western portion, from west to east with the contours at broadly similar intervals to the slope in the Road. Although the site is on sloping ground, this is not of any impediment to the development of the site.
- 2.4 The site being proposed for development has dimensions generally 70 metres deep, and an average maximum width of approximately 70 metres. It has a total area of 0.5 ha. Therefore, at a density of approximately 30 dwellings per hectare the site could accommodate at least 15 properties, depending on property size and type.
- 2.5 Access to the site would be provided directly from Bolford Street.

3.0 Planning History

- 3.1 There are no planning applications relevant to this land. The visual character of the pattern of built form at this village, and in the vicinity of the application site has changed very little for many years.

4.0 The Applicant's Case

- 4.1 It is the applicant's case that the proposed development would comprise wholly sustainable development located at an edge of settlement location well served by existing shops and local facilities, including public transport. The development will deliver 13 new dwellings to the supply of housing within Uttlesford, of which there is an acknowledged shortfall.

Principle of development

- 4.2 It is accepted that the proposal is contrary to policies S3 and S7 of the adopted local plan (2005). However, at nearly eight years old, this plan is clearly out of date and in particular was prepared long in advance of the national planning policy framework published in April 2012.
- 4.3 On other sites elsewhere and adjacent to Thaxted, the local planning authority acknowledge a significant shortfall in the delivery of new housing and that this is a highly material consideration when determining planning applications for new housing development located beyond settlement boundaries.
- 4.4 In particular in connection with application number UTT/12/5754/FUL, which considered a proposal for 60 houses adjacent to Sampford Road, in the report to 16th January 2013 Planning Committee, it is stated that:

At present, Uttlesford cannot demonstrate an adequate 5 year supply of housing land and can only achieve 81% of its five year housing land supply, when according to the NPPF it should be achieving at least 105%, and even arguably 120% if the Council is found to be consistently underperforming in terms of housing land supply. The Council recognizes in the Annual Monitoring Report, that it should consider favourably applications for residential development which will have make a positive contribution towards meeting housing

requirements and the Council's LDF Working Group agreed that the Council should take a proactive approach releasing appropriate sites.

The most recent Annual Monitoring Report (2012) records the average annual completion rate of to be 334 dwellings, compared with the average annual completion rate required by the East of England plan of 430 dwellings. The current level of delivery on deliverable sites for the 5-year period is therefore 78% which equates to 3.9 years worth of supply. When an additional 20% is frontloaded to these figures as required by the NPPF for under delivering authorities, the percentage of the plan target on deliverable sites falls to 65% which is equivalent to just under 3 years' worth of supply. If the proposed sites identified in the Draft Local Plan June 2012 are taken into account, Uttlesford District Council's target on deliverable sites for the 5 year period is 147%, the equivalent to 7.4 years' worth of supply. The application site is identified for potential development in the future and is therefore envisaged to contribute to the housing land supply. (Our emphasis)

- 4.5 Although this is not a site that was identified by the Council's strategic housing land availability assessment (SHLAA), it is nonetheless submitted that this is an "appropriate" site. In particular, it is close to the main village centre, and accords with the 2010 Thaxted Design Statement, which advises that any new housing should be limited to infill or small clusters and refers to strong local opposition to the construction of further estates.
- 4.6 The proposed development is clearly not an estate scale development; it comprises only 13 dwellings wrapped around existing built form and would comprise a natural extension of the ribbon of development on this north side of Bolford Street. In this context, it is significant that in pre-application discussions with the members of the Parish Council who were consulted by the applicant held no objection to the principle of this development, or the indicated layout, were made to the applicant. Indeed, this is just the sort of development that the Design Statement envisages.

Detailed Issues

Pre-application consultation

- 4.7 Although this is defined as a major planning application, it is not a "large scale" application to which the statutory requirements for pre-application engagement apply. Nonetheless, this outline scheme has been discussed by the applicant with some members of Thaxted Parish Council. In fact, three different layouts were presented and this submitted scheme is the one chosen by the consulted members of the Parish Council.

Design and Layout

- 4.8 This is an outline application seeking only approval of the principle of the development, the numbers of dwellings and the means of access. However, the indicated layout clearly shows that 13 dwellings can be accommodated on this site whilst making a positive contribution to the character and appearance of the locality. In particular, given the proximity of the village Conservation Area, the proposals demonstrate that development can take place on the site whilst also preserving or enhancing the character and appearance of this Conservation Area.

- 4.9 The development indicated in the outline plan has been designed to create a central supervised parking and amenity courtyard to the front of the main group of dwellings. The design has deliberately avoided an estate style layout focused around a single spine road. The irregular layout indicated has been chosen to ensure that the resultant appearance of the development would harmonise with the varied and interesting character of this village. Furthermore, development located to the rear of other properties from a main street is also a distinctive feature of the settlement.
- 4.10 In terms of detailed layout, a single detached property will be located towards the front boundary, positioned close to the highway boundary, typical of the layout of other buildings in the street scene of Bolford Street. The indicated layout shows properties with limited depths therefore able to accommodate steeped pitched roofs that would integrate with the local vernacular. Detailed design of elevations, including materials of construction, would be reserved for subsequent approval. However given the indicated layout there is no reason to conclude that a satisfactory design could not be achieved. In particular, at reserved matters stage great attention can be paid to surfacing materials, both hard and soft landscaping, within the development, including the surfacing materials to be used in the construction of the road.
- 4.11 Each dwelling would be provided with a substantial private amenity area to provide for the needs of families with children. Also, the generous layout of gardens will ensure a low-density development in keeping with the character of this western end of the village.

Highways

- 4.12 Access to the site would be from a new road with pedestrian footway accessed from Bolford Street. This has been designed to accord with Essex County Council Highways Department standards, and includes a turning head for resident's vehicles and delivery/collection service vehicles. There would be good visibility in both directions along Bolford Street. Each property would be provided with two parking spaces, with additional visitor spaces closer to the front boundary of the site.

Access

- 4.13 The indicated layout provides good vehicular and footway access for those with mobility impairments. Furthermore, the detailed design and layout of the properties would accord with the Council's supplementary planning document "Accessible Homes and Play Space November 2005".

Residential Amenity

- 4.13 Once the development is established, it is considered that there would be no adverse impact upon the living conditions of any existing adjoining occupiers. The new dwellings would be located well away from any existing properties and therefore no overlooking would arise. There would be some additional vehicular movements close to the rear boundaries of existing dwellings, however these would only be serving five of the proposed dwellings and therefore causing little disturbance over and above that presently arising from the use of this rear access way. Indeed, it would be a positive enhancement for residents to be able to use a much

improved access way. Critically, the new access road from Bolford Street would run past a new dwelling, not an existing one.

Affordable Housing

- 4.14 Policy H9- Affordable Housing - states that the subject to negotiation on a site-by-site basis 40% of the total provision of housing should be affordable, having regard to market & site considerations. Policy H10 requires there to be a significant proportion of the market housing comprising small properties.
- 4.15 However, within the supporting text of this policy, paragraph 6.29 it states, inter alia:
- “.....Elsewhere in the District 40% affordable housing will be similarly sought on sites of 0.5 hectares or of 15 dwellings or more.....”**
- 4.16 The application site has an area of 0.4 hectares and only 13 dwellings are proposed. Policy H9 is therefore is not relevant to this application proposal. Nonetheless, the applicant is willing to give the land for plots 8 to 13 to the Parish Council for it to build provide low-cost affordable housing for the local community.
- 4.17 With regard to policy H10, the supporting text to the policy sets out that small properties are defined as 2 and 3 bedroom. All of the properties within this proposed development would be two and three bedroom dwellings. This matter can be dealt with by way of planning condition to be complied with at reserved matters stage.

Flood risk

- 4.18 The site is at an elevated position relative to the River Chelmer and therefore not subject to any risk of fluvial flooding. It is therefore, by definition, within Zone 1 Flood Risk Area as defined by the Environment Agency. This application site is less than 1ha in area and therefore a formal Flood Risk Assessment is not required. Zone 1 land is also considered suitable for vulnerable development, such as housing. The SFRA undertaken by JBA for the Council did not identify any critical drainage issues relevant to this site.
- 4.19 Drainage from the site would comprise connection to the main foul sewerage, and on site schemes for rainwater. The development could accommodate a SUDS that comprises management practices that seek to ensure surface water is drained in a more sustainable manner. For example, rainwater harvesting can be incorporated into the detailed design of the scheme. These matters can be dealt with by way of planning condition to require details to be submitted at reserved matters stage.
- 4.20 These proposals would ensure the safeguarding of the groundwater supply to the extraction site in the valley bottom, as identified in the 2005 Local Plan, and thereby comply with policy ENV12 of the Adopted Plan.

Archaeology

- 4.21 This can be dealt with by way of a condition to require a scheme of exploration, as per UDC model condition

Education Contributions

- 4.22 The applicant will consider carefully any proposals from Essex County Council with regard to a contribution for education. This matter could be dealt with by way of a Unilateral Undertaking.

Habitat Protection

- 4.23 There are no records of any protected species on this site. The western portion of the site is intensive arable land. There is a hedge running through the middle of the site and along the northern boundary. The eastern portion of the site comprises overgrown allotment type land that has also been used by local residents as an informal amenity area. It is therefore considered that the main wildlife interest will be within the central and rear boundary hedgerows. Planning conditions to prevent the removal of this hedge during the March to August nesting season, the protection of the northern boundary, and the planting of an indigenous species hedge on the new western boundary can all be required by way of planning condition. An initial Ecological Scoping (Phase 1) Survey/Report for the site has been undertaken and this will be forwarded under separate cover.

5.0 Conclusions

- 5.1 In summary, there is a shortfall in the delivery of new housing within Uttlesford District. This scheme is supported by those members of Thaxted Parish Council who were consulted prior to the application submission. Granting planning permission for this scheme would make an important contribution to housing supply; there are no major constraints to the development of the land and once permission is granted there is no reason why development could not proceed immediately.
- 5.2 Furthermore, there are no detailed objections to development of this site; it would comprise a high quality attractive development that would positively safeguard the character and appearance of the adjoining Conservation Area.