

## BIRLINGHAM PARISH COUNCIL

Minutes of meeting held on Wednesday 19 September 2012  
Birlingham Village Hall

### Welcome

- 1) Present: Councillors Hall, Morris, Aston, Butler, Comins, Hill and New  
In attendance: District Councillor Davis, Tree Warden, Footpath Warden, Steve Conder and Malcolm Olden
- 2) Apologies: Chris Reynard, PACT representative
- 3) Declarations
  - a) Personal – none
  - b) Prejudicial - none
  - c) Register of Interests – none
- 4) Minutes of previous meeting. The Minutes were amended to read that “there were over 200” not “100” at the Jubilee. The Minutes of the meeting held on 18 July 2012, a copy of which had been circulated to all Councillors, were then agreed as a true record and signed by the Chairman.
- 5) Democratic Opening – see below
- 6) Co-option of seventh Councillor  
The Declaration of Acceptance of Office (changed from 9 July due to the Localism Bill) was signed by Marion New following her co-option in July.
- 7) Progress Reports
  - a) Footpath
    - i) Footpath 502 (Eckington Road to Bakers Hill) – strimmed and stile cleared
    - ii) Footpath 507 (top of Gravelly Hill) as previously reported – finger-post re-installed and stile cleared
    - iii) Footpath 511 (Withy Walk) – cut back
    - iv) Footpath 522 (Nafford weir to lock) – strimmed
    - v) Footpath 518 (Asham Lane) – grass cut by landowner/contractor.  
Thank you to the Chairman who has also cut Asham again. Chairman reported that there is an overhanging poplar which prevents cutting by the pumphouse. Warden will cut back.
  - b) District Councillor
    - i) £39m held in funds
    - ii) Health issue – reviews shortly for further discussion
    - iii) Proposing new policy of business and possibly pooling rates with other District Councils. Would start next financial year.
    - iv) Starting budget for next year.
    - v) £2.2m a year from car parks. May increase as main source of income.

- c) County Councillor – not present
  - d) Clerk – see Appendix Clerks report
- 8) Planning
- a) Report on current outstanding planning applications
    - i) None
  - b) Applications approved/refused
    - i) The Paddocks, Broadway Road, Birlingham WR10 3AF

Residential conversion of domestic stables and barn  
REFUSED 15 August

Parish Council comments: The Council has grave doubts about the feasibility of converting a steel framed and clad agricultural building into a private residence. It would appear to be an unsuitable site for conversion.

It also has concerns regarding the apparent lack of garaging provision for the two dwellings on the site.

The Council would appreciate further guidance as to the statutory planning treatment of applications for such conversions but would point out the undesirable consequences if it became general practice to allow conversions of agricultural buildings’

- ii) W/12/01701/PP – 4 Brook Cottages, Eckington Road, Birlingham WR10 3DA

Drop down kerb to provide retrospective vehicular access and parking

APPROVED 11 September

Parish Council comments: No objections

ENFORCEMENT - update from Planning Enforcement Officer

Hall Farm House, Whitehall Lane, Birlingham

The velux windows are deemed permitted development. The provision of passing bays will be carried out should planning approval W/11/00873/PN be implemented.

Previous planning approval W/05/02078/CU had originally stipulated passing bays however after a traffic survey the Highways department waived the need for such as it was deemed that no increase in traffic would ensue.

On file (IN/06/00277) there is a letter dated 15/08/2006 to the agent Mr Biggs stating no action would be taken in relation to the passing bays following comments made by the Highways Dept.

INFORMATION - Mrs Judy Pearce, Deputy Leader and Executive Board Member for Planning, Infrastructure and Housing

To Wychavon Parish and Town Councils

Dear Parish / Town Council Chairman,

Following the receipt of a planning application appeal decision at Honeybourne I have written to the then planning minister Bob Neill to explain my concerns for the implications of the decision on the District. (Please note that the same letter has been also sent to Brandon Lewis who has taken over from Bob Neill). I thought it appropriate to email you an extract from the letter so that you may be able to understand and support my concerns. Essentially the appeal decision has set a high target for the Council's 5 year land supply figure which itself is informed by outdated regional planning policy guidance. This figure is unachievable and until the South Worcestershire Development Plan is in place, the Council will need to consider planning applications for new housing development regardless of the current adopted Local Plan or emerging Development Plan policies. If you have any questions on this course of action or the letter, please do not hesitate to contact me directly.

See Appendix - Extract from letter to Bob Neill - 30 August 2012

9) Financial Matters

a) Bank balance - £2524.02 as at 31 August 2012

b) The Accounts for 2011/12 were resolved

c) Receipts:

£120.00 – Worcestershire County Council Lengthsman (BACS August)

£460.00 – Wychavon District Council NHB – Cheque deposited (30 July)

£140.00 – Worcestershire County Council Lengthsman (BACS August)

Payments:

£230.00 = Carl Brassington Lengthsman (May 23 hours) – cheque number 252

£120.00 – Carl Brassington Lengthsman (June 12 hours) – cheque number 253

£460.00 – BVH New Homes Bonus – cheque number 254

£60.00 – Clement Keys – audit fee – cheque number 255

£140.00 – Carl Brassington Lengthsman (July 14 hours) – cheque number 256

d) Future payments

Clerks pay and expenses

PAYE

Poppy wreath x 2 – proposed at £46.00. This was resolved

e) Audit Annual Return 2011/2012

An unqualified audit opinion was given and the necessary advertisement was published.

10) Standing Orders and Adoption of Code

Adoption of the Code of Conduct (Localism Act 2011) amendment to Standing Orders. To allow for the requirement for council members to leave the meeting when they have declared an interest and secondly to set out the procedures for councils to grant a dispensation from this requirement.

**It was a statutory duty to adopt a code and therefore it was agreed to adopt the drafted Worcestershire model code as endorsed by CALC.**

The following alteration would be placed on the Standing Orders relating to the Declaration on Interests:

#### Declaration of Interests

- a) Councillors with a Disclosable Pecuniary Interest or with Other Disclosable Interests falling within the definition included in paragraph 12(4) of the code of conduct, must leave the room when the relevant item of business is to be transacted.
- b) Councillors may apply in writing to the proper officer (Clerk) of the Council for a dispensation to allow them
  - i) To participate in the discussion of the matter but not to vote, or
  - ii) To participate in the discussion of the matter and to vote.

If the Council considers that the application meets the relevant criteria in the Localism Act 2011, Section 33(2), it may grant a dispensation for a period of up to four years.

Agenda in future will read:

#### Declarations of Interest:

- a) Register of Interests: Councillors are reminded of the need to update their register of interests.
- b) To declare any Disclosable Pecuniary Interests in items on the agenda and their nature.
- c) To declare any Other Disclosable Interests in items on the agenda and their nature.

(Councillors who have declared a Disclosable Pecuniary Interest, or Other Disclosable Interest which falls within the terms of paragraph 12(4) of the code of conduct, must leave the room for the relevant items)

**Clerk to notify the Monitoring Officer at Wychavon District Council of the amendment to the Standing Orders and the Adoption of the Code of Conduct.**

**Clerk to confirm that all Register of Interest forms have been returned to the Monitoring Officer.** Councillor New outstanding at present due to her co-option.

#### 11) Disclaimer

Update and agreement. The disclaimer reads: "This e-mail is distributed by Birlingham Parish Council and is available to residents of Birlingham, their families and friends. If you know anyone who would like to receive these e-mails, or have any comments or items for inclusion in future e-mails, or wish to be removed from the mailing list, please write to news@birlingham.org. The e-mail is open to any organisations or business within the parish to promote events. Inclusion of an event does not imply that the Parish Council supports either the event or the views of the organisation promoting it."

The Clerk has sort advice from Ian Marshall, Head of Legal at Wychavon District Council that the wording on the disclaimer is acceptable and protects the Parish Council from any liability. The solicitor has agreed that the disclaimer reads correctly and it makes it clear that the information on the email AND ALSO THE WEBSITE, does not reflect the position of the Parish Council or have their support. The Councillors agreed to accept the disclaimer.

Councillor Morris to make sure the Parish Council website carries the disclaimer worded the same as the e-mail (news@birlingham.org).

12) Funding/financial assistance for BVH Roof Repairs

Decision following e-mail Birlingham News 10 July - canvass for residents which quotes “As you will be aware, the Village Hall Committee have to raise a substantial sum of money to make extensive repairs to Birlingham Village Hall roof. A large amount of money has already been raised but more is needed before work can begin. The Parish Council have given £500 to the appeal this year, along with the proceeds from the New Homes Bonus (£460), and have pledged a further £1000 for next year (2012/13).

It has been suggested that the Parish Council give an additional one-off donation of £5000 towards the repairs next year. In order to do this, the Council would need to increase its share of the Council Tax by an average of £33 per household (£18 for Band A, £28 for Band D or £55 for Band H, for example). The idea will be discussed again at the next Council meeting on 19th September.

At the Parish Council meeting last Wednesday it was decided to canvass opinion among residents about this proposal and we would be very pleased to hear from you. Please write to info@birlingham.org with your views”.

It was noted that the BVH minutes stated that £25,000 has been secured in main grants. The Councillors were not certain how the repairs were going ahead with the grants not having been received. It was advised that a loan has enabled the commencement of the works. There was other fund raising and there now appeared a surfeit to be above the amount required.

There has been some responses to the canvass but only a small sample with 9 for and 7 against. The Councillors were unsure of how to “publish the results” whether as e-mail news or on the website?

There was much discussion on what action, if any, the Parish Council should take.

Questions such as, why the BVH had not done their own questionnaire, why there had been no update from BVH to villagers, why BVH had not sent out facts and requested donations from residents, had the BVH minutes been available to villagers and surely it is the villagers that decide on their community building.

The BVH committee has been very successful with their grants. The Parish Council concluded that the Council are not fundraisers for the village and that there is no precedence to assist other groups. It is agreed that the Parish Council will give £1,000.00 in the budget for the next financial year. The Precept must resemble past years as far as the Councils revenue is concerned for audit and transparency purposes.

13) Kiosk

Update following adoption. The kiosk has been painted. What should be done with it? One suggestion was to see if The Journal could be delivered there? Clerk to find out. Information to be placed on “E-mail news” regarding the final adoption and any suggestions for its use.

- 14) Website [www.birlingham.org](http://www.birlingham.org)  
 A meeting date is still required regarding the advertising on the website. It has been agreed that when this is decided the website is to be officially launched. A meeting will be organised before the November meeting which Councillor Morris will arrange.
- 15) Dates for meetings 2013  
 The dates for the 2013 meetings are:  
 16 January, 20 March, 15 May including Annual Parish meeting, 17 July, 18 September and 20 November commencing at 7.45pm.
- 16) Obstruction on highways  
 Residents are putting boulders on the verges of the highways and it is believed this is an offence under the Highways Act 1999. There was a discussion on the hazards the obstructions caused to vehicles and pedestrians and the property owners keeping the verges tidy (as part of their gardens). Roads are narrow and it is difficult for vehicles to pass if verges are blocked. Some onus must be put on vehicle speeds. Could passing bays be suggested? This is a particular issue in the Upper End especially with HGV's. But this is a working agricultural village.  
 A vote decided that no action should be taken by the Parish Council.
- 17) Councillors' reports and items for future agenda  
 Chris Reynard reported that the next PACT meeting was in October and that recently garden machinery has been stolen.  
 Have the conditions been discharged for the stable at the Manor House?  
 Budget agreement at next meeting.  
 The "E-mail news" has been running now for six months. There are 69 addressees on the distribution list which is just under half the properties. Councillor Morris is happy to carry on with organising this.
- 17) Closure – with nothing further to discuss the meeting closed at 9.00pm.  
**The next Parish Council Meeting is on Wednesday 21 November 2012 at 7.45pm.**

Signed: .....Councillor Anthony J Hall, Chairman

Date: .....

**Appendix: Clerks report**

**i) News e-mail.**

[Birlingham News 8](#) (17 July 2012) The quarterly Parish Council meeting is this Wednesday, while the Vintage & Classic Car Rally takes place on Friday and there is a Summer Garden Party on Sunday afternoon. The rescheduled 20/20 cricket match will be held on Thursday of next week.

In this issue:

1. Parish Council, 18th July
2. Vintage and Classic Car Rally, 20th July

3. Summer Garden Party, 22nd July
4. Cricket 20/20 v NH Jockeys & Trainers, 26th July

[Birlingham News 9](#) (19 July 2012) The Vintage & Classic Car Rally due to take place this Friday has been cancelled; however, the barbecue will still go ahead.

In this issue:

1. Vintage & Classic Car Rally, 20th July
2. Village Break-in
3. Eckington Bridge Closure

[Birlingham News 10](#) (26 July 2012) It's another busy week, with plenty to report.

In this issue:

1. Eckington Bridge Closure
2. Jubilee Village Photo
3. Cricket 20/20 v NH Jockeys & Trainers, 26th July
4. All the Bells, 27th July
5. Vintage & Classic Car Rally, 24th August
6. Village Hall Roof Repairs
7. Planning Applications

[Birlingham News 11](#) (12 August 2012) Eckington Bridge is likely to remain closed for a further week - see below for details.

In this issue:

1. Eckington Bridge Closure
2. Vintage & Classic Car Rally, 24th August
3. Birlingham Flower & Produce Show, 1st September
4. Broadband Survey
5. Forthcoming Events

#### 1. Eckington Bridge Closure

Eckington Bridge is likely to remain closed for another week. The County Council have told us: "Unfortunately when we removed the surfacing we have found the 1928 concrete to be of very poor quality. We have had to undertake extensive repairs to the concrete and we are unable to waterproof until this material has cured. We therefore have a revised road opening date of the 17th August. We will endeavour where possible to make up any time but unfortunately we are unable to speed up the curing process. We plan to erect information signs up at the bridge to keep people updated."

Full details of the closure are available at [www.birlingham.org/docs/bridge\\_2012.pdf](http://www.birlingham.org/docs/bridge_2012.pdf).

#### 4. Broadband Survey

The County Council is working with other organisations to improve broadband speeds locally. In order to demonstrate that there is a demand for better broadband, the Council want as many people as possible to complete a survey. This must be done by the closing date of Sunday, 2nd September.

To read about the County Council's plans, go to [www.birlingham.org/docs/broadband\\_survey\\_2012.pdf](http://www.birlingham.org/docs/broadband_survey_2012.pdf). The survey can be found at [www.worcestershire.gov.uk/broadband](http://www.worcestershire.gov.uk/broadband).

#### [Birlingham News 11 - Update](#) (17 August 2012) Eckington Bridge Closure

The repairs to Eckington Bridge have now been completed and the bridge re-opened this afternoon.

[Birlingham News 12](#) (31 August 2012) There's plenty going on in September - see below for details of the first three weekends.

In this issue:

1. [Birlingham Flower & Produce Show, 1st September](#)
2. [Broadband Survey](#)
3. [Swan Beer Festival, 7th-9th September](#)
4. [Cardiff Arms Park Male Voice Choir, 8th September](#)
5. [Celebration of a Decade at The Swan, 15th September](#)
6. [Harvest Festival with the Bishop of Worcester, 16th September](#)
7. [Planning Applications](#)

[Birlingham News 13](#) (17 September 2012) The Parish Council meets this Wednesday. Among other items, they will be discussing the funding of the Village Hall roof. If you have not yet responded, please take a moment to send us your views.

In this issue:

1. [Village Hall Roof Repairs](#)
2. [Parish Council, 19th September](#)
3. [Zumbathon, 22nd September](#)
4. [Jubilee Family Sports Day, 23rd September](#)
5. [Planning Applications](#)

#### 1. Village Hall Roof Repairs

The proposal that the Parish Council give an additional one-off donation of £5000 next year towards the repairs of the Village Hall Roof will be discussed at the Parish Council meeting this Wednesday. In order to do this, the Council would need to increase the Council Tax by



approximately £18 for Band A houses, £21 for Band B, £24 for Band C, £28 for Band D, £34 for Band E, £40 for Band F, £46 for Band G and £55 for Band H, for one year only.

The Parish Council would like to hear your views on this suggestion. Please write to news@birlingham.org with your comments. All representations will be passed on to the Council anonymously.

#### **ii) Hall Farm House - fields for temporary use**

Paul Mouzer at Hall Farm House advised that he is to hold a weekend charity event in the fields adjacent to his property. The Clerk advised that the local authority has advised that there is no need to obtain temporary planning permission for camping/activity weekends provided the events are not within the curtilage of a building and no longer than 28 days a year. Also advised that the Parish Council have no powers to give advice on matters such as this but obviously would ask that "all" the local neighbours, particularly Whitehall Lane, had been told. The immediate neighbours have given their support. Warning neighbours sets the organiser in good favour with the nearby residents and it was hoped they also give their support. There would be an impact with noise because of vehicular movements and the numbers of attendees. It was hoped the marshals do a good job and this is controlled.

Mr Mouzer advised that the event has been postponed until next year due to the withdrawal of funding for the event.

#### **iii) news@birlingham.org - Request regarding village roads**

A resident had asked about the roads in Birlingham. The Clerk responded giving examples and also details from Ian Bamford, the County Councillor, Roy Fullee at Highways and saying, quotes "Birlingham roads have been a subject for the Chairman since he commenced his role on the Parish Council. They are unacceptable. The Parish Council continue to battle with the Highways and the County Councillor on this subject. I have included some extracts so that you can see what "we" are up against. It would appear to always be down to money and the lack of County Council budget for road maintenance. The Parish Council will continue with their quest. I am sorry I cannot answer your enquiry but hope this puts you in the picture". The resident responded, quote "Thank you for the update and very detailed report on my earlier request, on the forward programme on the road repair status of the Avenue in Birlingham. I would be most happy to write a letter to continue the pressure and discussion".

#### **iv) Citizens Advice Bureau request**

A response was sent in July to Bryan McGinity, Trustee and Treasurer on behalf of Ruth Davies the Manager Wychavon CAB. Quote, "Thank you for your letter, which was received in April 2012 and my apologies for not responding sooner. At the Parish Council in May your correspondence was discussed. I now write to you to say that the Parish Council's budget is set in November, as you are aware and that the Council's turnover expenditure is less than £2,000.00 as this is a small parish. Charity requests are considered at the time when the budget precept is forecast.

We have previously made a donation of £60.00 (July 2009) contributing towards your bureau's work. On this occasion we are not able to support £500.00 as this is unrealistic within our parish budget however we are sympathetic towards your request and trust the enclosed donation of £50.00 goes some way towards assisting.

A response had been received in August quote “We do ask you to convey our thanks to the Councillors. Their support is much appreciated and it enables us to further our work in the community. Once again thank you, your kind donation will be acknowledged in our Trustees Report and Annual Review. Ruth Davies Chief Officer Wychavon CAB”

**v) Member Conduct Committee**

Wychavon District Council agenda circulated to all Councillors.

**vi) SWDP Significant Changes Consultation - Timetable of events**

The District Councillor had informed, quote “These are the consultation times for the SWDP - please advise your Councillors accordingly and place information in the Parish Newsletter and Parish notice boards”.

A hard copy Document Plan “swdp significant changes to the Preferred Options Document” circulated to all Councillors together with events roadshow timetable.

Covering letter quotes, “The swdp is aiming to ensure that development has a positive impact on the environment. It will provide the long term vision and objectives, the location of development and the policies for guiding and delivering development in a sustainable manner up to 2030. The significant changes are only proposals at this stage, but they are a result of careful consideration of extensive background evidence and previous consultation responses. Before finalising the Plan we need to hear from you, whether it be to support or object. Any comments you make should be based on sound evidence and address planning related issues. Given the emergence of the Localism agenda you will appreciate the importance of the role town and parish councils can play in promoting awareness of this consultation and we would be grateful if you could raise awareness of the roadshow within your local area”.

**vii) Worcestershire County Council – public broadband surveys open until 2 September**

Circulated to all Councillors. Letter quotes, “we are working with parishes to promote the faster Broadband for Worcestershire surveys. We know Broadband is vital for local businesses and residents and so Worcestershire councils and partners are working to increase Broadband speeds. We need as many returns to the surveys as possible to help us to provide evidence of the demand for faster Broadband in your local area”. Ask Councillor Morris to include on e-mail news.

**viii) Enforcement - Court Lodge**

Clerks update to Councillors quotes, “I have asked Enforcement for an official response. The "porch" is bigger than planning criteria for a porch and is therefore classed as an extension. A letter will have come from Enforcement following the complaint that was made. The resident had visited the Chairman wanting to know who had reported. I will await the Officers reply both on the "porch" and the new driveway”.

The resident had also approached the Clerk about the porch and the driveway.

## Response quotes

Dear Mrs Hiden

**Alleged Breach:** Deviation from approved plans.  
**Location:** Court Lodge, Upper End, Birlingham, Pershore, WR10 3AA

I write in connection with the above and further to my site visit on 9 July 2012 and discussions with the owner of the site.

I can confirm that after further consultation, planning permission is required for the small extension to the east side of the property. This is because the extension has not been erected on the original part of the house and therefore is considered to be a deviation from planning consent, W/08/01674. I have requested that a planning application be submitted for the unauthorised works and have been advised by the owner that it is his intention to do so as soon as possible.

With regard to the access adjacent to 1 Court Cottages, I have been advised by the owner that there was an access gate in place many years previously and this is shown on his deeds. I understand that the previous owner of 1 Court Cottages, who as you will be aware, used the area of land as garden for growing vegetables, and will confirm there was a gateway if necessary. The Council's own aerial photography from 1999 shows a track through the garden area to the roadside although does not show a gateway. For the sake of clarity, I have requested confirmation be given as to whether a gateway was in situ previously or not.

With regard to disclosure of the source of the complaint, the owner made suggestions as to where the complaint may have originated from, one of which was the Parish Council. I advised that quite often complaints were passed to the Parish Council to be taken forward on behalf of the complainant. I did not confirm either way as to who the complainant was and explained that I was unable to do so as in fact I did not know who the complainant was. I also advised that this information is nevertheless confidential.

I trust that this clarifies the situation should you wish to discuss the matter further please do not hesitate to contact me.

Yours sincerely

### ix) Further Complaints

#### **Hall Farm House, Whitehall Lane, Birlingham**

Clerk asking for update following a complaint regarding Hall Farm House. Quotes "Could you summarise the conclusions of your site visit regarding the above property? One was the velux windows and the other was the "non-compliance" of conditions on the division of the house". Reply is in the Planning Report.

**Manor House** hedge. Quote from a Councillor, "I believe there has been an official complaint about the hedge. The hedge would have been removed by the entrance gate anyway because of the visibility splay. And there has not been alot of hedge "destruction" as the entrance gate was already there. So I am not sure what other hedge is being referred to as nothing else has been removed, has it? I think the fence (on the corner) is an improvement although they have ripped out the County Council railings and cleared the weeds. Surely the concern now is whether a hedge is planted on that corner". Clerk responded, "I will get an official response to this".

**v) Village Hall Roof - responses**

Councillor Morris, quote “As you know, in the last village e-mail I included the suggestion that we levy £5000 on the Council Tax for the Village Hall roof so that residents would have the opportunity to comment. I've had a few responses so far but not enough yet for it to be a fair representation of views”.

**vi) CALC – Standards and code of conduct - advice received**

**vii) New Homes Bonus. Response from Chairman BVH 5 August**

Chairman of BVH quote, “Thank you for the confirmation about the NHB. Do I need to request you to liberate the money, as with the PC contribution?”

**viii) Eckington Bridge**

Councillor Hardman sent the following update from Halcrow, quote “I am writing to give you a brief update on the progress of the works at Eckington bridge. Unfortunately when we removed the surfacing we have found the 1928 concrete to be of very poor quality. We have had to undertake extensive repairs to the concrete and we are unable to waterproof until this material has cured. We therefore have a revised road opening date of the 17<sup>th</sup> August. We will endeavour where possible to make up any time but unfortunately we are unable to speed up the curing process. We plan to erect information signs up at the bridge to keep people updated”.

**ix) Communicate - August edition**

Received the latest edition of Communicate, the news bulletin and from Wychavon’s Strategic Partnership and the LSPs.

**x) Agreement and Licence of telephone kiosk**

The duplicate Agreement signed and witnessed has been returned to the solicitor at Wychavon District Council

Clerk to Legal quote, “Acknowledgement for the receipt of the Agreement. I'm also hopeful following our conversation that the kiosk is painted. That would be the perfect end to what has been a very lengthy process with BT and Western Distribution!”

**xi) Complaints to Highways**

Clerk update to Councillors quote, “I have reported the mud on the road below Woodfield Farm House (towards October House). I understand it’s difficult with farming and the weather but the road has been completely neglected by Revills and it is about time something was done. (I have nagged at them lately and nothing gets done. The hedgecutter has taken branches off the trees again and there is the continued litter nuisance).

I have also reported the bend at Peacock Farmhouse. Highways now to investigate”.

Mud = 5109238 Bend = 5109234

Upper End road sign reported knocked down = 5123046

**xii) Upper End, Birlingham - Flooding / drainage**

Clerk to Engineers at Wychavon District Council quotes “You may recall we had a meeting about this issue some years ago with Adrian Hardman, David Lavender and the Parish Council Chairman. An extract from our July '12 meeting states:

Water at Upper End. Councillor Aston advised of the water at the Upper End and a picture. 2 cars had broken down in the middle of it and it was running like a river.

Clerk emailed Councillor Hardman, quote “As you can clearly see the issue of the water at Upper End has not been resolved. The Lengthsman has put out flooding notice boards. This has receded somewhat this morning but there is debris, sand, stones etc all over the road. The water is coming off the field (below Orchard Hill house and above the barn conversions) and not clearing down the drain outside Barncroft. There is also the problem with the other flooded area below this patch where the water drains onto Harry Porters land. The same 'ol same 'ol story which has been going on for several years now with no solutions. Please can we see some action?”

At the July meeting Adrian suggested that we contact you again and see what investigations you can carry out. Surely it is not acceptable that the water trickles constantly down the road opposite Hills Cottage and any significant shower means the road floods and on occasions is impassable? I believe it needs some enforcement / authority on the landowner(s) responsible. David Lavender was involved, and is still at the County I'm told, but would he do anything? I await your reply”.

Further email from Clerk “I have just found this email from 2009 (note the meeting was 2008) asking for yet another update from Dave Lavender. I never did get an answer.....

Perhaps 4 years on someone could take ownership of this issue and give an answer to the residents of Birlingham”

Response from Engineers: “We will put it on our list of inspections but as I seem to recall there are no ditches here but I may be wrong and will get it checked again and then approach the County”.

Clerk to David Lavender at Highways copied to County Councillor and Highways:

“You will no doubt recall the issues with flooding and drainage at the Upper End of Birlingham, the meeting we had in 2009 with Adrian Hardman, Tony Jones, the Parish Council Chairman and myself and my numerous emails chasing you for action in this matter since then. Councillor Hardman suggested that I contact you again so that you can investigate the matter. The email below is very comprehensive from Mr Grundy at Wychavon District Council who has carried out his investigations concluding that the Highway Authority should carry out a Section 163 action.

As the Project Liaison Engineer I hope you can take ownership of this issue and come up with a positive solution in what has become an on-going struggle with lack of communication and action from the County Council”.

Response from Ray Grundy at Engineers:

“I write in response to your email of the 18 August 2012, to Tony Jones, concerning surface water flooding of the carriageway at Upper End, Birlingham, near the barn conversion and my subsequent investigation.

As part of my investigation I have visited the site twice, on 28<sup>th</sup> August and 30<sup>th</sup> August 2012. At the first visit, which was just after completion of harvest of the onion crop from the field on the south side of the road, staff from the farm were on site clearing mud from the road deposited by

their machinery. Together with a member of staff from the farm, I walked the boundaries of the fields on the north side, where it was believed water originated in the earlier flooding, to establish if any watercourses existed that could be made to receive water from the land. There were no such watercourses and my information was also that there was no piped system of land drainage for either field.

On the carriageway itself there were no roadside ditches on either side from Orchard Hill, through the affected area by the barn conversion, and on towards the village centre. Outside Orchard Hill House there was a roadside gully on each side and a further 9 gullies at the low point in the road where water accumulates to cause the problem as described in your email. All of the gullies at this location outfallen to a roadside piped system and each gully was clear of silt at that time and as far as I could tell so was the piped system.

My second visit on 30 August was following heavy rainfall and gave a clearer picture of the reasons behind the flooding of the carriageway. During overnight heavy rainfall surface water falling on the field next to Orchard Hill House had gravitated to the low point in the south-east corner which was near the open field entrance from the road. The headlands around the field had been left uncultivated but although laid to grass had been used by farm machinery tending the crops which had compacted the surface and in places created deep ruts which was now holding considerable water. On this occasion water had not risen to the level in the field necessary to flood the carriageway but it was clear not too much more rainfall would have resulted in water overtopping the raised ground just inside the field entrance to flow onto the road.

Our powers are limited to taking action under the Land Drainage Act against landowners to keep ditches and other watercourses in good condition. As there are no such features in the vicinity of this area I feel the only possible option is for the County Council, as highway authority, to use its powers under S163 Highways Act against the landowner to take action to prevent surface water from private land from entering the carriageway.

If you require any further information please do not hesitate to contact me”.

Ray Grundy  
Land Drainage Inspector

**vxiii) The Bystander - item for inclusion New Homes Bonus**

Clerk to Edward Farrar quotes, “Parish Council - informing you of the New Homes Bonus The Government introduced the New Homes Bonus in April 2011. The Bonus aims to ensure that the economic benefits of housing growth are returned to the councils and communities where that growth takes place. This year’s Bonus has been awarded to the Village Hall for assistance with the repair to the roof.

If you think Birlingham could do with something that would bring added and on-going value to the local community and, where possible benefit communities close by, then get a proposal together and get in touch with the Parish Council”.

**xix) Bystander article Thank you for litter pick and mowing of village green**

Clerk to Edward Farrar “THANK YOU'S The annual village clean-up took place in the spring. The Parish Council recruited a team of volunteers to carry out the litter pick who were Stephen

Cant, Steve McVittie, Julie McVittie, Steve Morris, Steve Diston, Paula Aston, Steve Conder, Sarah Brown, Tony Hall and Bruce Hayward.

Please say well done to those who helped in making Birlingham tidier and please say thank you to those residents who continue to pick up rubbish at any other time.

And to David Maxwell who volunteers his time in cutting the village green.

THANK YOU TO ALL THE VOLUNTEERS”

**xx) Birlingham - Severn Trent drain cover**

Clerk to Roy Fullee quotes, “It’s been nearly a year. Have you got an update regarding the drain cover at Lower End (opposite Ivy Cottage). The cover is displaced and the concrete/cement has almost disappeared. Surely this is a health and safety issue?”

From Roy Fullee, Senior Highways Liaison Engineer to Clerk quotes, “I wasn’t aware that this matter was still outstanding, but we did notify Severn Trent Water and issued them with a Section 81 notice. I will get this matter chased up”.

**xxi) CALC Update 12-33 chairman’s letter - Compliment to Richard Levett**

Clerk to Richard Levett at CALC quotes, “I note the comments of Keith Perkins in his "Letter from the Chairman". Can I say that your Updates are extremely useful (especially to me as Clerk) and that (contrary to what he suggests) I always pass them onto my Councillors for their information and guidance. The Parish Council have adopted the new standards although I am yet to notify the local authority. It was your information that prompted Councillors to do this as we appeared to receive no notification from Wychavon. Although they did run an evening event I was on leave and no other guidance seemed to come through officially. I made an enquiry and was given the evenings notes so they were helpful in that sense. But, thank you for your efforts”.

Richard Levett to Clerk quotes, “Thank you for taking the trouble to respond – and I am very grateful for your kind words, which are much appreciated. Best wishes, Richard Levett, Executive Officer, Worcestershire County Association of Local Councils”

**xxii) Minutes and Agenda BVH**

Received the unconfirmed Minutes of the July Meeting and the Agenda for the September.

**xxiii) Land drainage Pentwyn Nurseries.** Serving a final notice 22/8

**xxiv) Notice of Temporary Road Closure, Lower End/ The Avenue, Birlingham, commencing 1st October 2012**

Notification and Public Notice published recently in the local newspaper.

**xxv) Lengthsman**

Clerk to Carl quotes, “When this road closes (The Avenue) more people will use New Barn road (access onto the Eckington Road). Would it be possible for you to trim the verges at the Eckington junction especially where the blind bend makes it dangerous leaving this exit. As much as you are able to do by the wooden fence. I realise you are not supposed to go onto the main road but as much as is possible for you. I have complained about the road, below Dairy Cottage to the junction, with the overhanging hedge as the visibility is so bad. At least Revills trimmed it back abit”.

**xxvi) Invitation from P.M.T.P.**

Pershore Market Town Partnership 10 year anniversary celebration event on 27 September.  
Invitation.

**xxvii) Audit commission**

Letter received from Audit Commission following consultation confirming the appointment of Grant Thornton UK as external auditor for five years from 2012/13.

**xxviii) Bystander request Dates for your Diary**

Email sent to Edward Farrar after a request for Dates for our Diary November 2012 to May 2013

21 November

16 January

21 March

15 May

all starting at 7.45pm

15 May - Annual Parish Meeting starting at 7pm

EMAIL ALSO COPIED TO MARY SADLER

**xxix) Revised proposals for new Parliamentary Constituency Boundaries**

Letter from Wychavon District Council circulated to all Councillors. A summary of the revised proposals and information sheets about the Commission, and the review in general, will be available at the Civic Centre. The Commission welcome feedback. The deadline for written representation is 10 December.

**xxx) Parish Matters September 2012** available at meeting

**xxxi) Invitation**

Received from Chairman of Wychavon District Council to the James Bond themed charity dinner dance. Circulated to all Councillors.

**xxxii) Register of Interests due at the end of July**

Reminder sent 2 September 2012 to Councillors.

**xxxiii) Planning consultation database and questionnaire**

**Appendix: Extract from letter to Bob Neil - 30 August 2012:**

**Implications of the National Planning Policy Framework and Housing Land Supply**

This Council fully accepts the need to provide adequate land for housing and has done its utmost to move forward with a development plan being jointly prepared with Malvern Hills District Council and Worcester City Council.

The three councils temporarily postponed our work on a joint core strategy in 2010 pending the new Government's aspirations for the planning system and its clear statements on the need for



Regional Spatial Strategies to be revoked to allow for a greater say in planning issues by the people who would be most affected by decision making. This Council effectively did what it was asked to do, by looking at a bottom up evidence based approach to decision making rather than the previous Government's failed top down approach.

The outcomes from the current consultation on the proposed Development Plan will be reported to all three Full Councils at the end of November and the plan is due to be submitted for examination in March 2013. In addition to this, the Council has taken positive steps to address its 5 year land supply position. Between 1 April 2011 to 1 June 2012 planning permissions totalling over 1500 dwellings have been granted (or are to be granted subject to Section 106 agreements) outside the Local Plan development boundaries.

Despite this the Council still does not have a 5 year supply of land because of the lack of completions in the housing market. The National Planning Policy Framework (The Framework) and recent decisions by both the Planning Inspectorate (in relation to development within the District) and the Department for Communities (in relation to development nationally) in accordance with the Framework have created an untenable situation for this Council since it holds us to account for something we cannot directly control. Further there is a real danger that significant unplanned growth will harm the overall sustainability of the District.

A recent local appeal decision is critical of the Council in its delay in adopting a local plan and further to this undermines the importance of the Council's Strategic Housing Market Assessment (2012) by setting a requirement to follow the housing figures given in the West Midland Regional Spatial Strategy Panel Report of September 2009. This appears to be in direct conflict with the spirit of the Localism Act, the intended removal of the regional spatial strategies and Ministerial statements as to the weight to be afforded to Regional Spatial Strategies in view of its intended revocation and, as set out in the NPPF, the opportunity for this Council to assess its own housing requirements in order to meet objectively assessed housing needs (paras 47, 48 and 159).

In addition to the above, an Inspector's decision (APP/H1840/A/12/2171339) confirms that due to a lack of completions this Council needs to look to a land supply requirement of 5 years plus 20% and refers to the use of a "Sedgefield approach" to manage the shortfall in the supply of houses instead of a 'residual model'. The NPPF is silent on the method to be used but the Inspector's decision, which becomes a material consideration in future planning applications, is unequivocal in the need to apply a "Sedgefield approach", i.e. to meet the outstanding shortfall over the next five years rather than over the lifetime of the plan.

The above means that this Council would need to provide permissions for *and see completed* over a 1000 dwellings per year to meet its 5 year requirement. This level of house building has never been seen before in this District. (The highest build rate was 771 dwellings in 1997/8, with an average completion rate of 436 dwellings over the past 16 years). No consideration seems to be given to the current economic climate or the availability of mortgage lending to finance house purchases. The Council is unlikely to be able to achieve a satisfactory 5 year land position prior to the adoption of its development plan. This will not be until November 2013 and means that any land could come forward for development to the detriment of the strategic phased approach set out in the emerging plan.

The implication on the District's towns and villages will be significant; creating unwanted and unneeded development in unsustainable and inaccessible locations where services are already stretched, compared with the sites that have undergone close scrutiny and public consultation to be included in the South Worcestershire Development Plan. Allowing significant development prior to the adoption of the plan and the adoption of a charging schedule under the Community Infrastructure Levy Regulations will result in a considerable loss of funds for strategic infrastructure development necessary to support the proposals set out within the plan and will jeopardise the economic growth and general wellbeing of the District and South Worcestershire as a result.

To illustrate my concern, a planning application for 75 dwellings in Honeybourne was granted planning permission by Wychavon in July 2012. One of the appeal decisions referred to above allows for another 70 units in the same village. A further appeal decision is awaited for the same village potentially providing a further 45 units. The implications of attaching no weight to the emerging Development Plan and the setting of unsustainable and unachievable house building targets is likely to lead to a 28% increase in the number of dwellings in Honeybourne. This growth is not in line with the 10% growth envisaged through the Development Plan strategy. Having three development sites in one village is not a sustainable growth situation, and the likelihood is that either they will all be built out much more slowly or one or more schemes will be land banked, which ultimately helps none of our objectives.

In conclusion, while this Council accepts and will continue to do its best to provide adequate land to meet housing needs, it was envisaged that this would be achieved through a sustainable and plan led system once this Council could demonstrate a 5 year supply of land. The lengthening of the process necessarily incurred in developing a joint plan has not been recognised, nor has the Council's evidence base as to what it considers to be housing needs. No weight has been given to the emerging Development Plan in decision making which would guide development to sites which are most likely to be suitable, since there is now a large number which have passed the Preferred Options consultation stage. Further to this, no account is being taken of the fact that the market itself must deliver the housing – not the Council as the planning authority. The need to provide in excess of 1000 dwellings per year for the next 5 years is as a result of the need to provide a 5 year plus 20% land supply as set out in the Framework plus the management of the under delivered housing within the next 5 years and not over the plan period. At this time in the economic cycle this approach is unrealistic and unachievable and threatens to undermine the development plan's strategy to the potentially catastrophic disadvantage of our local communities.

I question the weight being given to the economic advantages of allowing so many homes to come forward and see a risk of sites being commenced, to ensure planning permissions remain extant and semi built or land banked sites, where demand for housing is limited. I note a concern expressed in the recent press that the Government's approach to building more homes could have a negative impact on the economy through falling house prices, further bank losses and the potential for a new credit crunch.

In conclusion, I would ask that urgent consideration is given to the following:

- 1) The speedy completion of the environmental assessments necessary to allow the abolition of the RSS and any associated Panel Reports.

- 2) A review of the weight to be given in decision making to local opinion, strategies and policies set out in emerging local plans;
- 3) A clear direction from the Government that applying a “Sedgefield approach” to manage the undersupply of dwellings is unrealistic, and creates unachievable and unsustainable targets.
- 4) A review of the requirements of paragraph 47 of the Framework in relation to 5 year land supply to remove arbitrary and meaningless additions of 5% and 20%;
- 5) A review of how the 5 year land supply is calculated – recognising that completions are not within the Council’s gift but that the granting of planning permissions is and that this should be the benchmark for assessments of supply; i.e. the Council’s ‘Performance’ should be judged on permissions granted and not the number of completions.
- 6) How developers who gain planning permissions can be incentivised to build houses and not ‘land bank’ sites by sitting on the planning permission or meeting basic commencement requirements to ensure permission remain extant in perpetuity; and,

These six points must be resolved with all speed in a way which allows us to have sustainable growth.

**Democratic Opening:** A resident questioned where Meadow Lane was as this had been placed on the Road Closure Notice. Clerk to clarify.

What was the idea of the revised speed limits on the Pershore to Upton upon Severn road (before Birlingham). Some were de-restricted. Who polices this? Who decides?

A discussion took place regarding obstructions on the highways verge; see Item 16