Birlingham Parish Council

Minutes of meeting held on Wednesday 18 May 2022

In Birlingham Village Hall

Councillors:

Councillor Aston, Byrne, Cook, Griffin, Luff and Porter

Present:

June Hiden, Clerk

Welcome

1. Election of Chair

Councillor Ian Yates was willing to continue as Chairman. It was agreed unanimously to elect Councillor Yates as Chairman and he will sign the Declaration of Office.

2. Election of Vice-Chair

Councillor Paula Aston wished to continue as Vice-Chairwoman. Councillors voted and Councillor Aston was elected.

3. Apologies for absence

Apologies were tendered by Councillor Yates who was on holiday and this was accepted. Apologies from County Councillor Adrian Hardman and District Councillor Ron Davis who had a meeting at Wychavon District Council, the Lengthsman, Carl Brassington, the Footpath Warden, Bruce Hayward and Tree Warden, Rupert Keys who is away with work commitments.

4. Minutes of the Previous Meeting

The Minutes of the meeting held on 16 March 2022, a copy of which has been circulated to all Councillors, was agreed as a true record and duly signed by the Chair.

Democratic Opening

The meeting was adjourned for public question time, however there was nothing further to report.

5. Declaration 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.
d) Written requests for the Council to grant a dispensation (S33 of the Localism Act 2011) are to be with the Clerk at least four clear days prior to a meeting.
e) Dispensation forms have been received from all Councillors for the term of office ended May 2024.

Councillor Cook declared an interest in the planning item as a neighbour and in relation to any discussions regarding the Jubilee Committee.

Note: 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. Failure to register or declare a Disclosable Pecuniary Interest may be a criminal offence.

6. Council's scheme of delegation and to appoint members

a) Appointment of Financial Support Officer. Councillor Terry Griffin is happy to continue with his role advising and supporting the Parish Council and is duly appointed.
b) Appointment of Footpath Warden under the authority of Worcestershire County Council. Bruce Hayward has confirmed he is happy to continue in his role as the Footpath Warden and this was agreed. Councillors thanked Bruce for his assistance. They also gave thanks to Mark Smith who assists Bruce in his public rights of way maintenance role.
c) Appointment of a Lengthsman. Carl Brassington agreed to continue as the Lengthsman on a contractual basis. A copy of his current business insurance policy, showing his indemnity, is held on record. The Annual Agreement (the Parish Lengthsman Scheme) for the undertaking of minor highway maintenance works between Worcestershire County Council and the Parish Council has been returned to County Hall (April 2022).
d) Appointment of Tree Warden. Rupert Keys will continue the role of Tree Warden.
e) Planning Group. The Group is made up of all Councillors and they actively take part in the consultation process. It was agreed that the Group will continue to be headed by Councillor Steven Byrne as the Planning Co-ordinator. He will lead on the communications exchange between Councillors and collate an overall view to pass to the Clerk for submission to the Local Planning Authority. Councillor Byrne was thanked for his time in this over the last year.

7. Confirmation of arrangements for insurance cover

The Parish Council is required by law to assess, at least annually, the risk of its various activities and to update its insurance and asset register. This was agreed, with a public liability of up to £5 million for any one event, with an example being the litter pick.
The understanding for the Insurers (Zurich) is that: the precept is under £25,000, the wages are under £20,000, All Risk's total is under £10,000 (bench and strimmer) and there are no major events or public services undertaken during the year on behalf of the Parish Council.

The Clerk will check the cover for the kiosk due to the cost of the refurbishment. The mower and strimmer condition also need to be advised.

All Councillors are aware of the policy document. This has been reviewed and is accepted.

8. Review of the Council's subscriptions to other bodies

The Parish Council subscribes to the Worcestershire County Association of Local Councils (CALC), which is a member organisation offering support, training, seminars, advice, and guidance to parish councils. The charges for the current financial year have been received and are to be agreed at agenda item 12.

All Councillors are aware of what CALC does and the service it provides which is an important backup and useful membership to the Parish Council. They have just provided a draft guidance for the revised GDPR and Code of Conduct which will be reconsidered at the next meeting.

The subscription was reviewed and accepted.

9. Determining the time and place of ordinary meetings and the next annual meeting of the Parish Council

A discussion took place on the Parish Council's annual review of the time and place of ordinary bi-monthly meetings. It was proposed and agreed that the meetings will continue to commence at 7pm on Wednesdays. Birlingham Village Hall is the usual venue and is being booked in advance. Meetings will be face to face.

It was agreed that the annual meeting of the Parish Council will take place in May 2023. The date and will be agreed later in the year.

10. Progress Reports

a) Footpath Warden:

i. Footpath 516 (by Swan's Neck) – fallen tree cleared from track.

b) Tree Warden:

i. Would it be possible to mention to the highways if they could leave verges left uncut on the straights and only cut on blind spots? Why has the village been cut during 'No Mow May'? It will also help wildlife, promote wildflowers and any bulbs to flourish better next year.

Rupert Keys was thanked for his work on the Jubilee Wood. Stakes have been put in to prevent vehicles leaving the track access.

c) Lengthsman – see ***Appendix 1***

d) District Councillor: nothing further to add from the Parish meeting.

Councillor Davies was thanked for his support given health reasons.

e) County Councillor:

County Councillor Hardman was thanked for his full report given at the earlier meeting.

Councillor Hardman was thanked for his time and effort with the continued support in Birlingham. The Parish Council were grateful for his help financially with supporting organisations with the Divisional Funds he had given.

f) Clerk - See ***Appendix 2***

11. Planning

a) Planning applications pending : none.

b) Applications granted/refused : none.

PLANNING APPEAL – DISMISSED

REF:- APP/H1840/D/21/3288819

Appeal Start Date: 12 January 2022

Appellant(s) Name: Mr Nicholas Green

Proposal: Demolition of existing rear single storey extension and replacement with two storey new rear extension. Refurbishment of the building envelope including roof finishes and stone windows. Internal refurbishment and alteration works

(Variation of condition 5 Ref. 17/01047/HP)

Site at: Old School House, The Avenue WR10 3AB

Written representation

Appeal Decision

Site visit made on 11 April 2022 by Mr Andre Pinto BA, MA, MRTPI an Inspector appointed by the Secretary of State

Decision date: 29 APRIL 2022 ***Appendix 3***

FOR INFORMATION ONLY – trees in a conservation area.

Application Number 21/02947/CAN

Location: The Old Rectory New Barn Lane Birlingham Pershore WR10 3AB

Proposal: Undertake tree works as detailed on application form and in accompanying information

Status: Pending

Application Type- Tree works within a conservation area

Application Received Date: 16/12/2021

Application Number W/22/00016/TPOA

Location Address Brockham Upper End Birlingham Pershore WR10 3AA

Proposal: Undertake tree works as detailed on application form and in any accompanying information

Status: Approval

Application Type- Tree preservation order application (works to)

Appeal Decision N/A

Application Received Date: 05/01/2022

Decision Date: 17/01/2022

c) Enforcement – Pig Sty, Lower End

The shepherd's hut was discussed following several complaints. Councillors agreed that the due process for enforcement at the local authority was taking place and recognised the precedence this building/holiday let might set in a conservation area. Councillors believed that it may be a breach of planning if amenities were connected and this should be referred for comment to Wychavon District Council if this was to happen.

12. Financial Matters

a) The Accounts for 2021/2022

i. Bank balance (Treasurers Account) is £7,864.51 as at 31 March 2022 and as shown on the spreadsheet, as per the financial year end 2021/2022 and as per the audited financial year end.

The bank balance (Bus Bank Instant) is £7,790.85 as at 31 March 2022.

ii. Receipts

i. £75.00 – Worcestershire County Council (25 March 2022)

The resolution of the Audit will take place in July. An extension has been requested to Messrs PKF Littlejohn. The internal auditor was not available before the meeting due to work and holiday commitments and therefore the AGAR cannot be approved at this time to reach the deadline of 1 July 2022.

The internal audit has been set for 24 May 2022.

An acknowledgement from PKF Littlejohn has been received and confirms that the submission deadline has been extended to 29 July 2022. Despite the request the external auditors will still report this as a missed deadline but no costs are incurred to the Parish.

b) The Accounts for year 2022/2023 (current financial year) have been reviewed by Councillor Griffin and the Clerk, including the 'Provisions' summary.

i) Bank balance is £10,282.51 as at 28 April 2022 for Treasurers account. Balance is £6,790.15 for Business Instant account as at 11 April 2022.

ii) Receipts –

i. £135.00 – Worcestershire County Council
ii. £3,618.00 – Wychavon District Council (Grant £90.00 + Precept £3,528.00)

iii) Payments –

i. £250.00- Worcestershire County Councillor Grant – Cuppa & Chat (642) Received grant 'Vital Social Care' May 2020
ii. £75.00 – Lengthsman January 2022 (645)
iii. £135.00 – Lengthsman February 2022 (646)
iv. £20.00 – Birlingham Village Hall March 2022 meeting (647)
v. £150.00 – PAYE – (January, February, March) (648)
vi. £600.00 – Clerk's pay (January, February, March) (649)
vii. £104.30 – Clerk's expenses (January, February, March) (650) Note: Oct, Nov, Dec paid 26p instead of 28p so corrected by 4p for Jan, Feb, Mar
viii. £1,185.00 – Spar Logistics (Britishbits) telephone kiosk deposit (651)

BVH charges for Ordinary meeting dates (7pm to 9pm)- not advised of any increases. Continue to book on a bi-monthly basis and be invoiced likewise. Future payments were approved at the March meeting with the BVH hire at whatever the amount in case of increase.

c) Future payments for consideration

i. £20.00 – Birlingham Village Hall meeting 18 May 2022
ii. £165.00 – Lengthsman March 2022
iii. £180.00 – Lengthsman April 2022
iv. £235.09 – Worcestershire CALC (Calc service charge per elector £178.18 plus VAT and Nalc affiliation fee £21.27)
v. £257.60 - Zurich Insurance

Note: The Lengthsman summary for 2021/2022 was presented. ***Appendix 4***

d) County Councillor Hardman's Divisional Funding

Councillor Adrian Hardman has agreed the following amounts in grants.

i. Tuesday Art Group £200.00 (cheque number 652) – receipt received from Karen Crowther.
ii. Telephone kiosk - £1,775.00

Note: £20.00 for Cuppa & Chat was received via BACs. Cheque number 653 has now been raised for this amount. Clerk was not aware that this grant amount from Divisional Funding had been given to the group towards the Jubilee celebrations.

e) Queen's Platinum Jubilee Celebrations

Wychavon District Council are supporting the Queens Platinum Jubilee celebrations and the Parish has been allocated £100.00 based on the 2022/23 Council Tax base for the parish. This is to be used to provide events and activities in the area for the community.

An on-line application form has been submitted to the Council for £100.00 explaining how the funding will be used and a payment requested.

An application for road closures for the weekend of celebrations has been made to Wychavon District Council on behalf of the Jubilee Committee. See Item 16.

f) Pensions Regulator

Email received 19 April 2022 confirms that the Clerk's contact details have been provided to The Pensions Regulator as the employer contact for Birlingham Parish Council. As the employer contact in the organisation, they will be responsible for making sure the automatic enrolment legal duties (November 2022) are met for Birlingham Parish Council.

g) Savings account. The transfer of £500.00 from the current account to the savings account will be actioned by the Clerk.

13. Millennium Bench

Rupert Keys and the carpenter, Ian from the workshop in Malvern, have had a site meeting at the green. The bench is nearing completion and the ground works are to be done by Rupert over the next few weeks. Rupert and Ian will coordinate with each other to bring the finished bench over and build in situ.

14. Full Fibre Broadband (Fibre to the Premise – FTTP)

Councillor Porter has written a full report and update on full fibre broadband for the villagers and sent this to be published in Birlingham News. ***Appendix 5***

Councillors' Bryne and Porter have been pursuing Airband. Councillor Byrne advised that the closing date for applications for fibre broadband, via Air Band, to the village has passed. Both Councillors said however that the required interest was reached in time and now further information was needed on how to move forward. Councillor Porter will contact the company again at the end of the month for an update and installation dates.

15. Telephone kiosk

The phone box restoration began on 28 April and was collected and taken away to Spalding, Lincolnshire for approximately 10 weeks. The phone box will be stripped down and shot-blasted back to bare metal and then built back up, painted and re-glazed with new hand screen-printed 'telephone' transoms added as well as gold-plated crowns. The 'push/pull' safety glass panel will be restored, including the hinges and door pull. Once complete it will be delivered back and reinstalled. The ground where the kiosk was sited is clear.

Councillor Cook will advise of any updates on the restoration and the kiosk returning to the village over the next couple of months.

Suggestions on how the telephone kiosk can be used moving forward would be welcomed by the Parish Council.

The funding for the restoration of the telephone box is being made possible with support from County Councillor Adrian Hardman, the Jubilee Committee, the Birlingham Bystander and the Parish Council's project budget.

County Councillor Hardman was thanked for his help. The Jubilee Committee were also thanked for their contributions.

16. Queen's Platinum Jubilee Celebrations

Councillor Cook gave an update on the planning of the celebrations. There had been four meetings of volunteers, organised by the Jubilee Committee. There are several events happening over the bank holiday weekend in the village and leaflets and invitations are going out shortly to households to inform residents of these.

Note: Cuppa & Chat have received the £200.00 grant request from the Divisional Fund. A BACS receipt dated March 2022 coincided with the same amount for the Tuesday Art Group. Both groups have been informed of their funding.

17. Ukraine Aid

Councillor Luff advised that nothing more has been raised regarding the Ukraine aid. Wychavon District Council has sent out questions but there is no particular role for the Parish Council. A reply has been received from James Revill following Councillor Luff's communication and there is nothing further.

18. Councillors' reports and items for future agenda

Crime Report

Councillor Aston advised on recent burglaries in Eckington. There was also more garden crime.

Code of Conduct

The Legal Department at Wychavon District Council has asked for considerations to be made on any changes/ updates needed to the existing code to bring it in line with the model code.

Flooding by Manor House paddock

Councillor Byrne gave an update. The entrance and land in the paddock towards the boundary with The Moors has been dug up. A terracotta pipe was broken and has been repaired. There is no further flooding on the highway.

Swans Neck

Redstar have been approached regarding a road barrier to Swans Neck and advised that this is not binding as it is a pedestrian right of way.

19. Closure and date of next ordinary meeting - with nothing further to discuss the meeting closed at 8.45 pm and the Vice-Chairman thanked everyone for their attendance.

The next Parish Council Meeting is on Wednesday 20 July 2022 at 7.00pm in the hall.

Signed: ..... Councillor Ian Yates, Chairman

Date: ……..……..……..……

Appendix 1 – Lengthman's Report

LOWER END

BROADWAY ROAD

Reference Number 1230639 – dislodged manhole cover

16 March 2022: "*Thank you for your enquiry. We have raised an order, CEN/58761 to repair the cover.*"

Reference Number 1252100 - 19 April 2022 reported as access cover dislodged again.

20 April 2022 Reply: "*Thank you for your enquiry. We have raised orders for the cover to be reset temporarily and verge masters to be installed either side to warn traffic of its presence. We have also referred it to our engineers to investigate a more permanent solution*."

BERWICK LANE

Reported 29 April 2022

Reference Number 1260364 - gully full

17 May 2022 – update "Thank you for reporting the issue this location has been added to the programme for a survey and clean and will be visited as soon as possible."

Reference Number 1260365 – gully full

Reference Number 1260365 – gully full

CENTRE OF VILLAGE

CHURCH LANE

Reference Number 1252102 - verge marker post installed incorrectly

19 April 2022: "*Thank you for informing us of a Highways issue* ."

20 April 2022: "*Thank you for your enquiry. We have raised a four-week order, number CEN/59219 to repair/make safe. The road will continue to be monitored as part of our routine inspection regime."*

UPPER END

Refence Number 1237779 – directional sign

26 March 2022 – "*sign at the top of Upper End. I've turned it several times but it keeps blowing back. Don't know how because it's stiff as heck when you try and turn it."*

Position of a diversion sign

25 March 2022 - A resident was also made aware by the Chairman that Worcestershire County Council are the contact.

Reference 1272756 - Drainage / flooding

16 May 2022 - Reference Number 1272754

16 May 2022 - Reference Number 1272756

Appendix 2 – Clerk's Report

Flooding / drainage and other highway issues

UPPER END

Drainage

16 March – Barry Barnes

I'll inspect at the site again to check to see if lowering the gully will assist in solving this issue. Preferably during rainfall. I'll also consider any other solutions.

LOWER END

Manor field

23 March 2022 Clerk chased for action on the highway flooding. Landowners have been given the reference 2005577254. A site visit was carried out the same day by various sub-contractors of STW and owners aware. (Laine's contractors jetted until it got stuck upstream around the stable area. The job number given on site is The Moors 13025056 / operation 10

Broadway Road

Reference Number 1225099: An old cherry tree has dead branches in it and overheads the highway. A kind resident has removed one limb as it was broken off and hanging. The tree needs to be removed from the verge.

21 April 2022: "*Thank you for your enquiry we have inspected the site and all branches have been cut and placed at the side of carriageway and there is no safety issue with the tree*."

Whitehall Lane

22 March 2022 – request from resident asking if the Parish Council are able to confirm that the lower part of Whitehall Lane is to be resurfaced. If not, could this be passed to the Council?

Clerk has replied saying that there are no plans to action the lane and that there may be some way forward by reporting 'repair issues' online directly.

9 May 2022 – resident acknowledges the reply.

Zurich Insurance

Clerk conversation 21 April 2022

The Clerk's contact details were updated. The policy is due for renewal on 1 June 2022 and Zurich are launching a new package for community councils with a precept of less than £30,000. The policy would be as per the current one with the main addition that the indemnity would increase from 100 to 500 people. When asked some of the qualifying questions all was well until the Clerk was asked if the Parish Council owned or was responsible for any monuments. This left onus on the war memorial and the ownership uncertain. Clerk informed Zurich that most communities have a memorial and therefore the policy would not be applicable for 'anyone' if that was an exemption.

The pricing different was approximately £15. New policy (as per the existing one) was quoted at no additional cost to last year. Clerk checked the cover on the assets; if under £10,000 and therefore the bench and telephone kiosk would both be covered for material damage

Flying Tipping – can the police assist

Due to the increase in fly tipping in the village recently a business asked if the police can assist.

Reply from West Mercia 22 March 2022 –

> *"Fly tipping is dealt with by Wychavon District Council. Unless there is something of note we do not get involved and they carry out any prosecutions."*

Wychavon Parish Games – amendment

11 April 2022 email received from Secretary

> *"We appreciate that your Parish does not currently enter the Wychavon Parish Games, but we felt it may be helpful for you to see the following.*
>
> *At the recent AGM, it was unanimously agreed that the entry fees for this year's Parish Games should be raised to £10.00 per event, with a cap of £80.00. This means that if you enter 8 events or more you will only be charged £80.00, plus £9.00 peg fees if you enter the Angling.*
>
> *This is the first time we have increased the fees since 2012 and has been caused by the fact that, not only are we having to pay for the use of facilities, which we have previously been able to use for free, but that our insurance costs have rocketed.*
>
> *We are also looking for a Treasurer; this is not an onerous job, and we would not necessarily expect the person appointed to attend all Committee meetings.*
>
> *In order to keep the Games running we are also looking for people willing to join our Executive Committee. Again, this is not onerous, but we would expect these people to be able to attend a maximum of 5 meetings a year and at least some of the one-day events.*
>
> *We would be grateful if you could ask around your Parish/Ward to see if there is anyone who would be interested in joining us.*
>
> *If you have any queries or would like to discuss anything further, please could you contact out Chairman, Doug Langdon – mso-bidi-font-style:italic">douglangdon80@hotmail.com*

Parish Matters April 2022

4 April 2022 - Parish matters April 2022- news from Wychavon District Council

Latest news from Wychavon District Council.

Clerk sent to Birlingham News for inclusion.

South Worcestershire Development Plan Review

19 April 2022 from Andrew Ford, Senior Planning Officer (Policy) – sent to all Councillors.

"I am contacting you on behalf of the South Worcestershire Councils of Malvern Hills, Worcester City and Wychavon. This press release is being shared with you, along with your district Councillor(s) on a confidential basis prior to being released to the press/media. Please find attached details relating to the timetable for the South Worcestershire Development Plan Review. Further information will be provided directly on the content of this press release."

Road Closure Order

26 April 2022 -

First Notice of Order - Road Closure - Birlingham - Wychavon District - 1247175

For public notice of temporary traffic restrictions.

This was for overhanging trees but consequently when asked if this would affect the Jubilee Bank holiday the order was cancelled. Nothing further. Redstar updated.

Telephone kiosk



Thursday 28 April 2022 – removed.

Public Right of Way - Bridge/Ditch Crossing issue - Reference Number 1262838 (WCC)

4 May 2022 - Clerk has reported the bridge over the lock – BL 522 due to its state of repair.

Public Right of Way- weir debris

5 May 2022 –

Clerk reported to Environment Agency.

Reply:

"Thank you for your recent communication regarding problems you have encountered on the above public right of way. The details have been recorded on our system as PR-23-44817. "



Rural Funding Digest – May 2022

5 May 2022 – The Rural Services Network's monthly bulletin has been circulated to all Councillors.

Monthly bulletin featuring RSN Rural Funding Digest & Government Consultations

Energy Bills Rebate payments to start

5 May 2022 – sent by District Councillor Davies – to go in Birlingham News

"Residents will start to receive their Energy Bills Rebate from next week.

Households living in a Band A to D property will receive a £150 payment as part of the Government scheme to help with recent increases in energy bills.

Wychavon will begin making payments first to residents they have bank account details for – those who pay by Direct Debit. The aim will be to complete payments to everyone paying by Direct Debit by the end of May.

Residents paying by Direct Debit are advised to check their bank account throughout May for the payment. Direct Debit payers who have not received the payment by 1 June 2022 should email Revenues@southworcestershirerevenues.gov.uk *with Energy Rebate in the subject line.*

Those who pay their Council Tax using other methods will be able to claim the payment through the Post Office with a special voucher which will be sent to them. Wychavon will begin sending these vouchers to households from the end of May.

Wychavon is aware in other parts of the country there are reports of people receiving phone calls from fraudsters claiming to be from 'the council' asking for bank details. Wychavon will not be collecting bank details they do not have on record in this way.

Anyone who receives one of these calls should not give out any information and put the phone down and report it at www.actionfraud.police.uk.

Wychavon is finalising the details of the discretionary scheme announced by the Government. This allows councils to make payments of £150 to people living in Band E to H properties who are on low incomes. Once the scheme is confirmed, more information will be available on Wychavon's website.

Cllr Martin King, Executive Board Member for Resources and Investment on Wychavon District Council, said: "We have had to make some changes to our systems to allow us to make these payments but I am pleased to say we are now in a position to start getting this much needed help out to people as fast as we possibly can.

"If you can sign up to pay by Direct Debit then I would encourage you to do so as it's a convenient way to pay and will ensure you get your Energy Bills Rebate as soon as possible."

Visit www.wychavon.gov.uk/council-tax *for more information on how to sign up to pay by Direct Debit.*

Ian Dipple, Head of Marketing and Communications

Appendix 3

PLANNING APPEAL – DISMISSED

REF:- APP/H1840/D/21/3288819

Appeal Start Date: 12 January 2022

Appellant(s) Name: Mr Nicholas Green

Proposal: Demolition of existing rear single storey extension and replacement with two storey new rear extension. Refurbishment of the building envelope including roof finishes and stone windows. Internal refurbishment and alteration works

(Variation of condition 5 Ref. 17/01047/HP)

Site at: Old School House, The Avenue WR10 3AB

Written representation

Appeal Decision

Site visit made on 11 April 2022 by Mr Andre Pinto BA, MA, MRTPI an Inspector appointed by the Secretary of State

Decision date: 29 APRIL 2022

• The application sought planning permission for demolition of existing rear single storey extension and replacement with two storey new rear extension. Refurbishment of the building envelope including roof finishes and stone windows. Internal refurbishment and alterations works without complying with a condition attached to planning permission Ref 17/01047/HP, dated 16 August 2017.

• The condition in dispute is No 5 which states that: before the first occupation of the extension hereby permitted the first-floor window on the rear elevation (east facing) shall be fitted with obscured glazing or equivalent and shall be permanently retained in that condition thereafter.

• The reason given for the condition is: to protect the amenities of adjoining/nearby properties from unacceptable overlooking/loss of privacy and/or represent quality design in accordance with policy SWDP21 of the South Worcestershire Development Plan.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The planning permission granted for the demolition of existing rear single storey extension and replacement with two storey new rear extension, refurbishment of the building envelope including roof finishes and stone windows and internal refurbishment and alterations works includes a condition requiring the first-floor window on the rear elevation of the proposal (east facing) to be fitted with obscured glazing or equivalent and for it to be permanently retained thereafter.

3. The reason given for imposing the disputed condition is to protect the amenities of adjoining/nearby properties from unacceptable overlooking/loss of privacy and/or represent quality design in accordance with policy SWDP21 of the South Worcestershire Development Plan.

4. Taking the above background into account, the main issue is whether the proposed variation of Condition 5, to replace the obscure first floor window on the rear elevation of the proposal (east facing) with clear glazing, is reasonable Appeal Decision APP/H1840/D/21/3288819

https://www.gov.uk/planning-inspectorate 2 and necessary to safeguard the living conditions of existing and future residents of neighbouring properties, particularly with regard to overlooking.

Reasons

5. The appeal site is located in a prominent position, opposite the Church of St James the Great, close to the intersection between The Avenue and Whitehall Lane. Immediately adjacent to it, to the rear of the appeal site, is another residential dwelling: White Posts. White Posts consists of an "L" shaped two storey residential building which runs, in part, parallel to the appeal site. In addition to this, the vast majority of White Posts' garden backs directly onto the appeal site.

6. The layout of White Posts, in relation to the appeal site, does mean that a significant part of its existing garden would be overlooked by the first-floor window of the rear elevation of the Old School House were it not to be obscured. Furthermore, the same window, if not obscured, would also allow for fairly unobstructed views onto what appears to be a habitable room on the first floor of White Posts.

7. Policy SWDP21 of the South Worcestershire Development Plan (2016) does state that development should provide an adequate level of privacy, outlook, sunlight, and daylight, and should not be unduly overbearing.

8. This approach is in line with the National Planning Policy Framework (the Framework) which states, in paragraph 130, that planning decisions should ensure that development is safe, inclusive, and accessible and promotes health and well-being, with a high standard of amenity for existing and future users. The Framework, in paragraph 56, also states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.

9. Due to the relative position of the appeal site in relation to White Posts and the elevated position of the east facing first floor window, the removal of Condition 5 would lead to a significant loss of adequate standards of amenity for existing and future users particularly in relation to overlooking.

10. The need to protect these standards, I find is necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable. Furthermore, no further evidence has been presented to me which would lead be to believe that Condition 5 would not the reasonable in all other respects.

11. Consequently, I consider that the removal of Condition 5 would result in significant harm to the living conditions of existing and future residents of neighbouring properties, particularly those of White Posts, in regard to overlooking.

Conclusion

12. For the reasons given above, I conclude the appeal should be dismissed.

Andre Pinto, INSPECTOR

Appendix 4

Lengthsman Provision 2021-2022			
	Month	**Value of work (£)**	**1780.00**
	April	187.50	
	May	165.00	
	June	150.00	
	July	135.00	
	August	217.50	
	Sept	105.00	
	Oct	157.50	
	Nov	210.00	
	Dec	0.00	
	Jan	75.00	
	Feb	135.00	
	Mar	165.00	
	Total for year to date	**1702.50**	
		Left to use	**77.50**

Appendix 5

Report by Councillor Porter.

As you will have seen in the media, the Government has committed to the rollout of full fibre broadband (also known as Fibre to the Premise - FTTP) across the UK. For economic reasons the rollout is focused initially on areas of high population density (towns and cities) which means that rural areas may not see full fibre installations for several years. Currently properties in Birlingham receive their broadband connection through Fibre to the Cabinet (FTTC). The connection from the telephone exchange to the cabinet by the church is through a fibre optic cable. However, the connection from the cabinet to your property is via the old copper telephone cables. This limits the speed of the connection and its reliability depending on distance from the cabinet. Full Fibre (FTTP) offers an alternative to the copper telephone wires by connecting your property to the cabinet by fibre optic cable. This gives much higher speeds and improved reliability which will future-proof connections as data and bandwidth requirements continue to increase. With many more people working from home internet speed has become an important consideration for people buying a house and websites such as Right Move quote speeds as part of the key information about a property for sale. After several Birlingham residents expressed interest in getting full fibre broadband, the Parish Council invited other residents to register their interest and some 65 properties did so and were added to a list. The Parish Council then decided to investigate whether a community project could be set up under the Government's Gigabit Voucher Scheme. This scheme was introduced to help rural communities get full fibre much earlier than the general rollout. Discussions took place with two companies who could install the full fibre infrastructure funded through the vouchers. These were Openreach and Airband. After lengthy discussions and an initial quote, Openreach were unable to resource the project. As a result, a potential project was concluded with Airband who are actively installing full fibre in several other local villages (Bricklehampton, Cropthorne, Eckington, Elmley Castle, Fladbury and Wick) through the Gigabit Voucher Scheme. A sufficient number of voucher applications from Birlingham were received by Airband and activated with the Department for Digital Culture Media and Sport (DCMS) by the deadline on Friday 8th April so there is now a live scheme to install FTTP in Birlingham. Residents are encouraged to register their interest on the Airband website at https://www.airband.co.uk/. Doing so involves no contractual obligation and takes just a few minutes. The next steps in the process will be confirmation of procurement by DCMS and an evaluation of the project by Airband, which involves a full costing of the infrastructure required, which in turn determines the number of residents or businesses that will have to sign up for the project to get a final green light. Airband will then get in touch with the representatives on the Parish Council, with a view to arranging a meeting in the Village Hall to promote the scheme and answer questions; this is likely to be scheduled in June. The viability of the scheme depends on sufficient vouchers being activated but based on the level of interest shown in Birlingham (already over 60 households) it is likely to proceed. Initial views are that installation will not take place before the beginning of 2023. Some answers to likely questions are set out below:

Q As a resident of Birlingham am I eligible for a voucher?

A Yes, now that there is an active scheme each household or business can obtain a voucher for £1,500 or £3,500 respectively in terms of contribution to the cost of the scheme. Businesses should check whether this could incur a VAT liability. Q How much will it cost? A Airband offers four different contracts based on different speeds of service as shown below. Each 18-month contract is at a fixed rate and no increases in prices occur during the contract. For comparison purposes it is worth noting that BT charges £29.99 for 100 Mbps and £39.99 for 300Mbps download speeds, and Sky's packages cost £28 for 59 / 16 Mbps, £35 for 145 / 27 Mbps and £55 for 900 / 90 Mbps. Speed Download / Upload (Mbps) 100 / 25 250 / 50 500 /100 900 / 200 Standard Airband rates (monthly) £30 £37 £55 £75

Q Am I going to be forced to switch to Airband once the infrastructure is installed?

A No. The copper telephone wires will not be removed, so you can remain with your existing Fibre to the Cabinet service with your chosen ISP. Obviously, you will therefore not benefit from faster speeds and more reliable service available through a full fibre installation from Airband. The

Government's digital strategy may eventually result in the abandonment of copper, but only once the country is covered by fibre.

Q Do I have to switch to Airband as my ISP (Internet Service Provider) if I want FTTP?

A Yes, Airband unlike BT owns the infrastructure and is the ISP. BT's broadband operations were split into BT and BT Openreach some years ago and Openreach provides only the infrastructure through which multiple ISPs offer a full fibre service. Openreach failed to respond in time to our approaches so the team working on this project decided to pursue the opportunity with Airband. However, it is important to understand that after an initial 18-month period, Airband will then open up its infrastructure so at that point you will have a choice of ISP's.

Q I have a fixed term contract with my ISP do I have to break it to receive FTTP?

A Everyone should expect to stay with their existing ISP service until the service is available. At this point we just need people to sign up for the voucher, in order to secure the project. Airband will need a good proportion of the premises in the village to commit to signing up at least for an initial contract period of 18 months. If you are still in contract with your ISP when the Airband service becomes available, then Airband will buy you out of your existing contract (see below) allowing you to switch to FTTP.

Q Will I incur penalties on my existing contract?

A This will depend on your current ISP and your contract terms, however Airband will buy out existing contracts. If your contract comes to an end before the Airband infrastructure is installed it makes sense to simply remain out of contract. Also note that as the scheme is Government funded, Airband is required to allow other ISPs access to their infrastructure after the initial 18-month contract period.

Q Is Airband a sound company?

A Airband has recently raised £100M in new financing and although a relatively smaller and younger company than BT or Sky there should be no cause for concern. If the company fails for any reason the infrastructure would be taken over by BT Openreach or another service provider because it is Government funded. Airband like BT, Sky and other providers is regulated by OFCOM.

Q How good is Airband?

A The company has been operating for 13 years and is quite highly rated on Trust Pilot (4.0 out of 5). Airband has several projects on the go in nearby villages at the moment; among them are projects in Eckington, Cropthorne, Elmley Castle, Fladbury, Bricklehampton and Wick. They are set to become a leading ISP in the rural area around Pershore.

Q If I sign up for FTTP can I change my mind?

A After signing with Airband there is a 30-day cooling off period after which you are committed for a period of 18 months. At the end of this you can revert to the standard copper cable-based provision as the existing infrastructure will remain installed. However, the Government plans to switch all telephone services to a digital platform meaning that copper cables have a limited shelf life and may not be maintained in the future.

Q Can I keep my existing landline and telephone number?

A Yes, although you would need to work out with your provider the cost of a landline only deal, if you switch to Airband.

Birlingham News (extracts of relevance)

Birlingham **News 272 – 23 March**

Wychavon Parish Games is back on this year. If you would like to take part in any of the events, full details are given below.

The online edition of this email, which includes an additional article about planting lavender and similar plants, is available at www.birlingham.org/village/bn/bn272.pdf.

In this issue:

1. Walter Clode
2. Bring and Buy Sale for Ukraine, Saturday 26th March
3. Platinum Jubilee Meeting, Monday 28th March
4. St James' Church Services – April
5. Cuppa & Chat, Wednesday 6th April
6. Friends of St James' Church AGM, Tuesday 26th April
7. Jubilee Survey
8. Parish Council Report
9. Wychavon Parish Games
10. Stray Cat
11. House Available in Eckington

3. Platinum Jubilee Meeting, Monday 28th March

Steve Morris writes:

> *The next meeting to discuss arrangements for the Queen's Platinum Jubilee celebrations has been set for Monday 28th March at 7.30pm, with wine or soft drinks and light refreshments available from 7.15pm.*
>
> *At this meeting we will need to firm up our ideas for events and activities over the Jubilee weekend, from Thursday 2nd June until Sunday 5th June. A number of ideas have been discussed but we would like as many people as possible to be involved in the planning.*
>
> *Please come along, or let us know at news@birlingham.org if you would like to be involved – and please remember to complete the online survey, if you have not already done so.*

8. Parish Council Report

Full minutes of the Parish Council meeting will be posted on the village website shortly.

9. Wychavon Parish Games

Sue Collins, Secretary to Wychavon Parish Games Association writes:

> *Having been unable to run the Parish Games for the last two years because of the pandemic, we are now all systems go for this year.*
>
> *The Games are a series of fifteen events, which are competed for by residents of the various parishes within Wychavon. Events are: Angling; Bell Boating; Bowls; Crib; Cross Country; Ladies' Darts; Men's Darts; Dominoes; Men's Five-a-Side; Petanque; Pool; Ladies' Rounders; Skittles; Junior and Senior Table Tennis.*

As you can see, there is something for everyone, and participants enjoy visiting clubs, pubs and village halls in other parts of the District. Many Parishes start by entering just one event and then enter more in the following year. No Parish is too small to take part; Wick, with under 500 on the electoral roll, always enter the majority of events. The entry fee for this year will be discussed at the AGM in April. This is paid by the Parish Council.

We would love to see Birlingham back in the Games.

The Games take place between June and October. If you would be willing to co-ordinate Birlingham's entry, or if you would like to join one of the teams or can organise a specific team, please contact the Parish Clerk, June Hiden at birlingham_clerk@yahoo.co.uk.

Birlingham **News 273 – 30 March**

This special email edition of Birlingham News concentrates on Ukrainian issues.

In this issue:

1. Ukrainian Accommodation
2. Bring and Buy Sale for Ukraine

Birlingham **News 274 – 13 April**

A provisional programme for the Platinum Jubilee weekend has been agreed – see below for details.

The online edition of this email is available at www.birlingham.org/village/bn/bn274.pdf, which includes additional information about the Friends of St James' AGM.

In this issue:

1. Easter Services at St James' Church
2. Birlingham IW, Thursday 21st April
3. Platinum Jubilee Meeting, Monday 25th April
4. Friends of St James' Church AGM, Tuesday 26th April
5. Ukrainian Accommodation – Update
6. Bystander Archives on the Village Website

Birlingham **News 275 – 27 April**

With the Platinum Jubilee now only five weeks away, the plans are taking shape and it looks like being a varied and enjoyable weekend of celebrations.

The online edition of this email is available at www.birlingham.org/village/bn/bn275.pdf.

In this issue:

1. Cuppa & Chat, Wednesday 4th May
2. St James' Church Services – May
3. Platinum Jubilee Meeting, Monday 16th May
4. Phone Box Restoration
5. Curlews Nesting on Asham Meadow
6. Pilates at Birlingham Village Hall
7. Safer Neighbourhood Team Newsletter
8. Parish Matters Newsletter

4. Phone Box Restoration

Maxine Cook writes:

> *The phone box restoration begins on Thursday 28th April, as it is being collected and taken away to Spalding, Lincolnshire for approximately 10 weeks.*

7. Safer Neighbourhood Team Newsletter

The latest Safer Neighbourhood Team Newsletter, issue 3 covering January to March, is available at www.birlingham.org/docs/safer_neighbourhood_team_2022_jan-mar.pdf.

The issue includes items on theft of scrap metal, SmartWater, speed enforcement in Eckington and much more.

8. Parish Matters Newsletter

The April edition of the Parish Matters Newsletter, produced by Wychavon District Council, is available at https://content.govdelivery.com/accounts/UKWYCHAVON/bulletins/310edaf.

The issue includes items on the bulky waste collection service, energy rebate payments and other Wychavon services.

Birlingham **News 276 – 11 May**

Programmes for the Platinum Jubilee weekend will be delivered to every household soon. Time to start filling in your diaries!

The online edition of this email is available at www.birlingham.org/village/bn/bn276.pdf, which also contains details of the latest production by Pershore Operatic & Dramatic Society (PODS), as well as information on dementia therapy sessions.

In this issue:

1. Annual Parish Meeting & Parish Council Meeting, Wednesday 18th May
2. The Queen's Platinum Jubilee – Programme of Events
3. Church Water Supply
4. Update on Fibre to the Premises (FTTP) – Airband
5. COVID-19 Community Recovery Fund
6. Bystander Archives on the Village Website

1. Annual Parish Meeting & Parish Council Meeting, Wednesday 18th May

The Annual Parish Meeting takes place on Wednesday 18th May at 7.00pm in Birlingham Village Hall. This meeting will receive reports from various village organisations about their activities during the year.

During the meeting there is an opportunity to express your views on local issues. Any member of the public can ask for an issue to be debated, even if they are unable to attend the meeting.

The Annual Parish Meeting will be followed by the regular bi-monthly Parish Council meeting.

2. The Queen's Platinum Jubilee – Programme of Events

Steve Morris writes:

The programme of events for the Queen's Platinum Jubilee celebrations from Friday 3rd to Sunday 5th June has now been finalised. There have been some changes to the programme, which now includes the Jubilee Quiz on the Friday; Street Party and children's Pudding Fit for a Queen competition on the Saturday; and Celebratory Church Service, Pram Race and Treasure Hunt on the Sunday. There is something for everybody; all we need now is some decent weather!

A programme will be delivered to every house over the next few days. Please take a moment to complete the accompanying form, so that we have some idea of numbers attending each event and return it to the box in the church porch (or complete the form online).

We have also purchased commemorative china mugs, which can be ordered on the same form.

In the meantime, the full programme is included in the online edition of Birlingham News at www.birlingham.org/village/bn/bn276.pdf. The online edition also includes photographs of the china mugs.

4. Update on Fibre to the Premises (FTTP) – Airband

5. COVID-19 Community Recovery Fund

Sean Cole, Communications Officer, Wychavon District Council writes:

A £150,000 Community Recovery Fund has been launched by Wychavon to support community groups and organisations affected by the pandemic.

The funding is designed to aid the district's recovery from COVID, providing a welcome boost to services that benefit the local population.

Applications are open to any community groups or organisations operating in Wychavon, or providing services there, who need help with running costs or meeting increased demand due to the pandemic.

The fund, which was launched at the end of April, will be open until the end of October 2023, but will close earlier if all the money is allocated before then. Funding of between £300 and £10,000 is available to successful applicants depending on their needs.

Applicants will be expected to prove the impact that the pandemic has had on their organisation, how the funding will be used and the difference it will make to the people of Wychavon.

If an applicant is not a formally constituted group with its own bank account, they can partner with an appropriate constituted organisation in their area, such as the parish council or another community organisation, who will receive and administer the funds on their behalf.

Please visit https://www.wychavon.gov.uk/community-and-living/coronavirus-covid-19/covid-19-community-recovery-fund for more information about the Community Recovery Fund. Applications for funding should be made via the form on the website.