



# Dodderhill Parish Council

Minutes of Meeting of the Parish Council held virtually at **7:30PM on Tuesday 6<sup>th</sup> April 2021.**  
Via ZOOM

**Present:** Councillors A Keane (Chairman), D Webb, N Edge, N O'Leary,  
J Walton, R Keane, J P Bradley, J MacDonald, R Addy, C Smart.

**In attendance:** S Bostock (Acting Clerk), WDC Cllr. Laurence Smith, 27 members of the Public

**415 Apologies for absence:** Cllr M Addy and Cllr. Tomlinson (WCC County Councillor),

## **416 Declarations of interest**

Cllr	Minute	Interest	Reason
A Keane	423 (brought to 419 a.)	Other (Personal)	Interest in development land
R Keane	423 (brought to 419 a.)	Other (Personal)	Interest in development land
O'Leary	423 (brought to 419 a.) 428 a.	Other (Personal)	Location of own property to the development land Rectory Farm
Edge	423 (brought to 419 a.)	Other (Personal)	Location of own property to the development land
Webb	421 c.	Other (Personal)	Village Hall User

## **417 Dispensations**

Following declarations at minute 416 both Cllrs O'Leary and Edge requested dispensations. A vote was held, 5 in favour, 2 against with Cllr Webb, Walton and Bradley abstaining. Dispensation for Cllrs O'Leary and Edge were resolved as granted for items 423.

## **418 Chairman's report**

The Chairman provided an update advising that the precept increase £6 for a band D property. Confirming that a new Clerk has been appointed and confirmed the number of hours that they will be working.

The Chairman reminded the Parish Council that Facebook is not the preferred media and will not be used for questions and answers, these should be directed to the Clerk. Adding that not everything is factually correct on Wychbold Network.

## **419 Open session**

A motion was requested to move item 9 from the agenda - **Planning Application - 18/02398/FUL – Land behind Sunnyhill House** – to item 4 (minute 419). This was proposed by Cllr Smart and seconded by Cllr Edge, all Councillors voted in favour and this was resolved.

**a) Wychavon District Councillor**

Cllr Smith provided the first part of his report, with an update from the District Council meeting held in late February. Key decisions have been given extensions due to COVID-19, this includes the completion and submission of the South Worcestershire Development Plan review examination, delayed to February 2022. As well as the plans for related new developments. Four new promises were also announced including the launch of a new Wychavon Business Hub, refresh of the COVID-19 recovery plan, production of an ambitious economic strategy, and finally to work with partners to help reduce the crimes worst affecting communities.

The District Council precept element of Council Tax has been frozen for the fourth year in a row, this will not result in a cut on services.

Cllr Smith then moved to the second part of his report, relating to Planning Application - 18/02398/FUL – Land behind Sunnyhill House.

*[Cllrs A Keane and R Keane left the meeting]*

Cllr Smith has been in contact with residents and has followed up a resident letter received by the District Council. He is to identify the steps that the local authority can take to ensure that certain minimum standards are met by the developers.

With reference to brine, the District Council are aware of the existence of a borehole along Chequers Lane. This is being taken back to the District Council to check if there has been an error in the planning process. A brine survey is to be completed and will be followed by a structural survey. Following this there will be further correspondence to explain how any potential subsidence would be avoided by the developer.

An old copy of deeds produced by the District Council have been shared on social media, they relate to a potential restrictive covenant on the site. They are to be reviewed by Wychavon District Council, as the situation may not still be as shown by the deeds. Cllr Smith will make the developers aware of these potential restrictions. There is no certainty currently to either of these matters and both are to be researched further by Cllr Smith, this is to provide answers to the questions these points raise.

Cllr Walton asked with regards to the covenant if it goes all the way around, then would not Liberty Leisure, as well as any residents who have made a change not be liable? Cllr Smith advised that it is not known for certain currently and therefore this is to be investigated further.

Cllr Smart asked that considering this should the Parish Council not defer from discussing the access gate identified on planning document. Cllr McDonald explained that this is only an approval in principle.

Cllr Smart asked Cllr Smith his thoughts. He said that he can contact the developers and advise that there is a potential covenant. They may then judge that this could be a potential legal liability and choose not to proceed until this is resolved. Bearing in mind that they do have approved planning permission. Therefore, the Parish Council can explore the hypothetical as to whether it would be appropriate to allow access onto Parish Land, if the covenant does exist then the vote would be overruled by this.

*AK*  
AK

Cllr Walton proposed a vote as to whether the Parish Council support discussions with the developer regarding an access gate as identified on the planning document. It was clarified that if the Council vote in favour of the proposal they will begin discussing this option. Voting against would mean the gate is not to be installed and the hedge not removed with the other options remaining for future discussion. The proposal was seconded Cllr Bradley. Cllr Walton voted for, with Cllrs O'Leary, Edge, MacDonald, Smart, R Addy and Bradley voting against and Cllr Webb abstaining.

Cllr MacDonald concluded that at this moment in time the Parish Council does not support the option of the gate being installed or the hedge removed. The new Clerk will be sending confirmation of this decision to the developer.

*The meeting was adjourned for the open session and the following were noted.*

**b) Public participation**

The acting Clerk read out the following questions received by the Clerk -

Question 1

*Please could my question be asked in the parish Council meeting of 6/4/21 and be recorded in the minutes.*

*In relation to item 9 on your agenda. I ask the following:*

*During Frampton's consultation with the public, the public were shown a 2m wide entrance gate from the development to the playing field. Sometime after that consultation a large, gated entrance from the development to the allotments was added.*

*The public was not updated by the PC or the developers of this change. Why? Who requested this access, the developers or DPC? Where can the relevant information be accessed?*

*The brochure sent to each household (with the DPC Legacy Fund questionnaire) stated the existing access to the allotments would be closed and a new entrance made off Chequers Lane. No specific area was given. Why were the public misled? The public were not given sufficient information. Who decided to close the existing entrance and create a new one? The public should now be allowed to comment on this particular entrance from the development as the original information provided was misleading.*

*How could they have agreed to it when they didn't know where it was?*

*Reading the agenda for Sept 2020, the latest entrance is shown off Stoke Road. This means at the moment there are two entrances to the allotments. Either entrance will involve cars and a car park close to the orchard which could devastate it. It also means vehicles being close to where adults and children play and walk. Is there a reason for having both entrances?*

*Has there been any requests from allotment holders for a new access?*

*I am aware from the deeds that there is a restrictive covenant, and the hedge cannot be removed without removing this restrictive covenant. Has this been done?*

**Answered by Clerk in an email dated 01/04/21:**

A1: From looking at the planning application it appears that there is a 2m wide gate and also a wider gate on the plans.

A2: From my understanding amendments to the plan arrived from public consultation which included amongst others the second gate. The information can be accessed through the Wychavon planning portal using the following link <https://plan.wychavon.gov.uk/>

A3: Looking through the files of the Legacy Fund documentation, it appears that there were four options illustrated for access to the allotments. A decision is yet to be made regarding retaining the existing access or to choose from one of the 3 alternative options. The agenda item on 6 April is for members to give consideration to protect the hedge to ensure that any development does not infringe existing boundaries.

A4: I would advise contacting the planning case officer at WDC who will be able to assist in this matter.

A5: Please revert to answer A3.

A6: I understand that allotment holders have requested improvements to the current track, but this was outside the scope of the current budget allocation.

A7: Please revert to answer A4.

Question 2

Hello, it's been brought to my attention via a recent Facebook post, that there is a restricted covenant on the hedge row (item 9 on the agenda) so I wanted to ask whose job it would be to know about covenants on land in Wychbold?

The fact this has been brought up by a resident, and not the DPC, shows that someone clearly hasn't done their job properly.

Either way, I would like to know how it's possible for this item to be voted on tomorrow?

Question 3

Dear Sir / Madam

I understand that there is planned to be discussion at DPC about removal of part of the hedge between the public land (containing the football area, orchard, allotments, play area and Village Hall) and Stoke Road.

I am aware of the existence of a covenant (registered with Wychavon District Council), without an expiry date, which would render such removal unlawful.

I request that DPC shows due respect to the powers of said covenant and, therefore, desists from considering executing the proposed removal.

Question 4

Dear Sir/Madam

Is it true you are discussing at the DPC removing part of the hedge along the Stoke Road?

*I have always understood there is a covenant in place without any expiry date. This would mean any such action would be unlawful to remove part of the hedge.*

*Therefore, may I suggest you do not consider any planning regarding this matter.*

Question 5

*Dear Sir/Madam Further to my email below, I further understand that there are plans to remove other parts of the aforementioned hedging covered in the covenant, namely between the proposed housing development and the allotments / orchard area.*

*The same consideration below will still apply. All hedges are covered.*

*This update email has been sent prior to sight of my earlier email, as shown in the automatic reply received yesterday, confirming my email would not be re4ad until 06 April due to Bank Holiday.*

It was confirmed that the answers to all questions were covered during the discussions surrounding the second part of Cllr Smith's update.

*[Cllrs A Keane and R Keane re-joined the meeting]*

**420 Parish meeting dates**

To consider and move Parish Council meetings to the second Tuesday of the month from 8<sup>th</sup> June 2021. This is so the new Clerk can attend and to avoid the need to move dates due to Bank Holidays. Proposed by Cllr Webb, seconded by Cllr R Keane, all Councillors voted in favour.

Cllr R Addy proposed the motion requiring Parishioner questions to be received 4 clear working days prior to a meeting, Cllr Walton seconded. Cllrs Bradley, R Addy, A Keane, R Keane, Webb and MacDonald voted in favour, Cllr Smart voted against and Cllrs O'Leary and Edge abstained.

**421 Village Hall**

**a. Gas Boiler Service**

Being completed free of charge the week following the meeting following, thanks go out to T Brooks for this work.

**b. Update on repairs**

Awaiting a start date from the builders regarding the roof repairs.

**c. To consider purchasing an add on to accounting system.**

The cost would be £29 per month and this would link to the accounts package used by the Clerk, it was confirmed that there is no setup charge.

The purchasing of the addon was proposed by Cllr MacDonald seconded by Cllr Bradley. Cllrs R Addy, R Keane, Walton, Bradley, Edge and A Keane voted in favour, Cllr Smart voted against with Cllrs Webb and O'Leary abstaining.

**d. To consider purchasing new first aid kit and H&S registers**

These are a legal requirement for the hall, Cllr O’Leary proposed with Cllr Walton seconding, all Councillors were in favour of the purchase.

**422 Allotments**

**a. To consider any requests to the allotment holder to keep chickens on the allotments.**

The Chairman circulated the tenancy agreement prior to the meeting, it states that the request is permitted under the agreement, if brought to the Parish Council. Cllr Walton proposed, Cllr A Keane seconded, Cllrs Edge, A Keane, R Keane, R Addy, O’Leary and Walton voted in favour with Cllrs Bradley, MacDonald and Smart voting against.

Cllr Webb raised concerns regarding the safety of having chickens on the allotments. Cllr A Keane added that the owner would be expected to take all responsibilities, this will need to go through the Solicitor to ensure that the Parish Council are not liable for any potential issues.

Cllr A Keane asked that the Parish Council agree to getting the relevant paperwork written up to allow the allotment holder to have chickens on their plot. This was proposed by Cllr Walton, Cllr R Keane seconded with Cllrs R Addy, Webb, A Keane, R Keane, N O’Leary, J Walton voting for and Cllrs Bradley, Edge, MacDonald and Smart against.

The relevant paperwork will be presented ready for the next meeting to be approved, this was proposed by Cllr Walton, seconded by Cllr R Keane. Cllrs R Addy, Webb, A Keane, R Keane, N O’Leary, J Walton for and against Bradley, Edge, MacDonald and Smart.

**b. To discuss fencing & gates surrounding individual plots on the allotments.**

There are several allotments where the fencing has been removed, the cost to replace any removed fencing is £85 per side.

There is a duty to supply fencing, but the Parish Council will not be refunding anyone who has provided their own fencing retrospectively. Cllr MacDonald asked if the Parish Council can hold a deposit for new allotment holders going forward so that money is not having to be chased after they left.

The proposal was made for the lengthsman to provide fencing for the new plot comprising of stake posts and chicken wire by Cllr Walton seconded by Cllr Bradley. Cllrs A Keane, Bradley, R Addy, R Keane, O’Leary, Walton, Edge, Webb were in favour, Cllr MacDonald against and Cllr Smart abstained.

**423 Planning Application - 18/02398/FUL – Land behind Sunnyhill House**

Moved to minute 419 as per the resolved motion.

**424 Communications working Party update.**

The Chairman made it clear that the Parish Council did not ask for the meetings to be stopped, the last meeting was postponed due to other commitments that all Councillors have, including planned training.

Cllr MacDonald confirmed the April meeting is to be postponed so that the Parish Council can meet with the new Clerk and a meeting is now scheduled for May 2021.

Cllr Bradley will install replacement Perspex for the noticeboards free of charge, with the Parish Council providing the items required for the work.

#### 425 Code of Conduct Report

There is an ongoing Code of Conduct investigation taking place currently, nobody knows or has seen the outcome. The Chairman asked that once it is received if Councillors are prepared for the report to be shared on the website for the Community to receive. Cllr MacDonald explained that this report relates to full Parish Council.

Cllr MacDonald proposed that the report should be made available to the community by being published on the Parish Council website, Cllr Webb seconded. All Councillors were in favour.

#### 426 Polling Cards

If a vote should be required for a local election to be called to fill the two Parish Council vacancies the Parish Council is asked if it wishes WDC to produce and send polling cards to constituents. This will have a cost implication of approx. £2,500, the elections budget has sufficient funds to cover this cost. Members are asked to consider approval.

Proposed by Cllr Edge, seconded Cllr Bradley Cllrs A Keane, R Keane, R Addy, Smart, Edge, Bradley, O'Leary and Webb. Cllr MacDonald against. Cllr Walton abstained due to the cost.

#### 427 Financial matters Planning Protocol on pre-application meetings for development.

Estimated that it will be 2 weeks for the accounts to be completed ready for the audit, with S Bostock adding the 2020-21 details to Scribe. This will then be passed on to the new Clerk for her to run the system going forward.

Cllr Edge asked when the auditor will have the books. The Chairman advised that this will be managed by the new Clerk.

To review the following payments Cllr A Keane proposed, Cllr Edge seconded with all councillors voting in favour.

Chq.no	Payee	Purpose	Cheque value
	Richard Crighton	Clerk Services	£411.75
	Worcester CC	Parish Council Initiative	£651.62
	Scribe	Accounting Package setup fee & annual Payment	£918.00
	Chris Cooke	Lengthsman	£143.10
	Smartcut	Grass cutting	£246.00
	John Finch	Microsoft Teams Business Voice (clerk phone) & annual payment	£180.00

DD	British Gas	Electricity (6/4)	£177.69
DD	BT Group	Internet	£223.08

#### 428 Planning

##### a. 21/00556/FUL – Rectory Farm

Replacement of an Agricultural Building with a Single Dwelling house and Replacement of Existing Outbuilding with Garage. Application for variation of Condition.

Cllr Bradley objected to the application, Cllr O’Leary abstained, all other Councillors voted no comment.

##### b. 20/01075/FUL - Liberty Leisure - Planning Appeal

Three tree wardens are receiving their training the week following the meeting. Once trained they will be able to review the trees located at the site and report back to Parish Council.

##### c. 21/00048/HP - 5 Council House

The application was recorded as having been approved.

##### d. Bywater farm – Upton Warren

Upton Warren are asking for support from Dodderhill in rejecting the application, due to a breach of the greenbelt on the site. This relates to a new application which been submitted for permanent accommodation on the site.

Cllr Webb proposed that the Parish Council support Upton Warren by objecting, Cllr Walton seconded, and all Councillors were in favour. The Clerk is to submit a response with help of Cllr Smith.

##### e. ENF/21/0114 – Hanbury

Cllr Smith will be reporting back on the findings of the enforcement to the Clerk.

#### 429 Confidential Business

It was resolved to exclude the press and public from the remainder of the meeting on the grounds that publicity would be prejudicial to the public interest by way of the confidential nature of the business to be transacted.

The Open meeting closed at 09:48 pm

Date of Next Formal Parish Council Meeting 5<sup>th</sup> May 2021 via ZOOM

Signed as a true record:

Cllr. Alyson Keane  
  
Alyson Keane (May 10, 2021 19:02 GMT+1)

May 10, 2021

Chairman

Date