**MINUTES OF A MEETING OF HIMLEY PARISH COUNCIL HELD AT SWINDON COMMUNITY CENTRE ON WEDNESDAY 17th APRIL 2024 at 7.30PM**

**PRESENT: - MRS Y NOCK (CHAIRMAN) PRESIDING**

**PRESENT COUNCILLORS: MR R LEES, MR M CRISP, MRS S OLIVER**

**MRS S FROST,**

**APOLOGIES :- MR D CLOSE, CCLR V WILSON**

**NOT PRESENT :- PCSO’S**

**OTHERS :- MRS S FARLEY CLERK,**

**DECLARATION OF INTERESTS AND DISPENSATIONS –**

**Section 17 – reminds Parish Councils to review if any of the decisions made at the Parish Council meeting have implications in relation to crime, disorder, anti-social behavior or community safety in general.**

**Cllr Lees: as a member of South Staffordshire District Council (SSDC), will reconsider any planning applications at District level taking into account all relevant evidence and representations at that tier and at District level will declare an interest arising from membership of this Parish Council when expressing a view on any relative matters**

CRIME FIGURES - None received

MATTERS ARISING FROM LAST MEETING :-

* Wall Collapse School Road    The inner and outer retaining walls are in place and concrete has been cast between them. The original sandstone wall has yet to be rebuilt.
* ‘For Sale’ notices at the entrance to Brick Kiln Way have still not been removed. Clerk to contact enforcement.
* Rumble Strip pothole: The strip and pothole were repaired on Tuesday 2nd April. The crew used any materials left to fill some of the other School Road potholes.
* Pavement alongside Playing Field Hedge:  The Clerk had contacted SSDC following their quote to find out if the work could be undertaken without the £1,000 cost of traffic lights; unfortunately, the reply stated that it could not, due to health and safety rules. It also stated that it was the responsibility of County to clear the detritus, even though most of the debris to be cleared originated from the hedge which is the responsibility of HPC.
* Camping on Playing Field   Two men with two dogs camped on the field in 2 small tents from approximately 28th March for approximately a week. Camping is not allowed without consent. If there is a reoccurrence police to be called.
* SIDS - HPC had received no answers from District to questions asked. However further information has been received and clerk to inform them where we think are the better places are for 4 posts to be erected and to wait for approval.
* Sink Holes in Gospel End Road verge. This has been reported a few times, firstly, 4368631.  We have seen no sign of barriers or work being done. Cllr Nock has followed up initial report with another report no. 4383868 and emails. C Cllr Wilson to report to Mark Keeling at County. Clerk will ask for an update from Mark Keeling.
* Additional Street Scene work has been asked for. District is having to share and allocate work asked for, between parishes.
* Code of Conduct Training – Cllrs have replied and are awaiting further details of dates and venues/online sessions/
* Wombourne Recycling Centre – County is trying to find a way of re-opening.

PLANNING APPLICATIONS:-

* 24/00203/VAR   The Firs Residential Home. Variation of Condition 2 of Application 21/00547/FUL, seeking to amend the plans to allow for changes to the design to the lobby extension. Val 09.04.24, consult to 15.04.24, deadline 04.06.24, C.O. Laura Moon.
* 24/00298/TREE   Himley Village and Parkland Conservation Area, Whitehall Wolverhampton Road Himley. Sycamore, leaning over brook towards Dudley Arms car park – dismantle and remove. Val 04.04.24, consult to 05.04.24, deadline 16.05.24, C.O. Gavin Pearce.

PLANNING APPLICATIONS AWAITING A DECISION :

* 24/00024/FUL    Railings and CCTV to improve security of the Himley Hall Sailing Club Boat Park, Himley Hall, Conservation Area. Val 24.01.24,
* 24/00124/FULM    Land at School Road, Erection of 10 affordable dwellings with associated work and access. Val 23.02.24, consult to 04.04.24, deadline 24.05.24, C.O. Laura Moon.   HPC objected and also added this comment which was discovered following the previous meeting.There has been a recent case which is a good reminder that one must always ensure that a right of way that exists to an existing building also extends to a newly constructed building.

In the case of *Parker v Roberts* (2019) planning permission was obtained to build a new 5,000 square foot house on a building plot which formed part of a garden to an existing house. Access to the existing house and garden were via a private road over which the homeowner had a right of way. The private road was owned by neighbours who also used the road.

The neighbours argued that the landowner had a right of way which permitted access to the existing house and garden but the right of way did not extend to the proposed new house to be built on the building plot.

The Court of Appeal considered various documents purporting to grant rights on the title to the existing house and building plot and also whether or not there were any implied rights. The conclusion reached was that benefit of the right of way did not pass to the building plot. As a result, the owner of the existing house was not able to construct the new building in the garden.

This case reminds us of some very important issues which need to be considered with rights of way. These are:

1.Any right of way to be granted must be drafted by reference to a Land Registry compliant plan.

2.One must consider whether the right of way only benefits the land as it is developed as opposed to a new development. For example, if there is reference in the original grant of the right of way to “a single residential dwelling and ancillary outbuildings only” it will only be for the existing building and not any new building.

3.The extent of the land which benefits from the rights in question must be clearly delineated on the plan.

4.The safest assumption to make is that implied rights rarely result in a comprehensive outcome for either seller or buyer.

The case is also a reminder that even before obtaining planning permission, a very careful check should be undertaken to see whether or not proper rights of access are available for any new building to be constructed.  As the case confirms, not having proper access to a building plot will prevent the development happening and if the development does happen, then the new building constructed will be unsaleable due to the lack of a right of way.

The same issue applies in relation to the construction of new services for the new building where clearly there will need to be a right to run these to the nearest adopted highway.

PLANNING DECISIONS :-

* 24/00166/FULHH    27 Chalmers Road. Proposed two storey side extension, single storey rear extension and dormer windows to front elevations. Val 16.02.24, consult to 21.03.24, deadline 12.04.24, C.O. Laura Moon. HPC objected on grounds of over-development.  Approved 09.04.24.    Subject to the following condition(s): 1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted. 2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject. 3. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority. 4. The first-floor bathroom window on the rear elevation on the approved plan shall be obscure glazed (to a minimum of level 3) and opening lights shall be restricted to top hung section only. The window shall be retained in this configuration throughout the life of the development. 5. The garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation. 6. The driveway shall be constructed concurrently with the development and thereafter retained as such throughout the life of the development.

HIGHWAYS DATA:-

An extra £50 million will be invested in maintaining and improving Staffordshire’s highways over the next three years, alongside a total of £53 million being spent on a range of major projects, vital road improvements and general road maintenance in 24/25.

The extra investment will see: 34 road reconstruction schemes planned to be completed between 2024/25 and 2026/27, with a further 9 schemes identified subject to Network North funding including the resurfacing of junctions and roundabouts at key locations in the county. More than 450 preventative carriageway maintenance schemes, totalling 1.5 million square metres in 2024/25, and £2.75 million of work to repair highway drainage is planned. The county council has also announced that an extra £30 million will be invested in highway maintenance from 2025/26 to 2026/27.

ANY OTHER BUSINESS INCLUDING RESIDENTS COMPLAINTS :-

* HPC request for Speed Watch volunteers: Following an online appeal to Himley residents for volunteers, no one volunteered.
* Various posters distributed for displaying on the notice boards.
* Insurance renewal received – same premium as last year – to be paid at the next Parish Council meeting as this is due on 23/5/24
* The annual account paperwork has been received and the Clerk will work on completing this.
* Pothole suggestions for repair were sought and details were provided of these to CCllr Wilson.
* Local Plan documents have been received and are available for viewing if residents wish between the consultation dates.
* Planning Parish Summit is to be held on Monday 13th May at Codsall.
* The website is to be updated, Clr Nock will confirm amendments required and the Clerk will request these are made.
* Tidying up around flats in Gospel End has begun.
* We are to receive a supply of Community Safety Alarms.
* There is to be an increase in costs for Grounds Work on Playing Fields.
* Off Road bikes are becoming a nuisance on the Railway Walk again.
* Cllr Nock to attend a meeting with Himley Hall and South Staffs Officers, working on how to reduce nuisance from future events.

ACCOUNTS FOR PAYMENT: - none

DATE & TIME OF NEXT MEETING: -  **Annual Council Meetings - Wednesday 15th May 2024**

There being no other business the meeting closed at 8.55pm

**COUNCILLOR VACANCY**

There is a vacancy for a Parish Councillor on Himley Parish Council. Please contact the clerk via email if you would like further details regarding this – [himleyparishcouncil@gmail.com](mailto:himleyparishcouncil@gmail.com)