

MINUTES OF THE OCTOBER COUNCIL MEETING
OF BIRCHWOOD TOWN COUNCIL, HELD AT
PARKERS FARM COMMUNITY CENTRE, DELENTY DRIVE, RISLEY
ON TUESDAY 22ND OCTOBER 2019

Present: Councillor Reeves in the Chair
Councillors Atkin, Bowden, Breslin, D. Ellis, J. Ellis, Evans, and T. Hearldon
Clerk – Mrs. F. McDonald
Deputy Clerk – Mrs C. Caddock
Business and Finance Officer - Mr. G. Crowe

Apologies: Councillors Fitzsimmons, M. Hearldon and Nelson

Request for dispensation: Councillor Reeves requested that Members of the Council consider a request for dispensation on behalf of Councillor M. Hearldon as she may be unable to attend a meeting of the Council or its committees over the next six-month period, due to ill health.

Members unanimously agreed that a dispensation is appropriate for however long is necessary and extended their best wishes to Councillor M. Hearldon.

181/19-20 **SEPTEMBER COUNCIL MEETING MINUTES**

Councillor Evans proposed, Councillor Atkin seconded and it was resolved that: The Minutes of the September Council Meeting held on 24th September 2019 be approved as an accurate record and signed by the Chair.

Code of Conduct – Declaration of Interests

The Chair reminded members of their responsibility to declare any personal interest or prejudicial interest which they have in any item of business on the agenda, no later than when the item is reached.

Councillors Breslin, D. Ellis and J. Ellis– Birchwood Youth & Community Centre Committee

Councillor Reeves – Birchwood Community High School

Councillor J. Ellis - YHG

182/19-20 **PUBLIC PARTICIPATION**

There were no Police representatives or members of the public present at tonight's meeting.

183/19-20 **PLANNING UPDATES**

- (a) *Application No. 2019/34700 3 Delenty Drive, Birchwood, WA3 6AN. Proposed residential development of 11 dwellings.*

This application has been **approved with conditions**.

It was noted that the decision notice lists the number of dwellings as 10 (not 11). The Clerk stated that we will ask for clarification regarding this change.

- (b) *Application Number: 2019/35322 Heathfield House, Delenty Drive, Birchwood, Warrington, WA3 6AP. Application to vary Condition 2 to replace plan 77/12/BP with 77/12/BP1 to amend approved car park to 14 spaces; Condition 3 to increase the number of children to 56 children. There shall be no more than 56 children at the Nursery at any one time. Following Planning Appeal APP/M065/A/13/2209344 and Planning Refusal 2013/22163.*

We do not currently have any further updates regarding this application.

184/19-20 **UPDATE RE: ACTION ITEMS FROM MEETINGS WITH WBC OFFICERS**

The Clerk stated that all items below remain ongoing.

- (a) **A list was provided by BTC to WBC in October 2018 re: areas of overhanging shrubbery which need to be cut back to prevent injury to our team when they are mowing. The shrubbery on the list is owned by WBC.**

Update: The Clerk has sent photographs to illustrate the matter to WBC on several occasions and to several different Officers. The shrubbery continues to be a health and safety issue to our team when they are mowing.

The Clerk has still not received a response from the most recent emails to WBC.

- (b) **Damaged Wall – Gorse Covert Shop**

Update: We still do not have any information from WBC as to whether additional work could be done to this raised bed which would make it less liable to damage and ongoing repair costs.

- (c) **Street Lighting**

Update: The Clerk had requested formal feedback from the evening walkabout that took place on Thursday 7th March, covering quite a lot of ground in Oakwood.

The Clerk has chased this matter several times but has still not received a reply.

185/19-20 **YOUR HOUSING GROUP (YHG) - UPDATE**

- (a) The Clerk reported that a more formal process has now been put in place to report issues to YHG regarding flytipping and grounds maintenance issues.
- (b) Councillor Bowden, at the request of Members who were unable to attend the Town Council's September meeting, gave a recap of his verbal report on the meeting he had with YHG's Chief Executive, Mr. Cronin.

The Clerk informed Members that she has a meeting with Mr. Mike Redford from YHG in a couple of weeks' time, and said that if Members had any specific issues they wish her to raise with him, to let her know.

- (c) The Clerk reminded Members that, as reported at the June meeting, we had received a request for a meeting to resolve comments made by Councillors relating to the play area on the Greenfinch Grove development (part of Application No. 2019/34689 Land bounded by Admirals Rd, Linnet Grove & Curlew Grove).

In correspondence sent to YHG, with comments, we had requested a response in writing.

At tonight's meeting the Clerk reported that we have still not received any reply from YHG regarding this matter. She said that she will speak to the Planning Officer who was dealing with this application to see if WBC has any further updates.

Action Clerk's office to contact WBC's planning department regarding the above.

- (d) The Clerk reported that the previously missing combination lock from a bin store on Layton Close has been replaced by YHG.

186/19-20 **CHATFIELD DRIVE DOUBLE YELLOW LINES**

The Clerk stated that the work to install the double yellow lines along the full length of Chatfield Drive past the high school has still not yet been fully completed.

187/19-20 **CLIMATE CHANGE**

The Clerk reported that a working party meeting regarding climate change was held on 11th September. Draft notes from the working party meeting of 17th July and a detailed draft Climate Emergency Action Plan were included in Member's September meeting papers.

At the September meeting the Clerk asked if Members could let the office have any comments regarding the draft notes from the working party meeting of 17th July and a detailed draft Climate Emergency Action Plan notes by 4th October 2019.

As there had been no comments received, Councillor D. Ellis stated that he would now finalise the documents for circulation to Members.

Action Councillor D. Ellis to finalise the notes and the draft Climate Emergency Action Plan.

188/19-20 **FOOTPATH SMITHILLS CLOSE TO WARRINGTON ROAD**

The Clerk reported that the Senior Maintenance Operative and herself met with WBC landscaping Officers last week and took them to view the whole length of the path, from Smithills Close to Warrington Road – bordered by private land, which we continue to receive complaints about, regarding the overgrown shrubbery.

WBC Officers confirmed that their operatives will cut their sections of shrubbery, but there are considerable stretches of the path where the overgrown shrubbery is growing from private land (both residents' and businesses').

WBC landscaping will ask a Highways Officer to identify and contact the landowners to ask them to maintain their trees/shrubbery as a matter of urgency.

The Clerk stated that she has been informed that WBC are not currently doing any pro-active cutting. No winter works are planned in Birchwood. At present they are only doing reactive work, mainly in response to complaints.

189/19-20 **BIRCHWOOD SERVICE OF REMEMBRANCE**

The Clerk reminded Members that the Birchwood Service of Remembrance is taking place on Saturday 9th November - meeting at 10.30am.

Councillors Evans asked that his apologies be sent as, due to other commitments, he is no longer available to attend the service.

190/19-20 **LAND TRUST WORKS – GORSE COVERT ROAD**

The Clerk said that the Land Trust has said that works re: maintenance of vegetation on Gorse Covert Road will be included in their winter works.

NEW ITEMS RAISED UNDER THE CLERK'S REPORT TO THE COUNCIL

191/19-20 **WARRINGTON BOROUGH COUNCIL**

- (a) Sent/received – various emails / online reports following contact from residents re: flytipping, overgrown shrubbery, roadworks, blocked drains, a tree interfering with telephone cables, pot holes (target date for Dove Close repair is 15/10/19) parking on grass verges, etc. at various locations in Birchwood (and some in Croft – forwarded to WBC with permission).
- (b) Sent – correspondence re: vehicles speeding coming off Birchwood Park Avenue onto Warrington Road, allegedly causing safety issues for residents in the first four houses on Warrington Road (following a visit to the office by two concerned residents).
- (c) Received – Details of Code of Conduct training at the Town Hall.
- (d) Received – Warrington East Phases 2 and 3 Update – Issue 23
- (e) Received/sent – following Traffic Notices received 1st August – query re: proposed double yellow lines on a section of Warrington Road, Birchwood Park.
- (f) Received/sent – email correspondence (with resident and WBC) re: footpath repairs on Heather Close, also enquiring how to request a speed bump to slow cars near a ‘blind bend’ on Heather Close. WBC sent a response which was copied to the resident.

192/19-20 **YOUR HOUSING GROUP**

- (a) Sent/received – various emails re: flytipping, overgrown shrubbery and trees.
- (b) Received – Update email re: grounds maintenance works.
- (c) Received/sent – emails re: grounds maintenance and land ownership.

193/19-20 **MISCELLANEOUS CORRESPONDENCE**

- (a) Received – Various update/information emails from Warrington Voluntary Action.
- (b) Received – Consultation re: the modernisation of airspace in/around Manchester Airport.
- (c) Received/sent – emails re: a request from a resident for permission to use park land in Birchwood to wild camp and practice bush craft skills. As the Town Council does not own any land within Birchwood (except out car park and a small piece to the side and rear of our offices) we have given the resident contact details for WBC and also given them the names of other organisations that own some woodland areas within Birchwood.
- (d) Received/sent – emails re: a resident’s query relating to willow trees on Birchwood Brook that have appeared to have died and a Himalayan Balsam ‘infestation’; also, a query about knot-weed.

We informed the resident that we will raise these queries at our next partnership meeting with WBC.

- (e) Received/sent – email correspondence with a resident re: a service path in an area of Locking Stumps. We are trying to ascertain if WBC has a ground rent interest – if so,

we will contact them regarding the state of the path and flytipping partially blocking the path.

- (f) Received – email from a resident re: flytipping outside some flats in an area of Birchwood. It is on private land.
- (g) Received – Various LGC e-briefings and publications
- (h) Received/sent – correspondence with local residents re: pavement parking.
- (i) Received – Newsletter from the Information Commissioner’s Office – October 2019.

194/19-20 **CHESHIRE POLICE**

- (a) Received – various neighbourhood alerts
- (b) Sent/received- emails re: several incidents of inconsiderate parking / parking obstructions at various locations in Birchwood.

195/19-20 **CHESHIRE ASSOCIATION OF LOCAL COUNCILS (CHALC), NATIONAL ASSOCIATION OF LOCAL COUNCILS (NALC), SOCIETY OF LOCAL COUNCIL CLERKS (SLCC)**

- (a) Received – ChALC weekly e-bulletins with various attachments.
- (b) Received - NALC Chief Executive Bulletins, Blogs and Newsletters.
- (c) Received – SLCC – various News bulletins and details of Branch meetings, conferences, etc.

196/19-20 **PUBLICATIONS RECEIVED**

Received - Various LGC magazines & e-mail Briefings

197/19-20 **MEMBERS’ REFERRALS MADE VIA THE CLERK PRIOR TO THE MEETING FOR CONSIDERATION AT THIS COUNCIL MEETING**

(a) **Asda trollies update**

Councillor D. Ellis gave Members a verbal update regarding the ongoing situation relating to abandoned Asda shopping trolleys throughout Birchwood.

He said that he had written to the Asda Birchwood Manager over three months ago to express concerns regarding the increasing numbers of abandoned trolleys but did not receive a reply.

Trolley Angels have ‘given up’ as they have been unable to get any support in relation to enforcement action either from the Police or WBC and their actions appeared to be unsupported by Asda; despite Trolleys Angels ensuring that hundreds of pounds worth of trolleys were being returned to them on a weekly basis; with the number of trolleys being taken from the shopping site continuing to grow.

Members acknowledged that the Trolley Angels had done a great job during the four years they were retrieving trolleys from the back footpaths, etc. throughout Birchwood.

Previous promises of the Cartronics system being reactivated during the resurfacing work on the shopping centre car park have not come to fruition.

Councillor D. Ellis said that he had visited the store and spoke to Customer Services. He has been informed that Asda is intending to put the £1 coin locks back onto the trolleys.

Members agreed with Councillor D. Ellis' assessment that progress is too slow. Members agreed to monitor the situation once the locks have been put back on the trolleys, with a view to contacting Asda Head Office if things do not improve.

Councillor D. Ellis said that, ideally, there should be three-pronged attack with the Cartronics system being made operational again, the £1 coin locks being put back onto the trolleys and enforcement taking place to stop people taking them from the shopping centre, which had been an initial plan.

(b) **Councillor D. Ellis – WBC – lack of progress and/ or response re: various issues**

Councillor D. Ellis expressed his frustration, not just about the lack of progress on a number of issues that remain ongoing, which have been repeatedly raised with WBC, such as those mentioned earlier in the meeting (see Minute 184/19-20) but also specifically about the lack of any response to queries about such issues, despite many being chased up by the Clerk's office numerous times.

Members discussed this matter in detail, citing a street lighting walkabout as an example when Councillors Atkin and Evans went on an evening walk with two Officers from WBC to note areas where the new lighting was not illuminating areas as it should be. This included the footpaths on Chatfield Drive which are pitch black once it is dark, whilst the road is lit!

Some of the reasons for poor footpath lighting is the result of tree branches obscuring the light heads.

The Town Council had expected to receive a report or some comments from one of the Officers regarding their thoughts/proposed actions to improve the lighting where it had been acknowledged that something needs to be done to improve the light levels; however, despite repeated requests for updates nothing has been received.

Councillor Reeves suggested that perhaps WBC need to be reminded of the time taken both by their staff and Town Councillors on the walkabout, which should not be a wasted effort. Even if we are to be told that there is little or nothing that is going to be done, at least the Town Council would have an answer to offer to residents when they contact us to complain.

The Clerk said that there are a number of residents who continue to complain to us about ongoing matters. It becomes frustrating and embarrassing when the Town Council Officers have to keep telling residents that we have chased issues, but are not receiving any response sometimes over several months (other than the initial automated reply, possibly followed by an email with a reference number from the contact centre with details of the department they have forwarded a complaint to).

We are often informed by the residents that they, too, have contacted WBC directly, sometimes on several occasions, and have not received a reply.

Recently we advised a resident that we have exhausted all avenues open to us regarding a particular issue and suggested that their next step might be to put in a formal complaint to WBC – which they did. They have allegedly heard nothing back.

In other instances, complaints have been ‘followed up’ by WBC with a request to a resident for details of the problem – which have already been given and not acted on – hence the complaint!

A detailed discussion continued regarding these issues.

Councillor Bowden, in his capacity as a Borough Councillor, gave some information on the ongoing government cutback issues that are affecting the Borough Council’s resources. He said that he knows that WBC appreciates the partnership working arrangements it has with BTC; which he thinks is illustrated by the fact that senior WBC Officers come into the area to undertake site visits and to attend ‘working in partnership’ meetings with BTC Officers and Councillors.

Councillor J. Ellis said that she understands the issues, but it would be appreciated if BTC could receive some feedback when requested, even if it is not a response that we are hoping for. It sometimes feels as though BTC is not being treated with respect.

The discussions then concentrated on the problems of tree canopies affecting available illumination from lighting columns.

Councillor D. Ellis said that we understand that some of the trees do not belong to WBC, but that they might belong to YHG, another landowner, or private residents. He asked whether WBC can legally require them to cut back their trees.

Councillor Bowden indicated that a letter can be sent requesting that they cut back their property. If they do not comply, then WBC can make arrangements for the trees to be cut back and the owner would then be charged for the work. He added that, unfortunately, WBC does not have the resources to undertake an audit of which trees are causing issues with lighting columns.

Councillor Bowden suggested sending WBC a list of lighting columns that are being impacted by trees and asking them to write to the owners of those trees (that are not WBC’s) regarding their maintenance.

It was resolved that Councillors would send details of lighting columns they notice, where the light is being obstructed by the tree canopy, to the office; Officers will then pass the details on to the Borough Council.

Councillor J. Ellis suggested starting ‘small’ to monitor how effective this process would be and how long it would take for any action to be taken. Councillor D. Ellis proposed concentrating on one street to start with. The Clerk suggested, perhaps choosing one street based in a YHG area and one in a WBC area.

Members agreed that this was a good idea.

Action Councillors to send details of lighting columns they see that are affected by tree canopies to the office.

198/19-20 **CURRENT PLANNING APPLICATIONS FOR COMMENT AND OBSERVATION AND OTHER RELATED PLANNING ISSUES**

(a) **Warrington Borough Council**

At the Development Management Committee meeting held on 9th October 2019, there was one item specific to Birchwood on the main agenda for discussion at this meeting; Application No. 2019/35488 Land between Reynolds Avenue and Griffiths Avenue, Birchwood Park, Warrington. Full planning (Major). To erect a multi-storey car park (MSCP) containing 1,027 car parking spaces, 12 motorcycle spaces over 4 floors (plus ground floor), access & associated landscaping.

The application was **approved with conditions**.

Councillor Reeves reiterated his belief that an air quality monitoring system should be considered for installation due to the potential increase in vehicle numbers in the area.

(b) **Enforcement Cases**

Lists of enforcement cases recently opened/closed have been received.

(c) **Planning Decisions**

- (i) Application No. 2019/35666. Vacant land adjacent to northern boundary of Birchwood Park, Daten Ave WA3 6YN - Proposed discharge of condition 6 (cycle storage) and 12 (samples of roofing materials) on application 2018/33212. **Conditions discharged**
- (ii) Application No. 2019/35554. 30 Hamsterley Close, Birchwood, Warrington WA3 6UF. Householder - Proposed rear kitchen extension. **Approved with conditions**
- (iii) Application No. 2019/35669. 37 Stonecrop Close, Birchwood, Warrington WA3 7PD. Householder - Proposed single storey side and rear extension. **Withdrawn**
- (iv) Application No. 2019/35285 24 Hazelborough Close, Birchwood, WA3 6UL. Resubmission of refused application 2018/32986. Proposed two storey side extension above existing garage, single storey rear extension. **Approved with conditions**
- (v) Application No. 2019/35307 7 Daniel Close, Birchwood, WA3 6QL. Section 192 Lawful Development Certificate. Conversion of integral garage to additional living space. **Approved**
- (vi) Application No. 2019/35108 29 Hamsterley Close, Birchwood, WA3 6UF. Proposed construction of 1.8m high fence to left hand side boundary. **Refused**
- (vii) Application No. 2019/34700 3 Delenty Drive, Birchwood, WA3 6AN. Proposed residential development of **10** dwellings. (This is for one dwelling less than the initial application.)

This application has been **approved with conditions**.

(d) **Planning Applications** (*Already circulated – not copied in papers*) - all plans can be viewed via:

http://www.warrington.gov.uk/home/transport_planning_and_environment/Planning/Se arch_planning_applications/

Certain applications are not Planning Applications; therefore there is no statutory opportunity to allow 21 days for comments, e.g: Non material amendment applications, Lawful development certificates (S192) and 28 day prior approval/determination applications. These types of applications are received for information only.

- (i) Application No. 2019/35713 Birchwood Ranger's Cabin, Birchwood, WA3 6QX. Lawful Development Certificate. Section 192 -Proposed removal of existing external wall to be re-built on new location. Creation of new DDA WC in old store room.
- (ii) Application No. 2019/35654 8 Armstrong close, Birchwood, WA3 6DH. Lawful Development Certificate – section 192. Proposed single storey kitchen extension to rear elevation.

199/19-20 **STRATEGY & ACTION PLAN UPDATE**

Councillor D. Ellis gave Members a brief update on some progress made. He stated that two of the types of groups that residents had indicated, in their consultation responses, that they would like to see opening in Birchwood, are now operating at Birchwood Youth and Community Centre, on Delenty Drive.

One is an Arts and Crafts Group, currently taking place every other Friday evening. A small charge is being made of £2.00 per 2½ hour session.

The other is a drama group, 'Birchwood Acts', run by Jacqui Sheridan, Monday evenings at 7.30pm – 9.30pm. This group is open to all residents. They are currently working on a Christmas Spectacular and then hope to put on a pantomime in the spring of 2020.

Councillor D. Ellis reported that one stumbling block they have come across is that the drama space at the high school, which is where they proposed to put on the Christmas Spectacular, no longer offers community rates. They have been quoted full rate prices of £600 for three nights.

Councillor Reeves, who is a Governor at the high school said that the facilities management is now outsourced. He asked Councillor D. Ellis to email him details of the proposed event.

This part of the meeting concluded at 7pm.