

# Droitwich Spa Town Council

MINUTES of the meeting of the PLANNING COMMITTEE held in the Council Chamber, St Richards House, Victoria Square, Droitwich Spa, on Monday 12 October 2015 at 6.00pm.

PRESENT: Councillor R E Murphy (Chairman)  
Councillor R G Beale (Ex-officio)  
Councillor Ms J H Bolton (Vice-Chairman)  
Councillor G R Brookes  
Councillor Mrs A Hawkins  
Councillor A Humphries  
Councillor Mrs M A Lawley  
Councillor R J Morris  
Councillor T J Noyes

NON-MEMBERS PRESENT: Councillors Mrs C A Bowden, L Evans, Mrs S Harris, A H Laird, Mrs C Powell, A Roberts and A M Sinton.

APOLOGIES FOR ABSENCE: Councillor Mrs K A Tomalin.

PUBLIC QUESTIONS – appended. The Chairman thanked the speakers for their attendance and reminded them that the Town Council was only a statutory consultee on planning applications, Wychavon District Council being the Local Planning Authority. He confirmed that Councillors T J Noyes, G R Brookes and he were members of the District Council’s Planning Committee, being also District Councillors. He thanked them for drawing their concerns to their attention.

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## 127 DECLARATIONS OF INTEREST

Councillor A Humphries declared a non-prejudicial interest in Agenda Item 4(a) – Planning Applications – W/15/02294/CU inasmuch as he was a School Governor at St Joseph’s Primary School.

At the appropriate point in the Agenda Councillor A Sinton declared an interest in Agenda Item 4(a) – Planning Applications – W/15/00795/PN inasmuch as his grandson attended St Peter’s CEVA First School.

## 128 MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 14 SEPTEMBER 2015

Pursuant to Minute No 95 and regarding planning application W/15/01709/PN 28 High Street, Droitwich Spa, Councillor G R Brookes advised that despite the concerns of the District Council’s Conservation Officer a revised scheme had not been submitted. The application was on the District Council’s Planning Committee agenda for Thursday 15 October 2015. He requested that the original application be considered.

RESOLVED

1. That Wychavon District Council be advised that the Town Council objects to Planning Application W/15/01709/PN 28 High Street, Droitwich Spa, as it considers it to be an overdevelopment of the site.

2. That the Minutes of the Meeting of the Planning Committee held on 14 September 2015 be confirmed as a correct record and signed by the Chairman.

129 PLANNING APPLICATIONS

RESOLVED That the comments of the Planning Committee upon the planning applications received from Wychavon District Council, appended as a schedule to these Minutes, be approved.

130 AMENDED PLANNING APPLICATIONS

RESOLVED That the comments of the Planning Committee upon the amended planning applications received from Wychavon District Council, appended as a schedule to these Minutes, be approved.

131 PRIDZOR CLOSE – DEVELOPMENT OF GARAGE SITE: APPEAL REF APP/H1840/W/15/3010669 & W/14/02610/P – GARAGE BLOCK, PRIDZOR ROAD WR9 8LH – FORTIS LIVING

Pursuant to Minute No 97, Planning Committee meeting 14 September 2015, a meeting was held on 8 October 2015 to which the Local Town Ward Members (Councillors Ms Bolton, Mrs Bowden, Brookes and Mrs Tomalin) had been invited. Fortis Living having requested a meeting via their Architect to present a potential scheme at Pridzor Close to provide additional car parking provision for local residents.

By way of an update, Councillor G R Brookes advised that 11 of the residents in the area had attended also and initially felt that Fortis Living was ignoring tenants' wishes and well-being. However the atmosphere improved once it was understood that Fortis Living was attempting to find a solution and residents brought forward suggestions as to how additional spaces could be found within the site. It was hoped to create a total of 14 spaces to replace the (nominal) 16 that will be lost as a result of the development. This would also assist with issues such as access for emergency services. Councillor Brookes confirmed that he had agreed as Ward Member to report outcomes back to the Town Council's Planning Committee. A formal response was due shortly.

RESOLVED That the situation be monitored by way of a report to the next meeting of the Planning Committee and that in the meantime the Town Clerk requests a formal response from Fortis Living to the proposed amendments.

132 DEVELOPMENTS IN DROITWICH SPA – REQUEST FOR PUBLIC MEETINGS

At the Planning Committee meeting on 6 July 2015 and arising from consideration of Planning Application W/15/01418/RM – Application for reserved matters following outline planning permission reference W/11/01073/OU for appearance, landscaping, layout and scale for 250 dwellings (Phase 1) including areas of open space, Land North of Pulley Lane and, Newland Lane, Newland, Droitwich Spa upon a proposal made by Councillor R J

Morris a decision was made by the Town Council “that in view of the extensive development proposed for Droitwich Spa, four public meetings be set up to take place during the Autumn, each to be held separately with the four main public bodies concerned with the additional development, being

- Worcestershire County Council as Highway Authority;
- Worcestershire County Council as Education Authority;
- Clinical Commissioning Group NHS (CCG) for Health;
- Environment Agency and Severn Trent Water for flooding and drainage issues;

and with other agencies such as Police and Fire Services being invited to attend. The aim of these meetings was to review the plans for the area and to ensure that the infrastructure was in place to support all the development proposed.”

These organisations were therefore invited to engage with the Town Council in this matter but there was only a limited success. Written Questions were therefore submitted and the answers received were noted with deep regret. Members of the Town Council were of the opinion that the views of the Town Council were being ignored. Councillor G R Brookes requested that the responses be reported in the local press and Councillor T J Noyes suggested that perhaps an invitation to review the modelling processes of each organisation could be extended to the Town Council.

The Town Clerk advised that other avenues could be explored such as via the Clinical Commissioning Group and relevant County Councillors such as the Portfolio Holders and Local County Ward Members.

### 133 DECISIONS OF THE LOCAL PLANNING AUTHORITY

Wychavon District Council, the Local Planning Authority, had issued four approval notices, all of which accorded with the recommendations of the Town Council. No refusal notices had been issued.

Withdrawal of Planning Application W/15/02092/PP - Mrs L Rea, Retrospective application for enlargement of first floor side extension not in accordance with planning permission W/13/02206/PN and addition of front porch and rear balcony, 27 Blackfriars Avenue, WR9 8RH. The application was withdrawn by the Applicant on 28 September 2015. The Town Clerk was requested to seek clarification as to the matter of planning enforcement in this regard.

The Committee was advised of the Notification of Appeal: Application W/14/02465/PN, Planning Inspectorate Ref: APP/H1840/W/15/3129342. Appeal Start Date: 29 September 2015. Appellant(s) Name: Mrs M Gandy. Proposal: Retrospective application for the creation of 1 new residential flat on the first floor of previously approved application reference W/12/02617. Site at: Nellies Yard, 42 High Street, Droitwich Spa

134 WORCESTERSHIRE COUNTY COUNCIL – ROAD TRAFFIC REGULATION ACT 1984 (DISTRICT OF WYCHAVON – DROITWICH) (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (WAITING RESTRICTIONS AND STREET PARKING PLACES) CONSOLIDATION ORDER 2004 (VARIATION) ORDER 2015 [REVOCAION OF PROHIBITION OF WAITING ON U41552 ACCESS ROAD (OFF THE HOLLOWAY), DROITWICH]

The details were noted.

The meeting ended at 7.00pm.

Chairman of Committee .....  
9 November 2015

Chairman of Council .....  
14 December 2015

# Droitwich Spa Town Council

## Planning Committee meeting 12 October 2015 - Public Questions

Denise & Nick Fraser, 20 Sandles Close

Re: retrospective planning application 15/02275 for erection of summerhouse at 18 Sandles Close.

As the next door neighbours to the retrospective planning applicants, we are writing to you to ask for your support in objecting to the retrospective planning application.

We have examined the plans and we know the site very well, therefore we feel that it is important to begin by outlining some specific observations relating to the application.

The Government Planning Portal states:

‘With all building work, the owner of the property (or land) in question is ultimately responsible for complying with the relevant planning rules and building regulations’.

In this case, the regulations (E d ii ) which relate to the summerhouse state that :

‘Where the building is within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the building should not exceed 2.5 metres’.

As you will see from the retrospective plans submitted by Mr and Mrs Kelly, the summerhouse is only 48 cm away from the boundary fence which adjoins our property and 56cm away from the boundary fence which adjoins the Pulley Lane Open Space Nature Area. In addition, the summerhouse ridge height is 3.05 metres high, then it is surmounted by a large ball finial, therefore the building in question contravenes the planning regulations by being over 25% higher than the maximum allowed.

We also feel it necessary to point out the following inaccuracies with the plans and drawings submitted with this application.

1. The proposed block plan does not show any of the following –
  - the house extension which has been built to the side and rear of the property.
  - the conservatory which has been built to the rear of the property.
  - the shed which has been erected to the side of the property.
  - the extensive paving and raised beds built at the rear of the property, without extra drainage.
  - and the summerhouse is not drawn to accurate scale.
2. The back garden plan does not show the other buildings in the back garden, therefore does not give a true representation of the site.
3. In addition, there are no elevation plans submitted which show the height of the summerhouse in relation to the property or adjoining properties and their 2 metre high fences.

There are also inaccuracies in the retrospective planning application –

Question 7 – regarding trees and hedges within falling distance, the applicants have answered NO to this question when in fact there are at least 2 trees within the adjoining Pulley Lane Open Space Nature Area (for which Wychavon are responsible) which are within falling distance.

Question 10 - regarding materials, the applicant has made no mention of the electrical supply which has been installed into the summerhouse.

- In order to try to resolve the problem of the summerhouse not adhering to planning regulations, we have contacted the manufacturer of the summerhouse and spoken to the manager, who has informed us that they do also manufacture and supply a lower pitched roof for this version of summerhouse, which has been designed specifically to conform with planning regulations and the company are able and willing to change the height of the summerhouse roof in question.
- We have communicated this with Mr and Mrs Kelly, but they have refused to consider this compromising option.

We therefore object to the planning application on the following grounds;

- The proximity and height of the summer house has an extremely imposing effect upon our property and garden: it is too tall; over bearing; overshadows and dominates our garden, main living accommodation and other rooms, especially the kitchen where we spend a large amount of time.
- Allowing such a building, which contravenes planning rules, to remain in its current state and setting will be establishing a precedent for all other properties in Droitwich, but in particular those which adjoin the Pulley Lane Open Space Nature Area, a public amenity for which Wychavon are responsible and which is enjoyed and visited by large numbers of people. At present the character and appearance of this public amenity is not blighted by new buildings on land around its perimeter edge, but permitting this retrospective planning would set a precedent allowing the applicants and others to erect buildings which would have a negative impact upon the landscape and character of the neighbourhood.
- The octagonal shaped building has large windows on 5 of its 8 sides. Its position at the bottom of the garden, next to our boundary fence allows the occupants to look directly up into our bedroom window, without easily being observed by ourselves, therefore causing us loss of privacy.
- The summerhouse in its present state blocks out the late afternoon and evening sun from our garden and seating / patio area therefore having an adverse impact upon what is an important part of the residential amenity of our property.
- There has already been over development of the site, as mentioned previously, additions of rear and side extension, large conservatory, shed and summerhouse : the cumulative size of successive extensions have already enlarged the property greatly and in so doing reduced the garden size; this is a modern, recently built property with a small garden which is not large enough for this extra new addition.
- The applicants' water management statement suggests that all run off would be absorbed by the gravel and soil. In fact, there is only a small area of gravel to the back and side of the summerhouse, the bulk of land surrounding it is covered with concrete slabs with impermeable filler between the slabs and extensive raised walled beds. The committee may recall the floods of summer of 2007 from which our properties were also affected. The properties and Pulley Lane Open Space Nature Area all stand on dense clay soil from which

water does not drain away easily or quickly and in particular in the winter months water sits for weeks on and just below the surface.

- The visual impact of this Victorian style building with its roof of steeply pitched slopes rising to a peak, topped with a finial is out of character and keeping with the existing modern houses and gardens in the vicinity (which have been built in the last 15 – 20 years) adjoining Pulley Lane Open Space.
- Loss of view may not be deemed relevant opposition by some bodies, however our property and all of the other properties on the boundary of Pulley Lane Open Space Nature Area take enjoyment from these surroundings and the erection of this building has an adverse impact upon the residential amenity of our property and the properties of our neighbours as well as the visitors to the nature area.
- I have attached some ‘before’ and ‘after’ photographs to help to illustrate some of the impact of this building.

To summarise, the following are the grounds upon which we feel it necessary to object to this retrospective planning application:

1. It is the responsibility of the property owner to comply with planning rules and building regulations.
2. The summerhouse contravenes the regulations by being too close to the boundary fences both of our property and of the Pulley Lane Open Space Nature Area AND is at least 25% higher than regulations permit.
3. We have contacted the manufacturer of the summerhouse and spoken to the manager, who has informed us that they also supply a lower pitched roof for this version of summerhouse (specifically to allow it to conform with planning regulations) and the company are able and willing to change the height of the roof.
4. We have communicated this compromise option to Mr and Mrs Kelly, however they have vehemently refused to consider this option.
5. There are important omissions in the retrospective planning application, not least the lack of mention of the previous developments to the rear of the property.
6. We strongly object to this retrospective planning application on grounds of
  - Its imposing, overbearing, overshadowing and dominant effect upon our garden and property.
  - Our loss of privacy due to its size and position.
  - Its adverse impact upon the residential amenity of our property.
  - The overdevelopment of the site.
  - Our concerns over water management, run off and flooding due to the overdevelopment of the site.
  - The visual impact of a Victorian style building in a small garden of a modern house.
  - The precedent set for all other properties, in particular those that have boundaries with the Pulley Lane Open Space Nature Area.
  - The impact upon the Pulley lane Open Space Nature Area, which is the responsibility of Wychavon District Council, and is there to be enjoyed by all of the neighbours, residents and local community.

We are therefore asking the planning committee to support our opposition to this retrospective planning application.

Thanking you in anticipation of your support.

**Peter & Stephania Kennedy, 10 Sandles Close**

Re: retrospective planning application 15/02275 for erection of summerhouse at 18 Sandles Close.

My wife and I live at 10 Sandles Close, Droitwich and I am the Neighbourhood Watch Co-Ordinator for Sandles Close. Adjoining our property at the back of our house is a wooded area known as Pulley Lane Woods which is managed by Wychavon District Council. Pulley Lane Woods are an important part of our local environment with a variety of trees, plants, and wildlife - a great asset to have on our doorstep. I am aware that the wooded area forms part of a ' Green Necklace ' that encompasses the town. Many people in Droitwich appreciate the wooded areas as much as my wife and I do.

We have lived in our house for 19 years and have seen the woods mature over the years. We have also seen some of the negative effects that people have on the woods. Some examples are:-

- The dumping of garden waste over the fences,
- The dumping of litter,
- Irresponsible dog owners,
- Householders fitting gates to access the woods from their gardens after being requested not to do so by Wychavon District Council.

The residents of No. 18 Sandles Close have recently put in a retrospective planning application for the erection of a summerhouse because it does not comply with the relevant planning regulations. In particular, its present height is over 3 metres but current regulations stipulate a maximum height of 2.5 metres. The summerhouse also butts up against the boundary fence of the property which also borders Pulley Lane Woods and a footpath that runs alongside it. I believe having an outbuilding of this height so close to a boundary fence also contravenes planning regulations.

My wife and I along with very many other people regularly use the Pulley Lane Woods. When we walk past the Boundary fence of No. 18 we can clearly see the Summerhouse protruding in an imposing and incongruous manner well above the height of the fence. Planning laws exist to protect people against indiscriminate building practises that may impact negatively upon other peoples' enjoyment of their property and environment. We believe that in this case, there is no reason why the height of the summerhouse cannot be reduced to comply with present planning regulations. This would surely constitute a reasonable compromise. Why have planning laws if they are to be flouted and ignored.

We ask Droitwich Spa Town Council Planning Committee not to support this retrospective planning application for the summerhouse in question. We request that DSTC asks Wychavon District Council to uphold present Planning Law and emphasise that the problem could be resolved easily if the height of the summerhouse roof be reduced. Thank you.