

# 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 1 August 2016 at 6.00pm.

PRESENT: Councillor Mrs C Bowden (Chairman)  
Councillor R Murphy (Ex-officio)  
Councillor G R Brookes  
Councillor A Humphries  
Councillor R J Morris  
Councillor T J Noyes

NON-MEMBERS PRESENT: Councillors R G Beale, S Best, G A Duffy, Mrs S Harris, Mrs A Hawkins, A H Laird, A Roberts, A Sinton and Mrs K Tomalin.

APOLOGIES FOR ABSENCE: Councillors Ms J H Bolton (Vice-Chairman) and Mrs M A Lawley (committee members), also Councillor L Evans.

PUBLIC QUESTIONS – There were none.

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## 80 CHAIRMAN'S ANNOUNCEMENT

The Chairman welcomed Councillor G A Duffy, the successful candidate at the by-election for West Ward held on 28 July 2016.

## 81 DECLARATIONS OF INTEREST

Councillor T J Noyes declared an interest in Agenda Item 4a – Planning Applications: W/16/01566/PN inasmuch as he had worked for Deritend Precision Casting Ltd.

## 82 MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 4 JULY 2016

RESOLVED That the Minutes of the Meeting of the Planning Committee held on 4 July 2016 be confirmed as a correct record and signed by the Chairman.

## 83 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.

## 84 AMENDED 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.

Councillor Brookes advised that although Planning Enforcement was within the remit of Wychavon District Council he was concerned that such matters were not being addressed successfully within the Town. He reported the following:

- Dodderhill: an “agricultural worker's cottage” that became a “mansion”. This had been explained as a mistake by officers in failing to properly carry forward the planning restrictions when permission was granted. The developer then went on to build a larger property than that for which permission had been granted and was able to regularise this situation which is how it remains today.
- Sainsbury's Filling Station – Worcester Road: this was a sensitive site, being located with residential housing on three sides. Various appropriate restrictions on use of the site, requested by the Town Council on behalf of the neighbouring residents (particularly restricting opening hours and tanker access) were not fully implemented in the planning permission given so could not be enforced. The matter was left to the Town Council to resolve. After some considerable effort, involving senior management at Sainsbury's some modifications had been achieved on a voluntary basis.
- B&M Stores, Droitwich: in this case, two large illuminated signs were erected without planning permission. This was drawn to the attention of the relevant enforcement officers on 15 October 2014 but only recently had a planning application been forthcoming to regularise the situation. The matter was still not settled some 18 months on. Whilst permission was unlikely to be refused, that was not the point as a company like B&M with outlets across the UK should not have been in a position to plead ignorance of basic planning laws.
- Swan Drive Development: this situation had been ongoing for some 15 years, the Persimmon estate roads and the open spaces were not being brought up to a satisfactory standard for adoption until recently.
- Hanbury Road Development: the development was not to be occupied until appropriate arrangements were in place between the developers and the County Council for the associated footpath and highway works. However occupation took place before the proper arrangements could be made by the County Council and further difficulties arose because part of the development was constructed in the wrong place (as admitted verbally by Bellway during a site meeting). Councillor Brookes, as ward member, was dealing with the problems and it also transpired that the developers had already sold the freehold interest in some of the land needed for carriageway widening etc. The situation was a misery for the new residents although Councillor Brookes had been successful with Bellway providing a temporary footpath so that access was possible to the dwellings without having to cross through neighbours' gardens to avoid the mud and deep puddles after rain. Once occupation had been allowed, it became very difficult to enforce the works since the District Council would have been seen to be making people homeless. The matter was only now coming to a conclusion, years later, with the footpath works being completed. In the case of a joint application (as this was) there is the query whether the developers can be made “jointly and severally” responsible for any works so that enforcement can be taken against either or both parties.
- High Street – Nellies Yard: a planning application was submitted in 2012, W/12/02617, for a conversion and renovation of an existing building and approved in January 2013. However in June 2014 it came to light that an additional flat had been constructed in the loft space which is unauthorised. An enforcement officer contacted the owner and advised that an application would need to be submitted to regularise the breach and after several attempts to contact the agent working on the owner's behalf and the owner, in November 2014 an application was submitted for the unauthorised apartment. The application remained invalid until January 2015. It was duly considered and refused in March 2015. The owner submitted an appeal on the council's refusal of planning

permission. A site visit was undertaken by the Planning Inspector and a decision given on 8 January 2016 dismissing the appeal. Councillor Brookes understood there was a requirement to try and “regularise” a planning breach if possible but in his opinion all appropriate and reasonable action had been taken and the immediate issue of a Enforcement Notice in January would seem appropriate but to date he was not aware of any further action in this matter.

Councillor Brookes further commented that he was concerned that the planning enforcement service was relying upon town councillors and residents to report breaches.

Councillor T J Noyes reported that the planning enforcement service was to be a subject looked into by the Overview & Scrutiny function of the District Council and did acknowledge that there were difficulties.

In response to the proposal made by Councillor Brookes and seconded by Councillor Humphries and detailed in the resolution below the Town Clerk advised that all Town Councillors had been invited to attend two briefing sessions on the Planning Enforcement service (16 September 2015 and 11 May 2016) and had been sent a copy of the Local Enforcement Plan each time, the latest by email dated 13 April 2016. She confirmed that the District Council did advise of enforcement matters within the area which she passed on to the relevant local member(s) and also outlined the situation with regard to Building Control matters and the reasons why the service was more of a reactive one rather than proactive.

Councillor Morris suggested that the Town Council should await the outcome of the Overview & Scrutiny Committee’s deliberations in the matter.

Upon being put to the vote, it was

**RESOLVED**

1. That the Town Clerk writes to Wychavon District Council and requests that the Town Council be kept informed of the progress of enforcement measures in its area. A weekly update should be sent showing new enforcement actions and the progress of those already underway. This information to be disseminated to members of the Town Council with any appropriate conditions of confidentiality as may be required by law.
2. That the Town Council wishes to receive a copy of Wychavon District Council’s “Local Enforcement Plan” (*received already – see above*) and also have access to the “Public Register of Enforcement Action” which it is understood that the District Council is required to hold under Section 188 of the Town and Country Planning Act 1990 and Article 43 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

86 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.

The Committee received Notification of Appeal: W/13/02032/OU Planning Inspectorate Ref:- APP/H1840/W/16/3148838 - Hill and Smith Holdings Plc, Outline planning application for up to 34 residential properties on land at Salwarpe Road (former Pipe Support Site) Droitwich Spa WR9 9BH.

87 WYCHAVON DISTRICT COUNCIL – SCRAP METAL CONSULTATION DRAFT POLICY

Wychavon District Council had consulted upon a Policy and Guidelines in relation to its licensing responsibilities under the Scrap Metal Dealers Act 2013. Comments had been requested by 30 September 2016.

Councillor T J Noyes urged all Councillors to look at this draft policy to comment as desired. He also advised of the process for this and similar licensing consultations.

88 WORCESTERSHIRE COUNTY COUNCIL – REVOCATION OF ROAD TRAFFIC ORDER

Worcestershire County Council had advised of its intention to revoke a 40mph speed limit order which has been discovered for part of the B4084 Worcester Road, Droitwich. The Order, made in the 1980's, was considered redundant as this section of Worcester Road was now furnished with a system of street lighting (a road with street lighting being automatically subject to a 30mph speed limit, unless otherwise indicated by signs showing a different limit). In order to remove this conflict it was considered necessary to revoke the old 40mph Order to give certainty as to the applicable limit. Comments had been requested by 12 August 2016.

RESOLVED                      That the revocation of the County of Hereford and Worcester (40 mph speed limit) (No 12) Order 1982 be supported.

89 WORCESTERSHIRE COUNTY COUNCIL - ROAD TRAFFIC REGULATION ACT 1984 (AS AMENDED) (C2076 TAGWELL ROAD, DROITWICH SPA) (TEMPORARY CLOSURE) ORDER 2016

The details were noted.

90 WORCESTERSHIRE COUNTY COUNCIL – ROAD TRAFFIC REGULATION ACT 1984 (AS AMENDED) (U41544 ST ANDREWS STREET, DROITWICH SPA) (TEMPORARY CLOSURE) ORDER 2016

The details were noted

- 91 WORCESTERSHIRE COUNTY COUNCIL - ROAD TRAFFIC REGULATION ACT 1984 (AS AMENDED) (DISTRICT OF WYCHAVON DROITWICH) (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (WAITING RESTRICTIONS AND STREET PARKING PLACES) CONSOLIDATION ORDER 2004 (VARIATION) ORDER 2016 (PROHIBITION OF WAITING ON [BLACKFRIARS AVENUE, SPA ROAD, MANNING ROAD, BURRISH STREET AND MILLER STREET, DROITWICH]

The details were noted

- 92 WORCESTERSHIRE COUNTY COUNCIL - ROAD TRAFFIC REGULATION ACT 1984 (AS AMENDED) (DISTRICT OF WYCHAVON DROITWICH) (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (WAITING RESTRICTIONS AND STREET PARKING PLACES) CONSOLIDATION ORDER 2004 (VARIATION) ORDER 2016 (PROHIBITION OF WAITING ON [B4090 HANBURY ROAD AND WINSLOW AVENUE, DROITWICH]

The details were noted

The meeting ended at 6.50pm.

Chairman of Committee .....  
12 September 2016

Chairman of Council .....  
26 September 2016