

Click or tap here to enter text. **Broadwas & Cotheridge Planning Update**

There has been a lot of time spent on Broadwas & Cotheridge planning and enforcement this last month, so I thought it worthwhile to continue the update. I did send an update mid-month as well – but the below is my report from last month (not for the minutes) with – in red- the updates. I've kept them as brief as possible although a lot of work has gone on. If you read last weeks report you can just update yourself via the text in red.

The topics are Zourka, the implantation of the landscaping plan, The Appeal in reference to 13 houses off Church Lane, Tack Farm and Gladwish.

Again, this is just to help the meeting and isn't meant for the minutes.

Zourka - 17/00169/FUL

Drainage –

This remains the same but I've left in place. We have had one email around excess water in what was a very wet June, although I am still concerned by this and we've got to keep on it. The photographs were shared with all agencies concerned but didn't appear to be linked to Zourka. We have contacted Highways to inspect the bottom of Church Lane where water is collecting. Again it remains in place that if there are concerns that water on the lane is in excess of what it was then report it.

I have also sent photographs to enforcement and an update on the site development. There are areas that have not started to be developed to plan – especially around landscaping – but there is significant time on these. One is around a wall at the entrance which don't appear on the plan but footings have been put in place. Again, there is time and landscaping is often carried out at the end but I want to be in front of any potential problems.

With anything in enforcement if anything is built which is not on the final plan it will have to be removed.

It is worth noting that Tack Farm had an issue with a pipe which caused a constant flow from Tack Farm onto the main road and onto Church Lane which has now been resolved.

At the start of the year, pre-Covid, I was asked to ask Land Drainage to check the site after issues over excess water down Church Lane.

I have spoken to Jack Adams at SWLDP who has provided the following response:

This was not a land drainage issue and would not have been anything the SWLDP would have gotten involved in. As far we are concerned, it was an issue with the suds on site which is a private drainage matter. The condition for the suds was discharged in April so if they are still having issues with it then they should be talking to you or building control who oversaw the construction.

I note that the drainage scheme was formally discharged on 22nd May 2020, the details are available to view in the usual way on the Council's website. If residents become aware of evidence to suggest that that the scheme is not being implemented in accordance with the details and it is causing drainage problems on site, I would be grateful if I could be informed for further investigation. I would however point out that I have not been made aware of any issues identified by Building Control who inspect drainage before it is covered.

There appears to be no issue from Zourka but happy to report back any issue.

I would reference the original notes for the site:

There shall be no increase in surface water run-off from the site compared to the existing pre-application greenfield run-off rate up to the critical duration 1 in 100 year storm event plus 40% allowance for climate change. The scheme shall provide an appropriate level of runoff treatment. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

If we can demonstrate an increase in surface water run off – even if you feel it is we can go back with that. I'm happy to come over and see when we get such an occurrence as I wouldn't want it to be the case.

Bat Barn –

We have received no further correspondence from neighbours about this and it is expected that this will be completed in the next 7 weeks. I know there were concerns about it being turned into a sales office and this hasn't happened. I have visited the site three times since the last meeting. I have however expressed a general concern over lack of progress on the site which is going to be looked at.

The ecology condition was also formally discharged on 22nd May 2020. I have stated previously that after this time I would advise the developers of suitable timescale in which to complete the works to bring the bat barn back in line with the approved permission. I am aware of a date of the 21st June being referred to locally, I can confirm that this is not a date I am aware of or one that I am working to.

The Council has given until the 1st September 2020 for the works to bring the bat barn back in line with the approved plans (attached) to be completed. We will monitor the works during this time and if suitable progress is not being made and/or the works are not substantially completed by September 1st, we would consider issuing a formal notice. I consider this to be a reasonable period of time in which to complete the works and have taken into account the developers estimated completion date for the entire development at the end of September and their original intention contained within the Ecology scheme to have the bat barn completed by the end of this month.

I appreciate that residents may be disappointed with this timescale, however in accordance with Government guidance the first priority is to try and resolve any breaches of planning control through negotiation. Only when such negotiations fail to secure a solution should formal action be considered. In this case I do not consider that the bat barn causes any ongoing nuisance to residents which is why this time period is appropriate, an extra two months from the original estimated completion date. As I have stated previously this matter will be pursued by Planning Enforcement until officers are satisfied that either the breach is resolved, or it is not expedient to pursue further.

Again, it would be useful for residents to up to date me with anything on this.

Working Hours - 20/00714/WHC

Whilst the two issues above have been resolved to date but are still very much being monitored this has become the issue. The application for extended working hours, despite being a government protocol we got turned down. This was not easy but thanks to the residents of Church Lane we had enough information to do so.

Since the last meeting, however, we have received complaints of the applicant working outside of his current permitted working hours.

Our enforcement team have taken the first stage of an informal discussion about this and this has not had the desired effect. I have asked that formal enforcement is now carried out and we expect this to now happen.

Because there were also complaints about noise I have reported this to WRS and they have started a monitoring process with the residents.

I have to say that the general state of the site is appalling.

We know there has been a further application to extend working hours ,allowing them to work to 9pm.

<http://plan.malvern hills.gov.uk/plandisp.aspx?recno=81421>

This is very difficult for us to oppose as it's part of the governments Covid recovery response:

<https://www.gov.uk/guidance/coronavirus-covid-19-construction-update-qa>

We do need good reasons to oppose if people do want it opposed. In the last week I have received an email from two residents asking me to do so and I've done that.

– Any breaches of the approved working hours on site should continue to be reported to Planning Enforcement. Due to measures introduced by the Government we will have regard to the following briefing note and other relevant advice from the Ministry of Housing, Communities and Local Government when investigating complaints.

https://www.malvern hills.gov.uk/?option=com_fileman&view=file&routed=1&name=CV19%20Guidance%20on%20relaxation%20of%20wkg%20hrs%20conditions%20May%202020%20NEW.pdf&folder=Documents%2FPlanning&container=fileman-files

I have also reported this morning the state of the site as I wasn't personally happy with that and had I been a neighbour would be very upset with what I saw.

Other Notes on Zourka

There has been continued reports of loose stones on Church Lane, caused by the developer. I have seen this on every visit so far. To date the road sweepers have been out two times and will be out again this week. Again we've spoken with the developer in regards to doing something about this. We'll continue to make a point of it but I'll also ensure the road sweeper continues to make regular visits.

The Give Way sign has been reported to Highways.

Implementation of Landscaping Plan

Robert will pick up on this but I've shared my correspondence on this with Robert so he's aware that I want to support more openness going forward and a process where we can all review applications prior to discharge on sensitive applications.

We have discussed with planning officers and I've involved Duncan Rudge in his thoughts on this along with discussing further with Aaron. I fully appreciate the strength of feeling on this and regardless of opinions and outcomes I expect that in the future, on sensitive planning applications and especially ones, such as this, which were only passed at Appeal that we work closer to ensure something could happen again which could be interpreted in multiple ways.

Having discussed this with relevant parties and read back the very useful thoughts of Louise Morton there is no harm caused by the landscape plan approved by MHDC.

..the effect of approving the alternative landscaping scheme was that the land now outside the garden of Plot 3 would remain open and undeveloped i.e. in a very similar state to how it would be if it was contained within a large garden belonging to Plot 3, and as such it would be difficult. (Louise Morton).

She states that:

Aaron Black of MHDC had been correct in stating that the change in the plot layouts would have no measurable effect on the likelihood of planning consent being granted for further development of the land in question in the future.

I like Louise's thoughts on working practices, and I believe we should look to discuss them further and take this forward. Broadwas and Cotheridge Parish Council are a very pro-active Parish Council on planning matters, not least demonstrated by a very effective neighbourhood plan and it would serve us all well to tie up this communication moving forward.

If the Parish Council would like to formally put these recommendations to us they should be put in writing to Holly Jones, Director of Planning and Infrastructure. They will then be considered but in the interim and moving forward we can look at locally we share information easier and I'm certainly happy to work closer with Robert, especially when it comes to any developments we may see as being contentious.

I have been asked if I would take the case in regards to landscaping to the Ombudsman. I won't given all of the above and Aaron's original response which was supported by Louise.

I have been made aware of concerns with regards to the size of the gardens previously, however this was at the time that the plots were being set out and no defined garden area was identified. I have recently been made aware of a discrepancy between two approved plans on site (one approved as part of the appeal and the other by way of condition discharge) as referred to below. I do not agree that the changes are 'significant' and this view is shared by planning officers, having reviewed both plans the main change is the relocation of the garage on plot 3 closer to the house. As such it does not alter the principle of the development and this matter can be sufficiently dealt with as a minor amendment to the permission.

*Notwithstanding the above I note the Parish Council's overriding concerns about a further dwelling being applied for on site. **In the unlikely event that a dwelling is constructed in this area without***

planning permission it would be subject to an enforcement investigation in accordance with our Local Enforcement Plan. However regardless of whether or not the piece of land in question is part of the curtilage of plot 3 or not it would not stop anyone from submitting an application for whatever they wished as they are entitled to do under planning law, and this would be assessed and consulted on in the usual way.

The only additional comment I would make is that similar to the above regardless of the location of the garage it would not stop anyone from submitting an application for whatever they wished as they are entitled to do under planning law, and this would be assessed and consulted on in the usual way.

Land Adjacent to Church Lane

We Won!

We have received the questions, and these have been replied to, as have the Parish Council.

The response can be seen online.

<https://plan.malvern hills.gov.uk/plandisp.aspx?recno=79360>

Our reply has been shared with the Parish Council and I received some feedback from Robert. My only dissatisfaction with where we are is the continued use of Wichenford in the housing needs which I've expressed and shared with Robert.

Tack Farm

The Planning Application is still live. It is my thought that the application for the Outdoor Arena will be granted but not for the new access. I really can't see this being given at all.

A little less to comment on this at the moment. Tack Farm has faced enforcement over the rejected application to change use of a building to a dog breeding unit. They do have a licence for dog breeding but not the space. This was application reference: 19/00164/FUL.

The dogs have been moved but we are in regular communication with local residents over useage of buildings. I really do understand the frustration of local residents on this.

In terms of the area from Aaron:

In addition I am aware that construction on the arena has started and a new track appears to have been constructed. On both of these matters I have advised the landowners that work is carried out at their own risk of planning enforcement action. As we have demonstrated in the past we will take action where necessary and this continues to be the case. The Council may need to take enforcement action if, without prejudice, the current application for the arena is refused. Likewise an application for the new track has been submitted but this is invalid, I have therefore sought the intentions of the landowners agent and await a response.

I have seen the track but we are waiting on responses on this.

The Outdoor Riding Arena is 19/01832/FUL.

I would expect more development on this within the next month. It is a live planning application and enforcement could come into play if it wasn't passed.

Gladwish

Enforcement served and no further news. Again we are monitoring.

An intriguing ongoing situation but one I feel we're coming to an end of.

The tent has now been removed and an Enforcement note will be issued for the plots, including the business being run from there. I visited the site yesterday and saw the Caravan which Keith has been reporting and I've reported this back.

Aaron is also looking to produce an information note/letter for all the plot owners to make them aware of the restrictions on the land. It would be the intention to display this on the field accesses and provide a copy to the land management company Gladwish to give to prospective purchasers.

I would of course be happy to provide you and the PC a copy of this once it has been displayed.

I've tried to keep this as brief as possible and bring as much information together. All of these are ongoing so happy to continue to report upon and happy to receive feedback and information on all.