

### **Planning Brief Update:**

Across the district we have more enforcement cases than is usual at present. Obviously, we know this is also the case in Broadwas & Cotheridge as well. I believe we have 9 in total, but I'll confirm this prior to the Parish Council meeting.

The regular emails we got with the numbers on stopped through Covid but I know David has asked that they are re-started and I've also contacted the Portfolio Holder for planning over the weekend to make sure this happens.

The below are the main cases. There has been a lot of correspondence on these and I am positive that most people are in the loop – so I've kept this as brief as possible or re-shared the latest information so it's at hand for everyone – although you may have already seen it.. We can see that a lot has been done. Despite some beliefs to the contrary there has been a lot of work done and in particular when it comes to Zourka. It takes time and Enforcement doesn't have the powers always wanted by all residents and I understand that but that can't be changed by us and so everything that can be done is done and there are some results here.

It's also worth noting that Enforcement have received a number of 'issues' which haven't then been issues but these have always been investigated quickly. I have not covered them here.

I also met with Eric last week to talk more broadly about enforcement and planning development and following this a meeting has been set up in October with Duncan Rudge to help with future communication.

### **The Track:**

The initial report from Eric was shared with Aaron and both Keith and Eric have been updating Aaron. Aaron's last correspondence was " The letter has been sent to the landowner this week, hopefully we will receive a response in time for me to update you for the PC meeting on Monday. If not however, I will still provide a brief update. "

This is an ongoing case but there is certainly good communication on this particular case.

### **Gladwish:**

On Gladwish enforcement was issued and the situation has been resolved with the issue now being what is left on site. I have also noticed that the dog run is now no longer being advertised and has not been since August.

In Aaron's latest update:

"With regards to the fencing at Gladwish thank you for the information. Unfortunately we would be unable to ask Mr Hanson to remove this as technically it isn't his to remove, so the only means by which we can pursue it if it isn't gone within the compliance period would be to prosecute the persons responsible. ". We will keep on this.

### **Zourka:**

### **Working Hours:**

A Breach of Condition Notice was issued on 28th July 2020 relating to a breach of condition 14 (site working hours) of planning permission 17/00169/FUL granted on appeal by the Planning Inspectorate (Reference: APP/J1860/W/17/3191631) on the 10/05/2018 – Demolition of

bungalow and outbuildings and erection of three dwellings and garages, alterations to existing and formation of access to Church Lane, internal private footway adjoin the A44 and bat barn with associated landscaping. The requirements of the notice are to:

Ensure that demolition, clearance or construction work and deliveries to and from the site in connection with the development shall not take place outside the approved hours

The period of compliance is 28 days from 28th July 2020. We understand that there is now compliance to this. Noncompliance would lead to prosecution.

The application for extended working hours was turned down.

**Bat Barn:**

There has been a lot of communication on this but in short Aaron's summary is probably best shared again:

I email in relation to the Bat Barn and the deadline that was set of 1st September to bring the works back in line with the approved plans, which is still the landowners intention.

The ecologist named on the bat licence who is legally responsible for its requirements has recently raised concern that any works which take place now could disturb any bat roost which would be a criminal offence. As such the Council's ecologist and I visited the site at the earliest opportunity yesterday morning to inspect the barn for the presence of bats and evidence was found of possible recent activity. Whilst the top half is generally in accordance with the approved plans concerns have also been expressed about the design in terms of the number of openings which I am advised needs further discussion between the ecologists in order to agree a way forward.

Whilst these issues are sorted out to ensure that the bat barn is fit for purpose in the long-term the works will not be able to be completed by 1st September, and if the LPA enforced this we could be seen as trying to force the ecologist and developer to commit a criminal offence, which would be unreasonable and challengeable. I am disappointed that this issue had not been raised with us sooner however the presence of bats would have delayed the process whenever it was raised. The planning department has experience of similar issues and there is almost always a solution, but agreeing a way forward based on expert ecological advice will take time.

I have inspected inside the bat barn to confirm that no use is taking place other than for the storage of some electrical equipment needed to power the site, this will be removed when mains electric is installed in the houses within the next couple of weeks. I understand the main concern to be that the lower half of the barn would be used as a sales office, I have no reason to believe this will be the case and have asked the developer to confirm as such. Notwithstanding this any such use could constitute a disturbance to the bats.

Ultimately I am sure you will agree that we want to ensure that the best design is achieved for the benefit of the bats in the long-term, however as I have said previously we will continue to pursue this issue until it has been resolved to the Council's satisfaction, even if this takes slightly longer than originally envisaged.

I was talking with Aaron in the run up to this and we were pushing for the sides to be removed at the very least but the ecologist stopped our requests. It's frustrating that the work was done in the first

place but as Aaron has said there's no belief the bat barn will be used as anything and the applicants runs the risk of being prosecuted if he does.

I know and understand the disappointment around this and I definitely share it.

### **Drainage:**

Drainage remains a concern and we have had a recent email exchange over this. I've put the text below from my last update which remains the same. I have received information since this to show flooding at the bottom of Church Lane but the cause seems inconclusive and the thought at present is that Church Lane itself needs dealing with by Highways given the condition of the road – particularly at the bottom where water is collecting.

My last update:

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.

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.*

I will talk with Enforcement about this issue and in particular any issues on site that may affect water run off in the future.

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.

#### **Differences to the Planning Application:**

Any differences to the plan now will have to be rectified prior to any house being sold. This goes for the extra floor that is there on plot one which enforcement are aware of.

#### **Tack Farm:**

The latest news on Tack Farm – again I'll take the latest update from Aaron, who paid a site visit just under 2 weeks ago.

*Just to advise you that following a final letter that was sent to the landowners of Tack Farm last week I can confirm that the outstanding matter of compliance with the Enforcement Notice regarding dog breeding on site has been passed onto our legal team with the recommendation to prosecute. I will keep you updated on the progress of this.*

*We have received a valid application for the barn currently under construction. The planning reference number for this is 20/00972/FUL and this is available to view on our website in the usual way where you can make any comments.*

*There is another application currently being validated which includes the re-location of the dogs. If/when this is validated, I will let you know.*

I have asked Karen Wightman to keep me abreast of the new planning application.

The other ongoing application here is for 19/01932/FUL – for the outdoor riding arena. Hayley Jones is the officer and we are in communication with her but the decision remains pending.

I'm sending this update in the early hours of Monday morning but I know that Aaron will update on anything further on Monday to add to this.