

**Bromsgrove District Council
Planning Committee**

**Committee Updates
10th October 2022**

22/00801/FUL Seafeld Farm, Seafeld Lane

Neighbour comments:

Following the publication of the agenda and in response to the re-consultation exercise, 3 further letters have been received from existing objectors re-iterating earlier concerns and specifically:

- Increased height makes building more suitable for re-purposing as a warehouse or cold store;
- Neighbouring farms have more livestock and fewer buildings;
- Potential future floodlighting.
- Ecology issues including possible presence of bats.
- Beoley Parish Council has maintained its objection and queried the need for the increased height of the building.

Cllr English - has raised the issue of:

- drainage from the proposed building into the existing watercourse / ditch along the northern boundary. The ditch has been concreted over just opposite where the proposed new barn is to be put. This has apparently caused problems for the neighbouring farm as the water from the neighbour's field in this section now has no ditch to run off into. Can the re-instatement of the ditch be required by condition?
- Is there an update on whether NWWM require a condition?
- TB rules and regulations requiring a 2.5m gap between fences to keep cattle from neighbouring farms apart. Can this be conditioned?

Officer Response to Councillor English:

- It is not appropriate to seek to use this application to remedy a pre-existing situation regarding drainage arrangements for adjoining land. This would be a civil matter to be addressed by the parties concerned.
- NWWM drainage update is noted below.
- Matters relating to TB are not related to planning legislation. These are subject to other legislation/regulations and therefore it is not appropriate to seek to impose a condition to require replacement fencing.

WRS Contaminated Land response:

We have looked over the documents submitted and historical records for the site, we do not anticipate a ground contamination issue with this proposal.

Drainage Matters

With regard to drainage matters, the agent has confirm that:

All roof rainwater will be channelled into existing below ground drainage that ultimately discharges into the neighbouring ditch.

Currently all yard run off water is collected in a central yard sump, the livestock will be bedded on a dry bedding system of straw, this will be removed straight from the buildings for application onto surrounding land at suitable times of year, there is no run off anticipated, what little there will be would find its way into the yard sump that will be routinely emptied.

Additionally, the agent has now confirmed that there will be additional roof area to drain compared to the existing roofs.

In response to this further information, as additional roof area is involved and there will be some change to the concrete/permeable ground area, a condition is recommended by NWWM: No works or development shall take place until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. The scheme shall provide appropriate levels of surface water attenuation and shall be implemented prior to the first use of the development and thereafter maintained.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area

Also, the following informative is recommended:

The applicant should be aware that polluting the nearby brook, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence. The applicant is expected to fully assess the risks from all pollution sources and pathways and take sufficient precautionary measures to mitigate these risks for this development.

Ecology matters

Further comments received raised concerns regarding bats and owls. Bats are a protected species. It is noted that the roofing contains materials that are not conducive to bats and therefore the LPA is satisfied that under the test of reasonable likelihood, bats are not present. Therefore, in this instance a bat survey has not been required. However, an informative is recommended reminding the applicant of their responsibilities under other legislation.

INFORMATIVE:

Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. The applicant is advised that to ensure no bats are endangered during destructive works, the roof and other materials should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately, and Natural England must be contacted. It is a criminal offence to disturb, obstruct or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from Natural England enquiries@naturalengland.org.uk or call 0300 060 3900.

The revised recommendation is:

RECOMMENDATION:

(1) **Minded to APPROVE FULL PLANNING PERMISSION**

(2) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure Services to determine the application following:

(a) The expiry of the consultation period on 13 October 2022 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure and Services, in consultation with the Chair of Planning Committee, to assess whether new material considerations have been raised and to issue a decision after the expiry of the publicity period accordingly

Revised Conditions:

Update wording condition 3:

For clarity, it is recommended that proposed condition 3 is amended to:

3. Should the building cease to be used for agricultural purposes, the building hereby approved shall be dismantled and the resultant debris removed from the site within 6 months of

the cessation of the agricultural use.

Reason: To protect the Green Belt in accordance with BDP4 of the Bromsgrove District Plan and the NPPF.

New condition:

8: No development, with the exception of demolition, shall take place until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. The scheme shall provide appropriate levels of surface water attenuation and shall be implemented prior to the first use of the development and thereafter maintained.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area

The following new informatives will be imposed:

Discharge Responsibility

The applicant should be aware that polluting the nearby brook, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence. The applicant is expected to fully assess the risks from all pollution sources and pathways and take sufficient precautionary measures to mitigate these risks for this development.

Protected Species

Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. The applicant is advised that to ensure no bats are endangered during destructive works, the roof and other materials should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately, and Natural England must be contacted. It is a criminal offence to disturb, obstruct or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from Natural England enquiries@naturalengland.org.uk or call 0300 060 3900.

22/01137/S73 The Barn, Woodman Lane

Withdrawn from the Agenda