

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**29<sup>th</sup> January 2019**

Agenda item 11

Application Ref. **18/00943/FUL**

**Betley Court, Main Road, Betley**

Since the publication of the main agenda the comments of the **Landscape Development Section** have been received. They advise that the trees on this site are within Betley Conservation Area and some are affected by Tree Preservation Order T7/24.

Following a site meeting and revisions made to the arboricultural information provided, they make the following comments:

The proposal will result in some tree loss. Adjustments have been made to reduce the amount of tree loss and also to reduce the impact of the construction upon retained trees. Of the two category B trees (trees of moderate quality) that are to be lost, neither would meet the criteria for protection through a Tree Preservation Order, (T7 due to its current condition and T6 due to its poor form). T2 (category B), which was to be removed can now be retained and protected throughout the construction period. T14 (a prominent category C tree) can now be retained and protected in accordance with BS5837:2012. All category A trees (trees of high quality) on the site can be retained and protected in accordance with BS5837:2012.

They therefore raise no objection to this application subject to additional information which could be provided and confirmed by way of the following planning conditions:

- Alignment of utility apparatus
- Schedule of works to retained trees
- Arboricultural Method Statement (detailed) covering foundation design and proposals for paving within the RPA of retained trees.
- Dimensioned tree Protection Plan to include details of tree canopy protection and full protection of T2.
- Full landscaping proposals including replacement tree planting and hard and soft landscaping proposals.

They further advise that the position of the overflow car park needs to be updated on proposals drawings which still shows overflow spaces within the RPAs of retained protected trees.

In addition a further **representation** has been received which provides a detailed analysis of the business plan of the proposal. The conclusions set out in this representation are summarised as follows:

- Taking into account the approximate cost of the development, once the Heritage Lottery Fund Grant is taken into account, and the additional costs involved in running the open garden, visitor centre and tea room it is impossible to understand how the project will make any money. It would, not taking into account staff and operational expenses, take nine years to recover the set up costs alone.
- The development is being portrayed as important additional income to assist with the ongoing maintenance of Betley Court, however as it will not generate any material income there must be more to this narrative.

- The genuine agenda is more likely to be based on a future change of use for the building and could lead the way to setting a precedent for the granting of future planning applications within the grounds of Betley Court.

#### Officer Response

It would be reasonable and appropriate to include the conditions recommended by the Landscape Development Section.

Whilst it may be the case that the proposal will only generate income once the set up costs have been recovered, which may not be for a number of years, and will then only generate a modest income it remains that the proposed development will provide some additional income for the maintenance and upkeep of this Grade II\* Listed Building. In addition it is not considered that the granting of permission will, as suggested, set a precedent for the granting of future planning applications within the grounds of Betley Court or that any proposal for a change of use of the building would be granted as being acceptable. Any proposal for development will have to be considered in the context of restrictive Green Belt policy and in addition would only be granted if it preserves the setting of the Listed Building and would not harm the character and appearance of the Conservation Area.

Notwithstanding the concerns that have been expressed your Officer remains in support of the proposal.

The further comments of the Highway Authority are still awaited

**The RECOMMENDATION is therefore amended as follows:**

**Subject to no objections being received from the Highway Authority that cannot be addressed through the imposition of appropriate conditions, PERMIT subject to the following conditions:**

1. Time limit.
2. Approved plans.
3. Prior approval and implementation of details of a hard and soft landscaping scheme to include details of planting to provide screening of the parking area from the house and lawn, replacement tree planting and details of surfacing and delineation of the parking area/spaces.
4. Prior approval and implementation of special constructions measures and other tree protection measures.
5. Prior approval and implementation of the external facing materials.
6. Prior approval and implementation of a foul and surface water drainage scheme.
7. Prior approval and implementation of a parking management scheme which shall include details of the management of parking associated with the residential occupation of Betley Court and measures to prevent visitors to the gardens parking on Court Walk when the gardens are open.
8. Gardens to be open to visitors no more than 6 weekends per year. Any additional openings, for special events, shall only take place with the express permission of the local planning authority and shall be limited to no more than 4 additional days per annum.
9. Restrictions on the hours when construction and demolition can take place.
10. Prior approval and implementation of details of any kitchen ventilation system and external plant.
11. Prior approval and implementation of details of external lighting.
12. Restriction on the hours when deliveries and waste collections can take place.
13. Prior approval and implementation of the alignment of utility apparatus
14. Prior approval and implementation of a schedule of works to retained trees
15. Prior approval and implementation of an Arboricultural Method Statement (detailed) covering foundation design and proposals for paving within the RPA of retained trees.

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- 16. Submission and approval of a dimensioned tree Protection Plan to include details of tree canopy protection and full protection of T2 and implementation of the protection measures agreed.**
- 17. Prior approval and implementation of full landscaping proposals including replacement tree planting and hard and soft landscaping proposals.**
- 18. Submission and approval of revised plans showing the overflow parking in a position outside of root protection areas of trees.**