

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**29<sup>th</sup> March 2022**

**Agenda Item 10**

**Application Ref. 21/01064/FUL**

**Betley Court, Main Road, Betley**

Since the publication of the main agenda report a further 7 objections have been received in response to the recommendation. The concerns expressed are summarised as follows:

- The applicant has not sought to discuss the application with the objectors and a report should not therefore have been included on the agenda without prior discussion with local residents.
- The use of the building within the limitations set out in the recommended conditions could amount to a substantial business which would be inappropriate to the surroundings generating unacceptable traffic and safety levels and associated pollution.
- The proposal does not seem to be in keeping with policy BBW5 of the Neighbourhood Plan which indicates that new development and conversions must preserve and enhance the special historical and architectural character of the Conservation Area.
- There is nothing in place to control the possible use of alcohol at some functions
- What is the policy of safeguarding for children, young people and vulnerable adults? How will Health and Safety be managed?
- There is a risk to the wooded area if any cooking takes place.
- Controlling the use through a restriction on activity hours would be so confusing that it is not enforceable.
- The high brick wall will not provide a satisfactory barrier against noise nuisance.
- A two year review period is essential and was agreed by Committee as being required.
- The recommendation does not give sufficient regard to residents' concerns.
- There is no requirement to keep a record of events.
- It would be more appropriate to restrict activities to one day per week between the hours of 9am to 5pm for a maximum of 20 people.

In addition the views of **Betley, Balterley and Wrinehill Parish Council** have been received. They consider that the application is deficient in detail in that it does not present a business case to justify the development, and potentially misleading in that the plans supplied omit the neighbouring properties.

In the absence of a business case to justify the proposal the Parish Council has no alternative but to object to what is proposed.

Should the Local Planning Authority be minded to grant permission it will need to be satisfied that what is proposed meets the very special circumstances required to justify what amounts to a very significant increase in the intensity of use and development in the Conservation Area.

If the Local Planning Authority is minded to grant consent then enforceable planning conditions will need to be attached to the consent to mitigate the adverse impact of the development on local residents, such conditions (which are not exhaustive) could include taking measures to reduce parking on the highway, a restriction on hours, and a restriction on the intensity of sound (particularly music) permitted. In developing any conditions the views of local residents should be taken into account.

### Officer response

The concerns as set out above have largely been addressed within the main agenda report.

Whilst discussions have not taken place with local residents it is, nevertheless, considered that the report addresses the impact of the proposal and seeks to ensure that controls are imposed that will mitigate any adverse impacts. The recommended conditions are considered to be fair, reasonable, practicable and enforceable.

Matters relating to safeguarding, health and safety and the risk that cooking poses to the woodland are not key to the determination of the application.

There is no planning justification to impose conditions to restrict the consumption of alcohol at events held at the building.

The local planning authority may grant planning permission for a specified period only if justified. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area. Bearing in mind the scale of the building it is not considered, on balance, that a temporary 2 year permission is justified in this case.

It is still considered that a condition requiring the keeping of a register of events is required and its omission from the list of recommended condition was in error.

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

**PERMIT subject to the following conditions:**

- 1. Implementation of the parking management scheme approved under 18/00943/FUL when the gardens are open to visitors.**
- 2. Gardens to be open to visitors no more than 6 weekends per year.**
- 3. In addition to the use of the building for purposes incidental to the residential occupation of Betley Court, the building shall be used for pre-booked activities only at times when not in use in association with the opening of the gardens to visitors, subject to the following limitations:**
  - It shall be used for no more than 320 activity hours per week (defined as the use of the building by one person for one hour);**
  - A maximum of 20 people shall attend each event;**
  - Events shall take place on no more than five days in any week (commencing on Monday).**
  - No more than 2 events shall take place on any day.**
  - Events shall be restricted to between the hours of 8.30am and 9.30pm****Any additional use shall only take place with the express permission of the local planning authority.**
- 4. A register providing the nature of each event that takes place, the date of that event and the number of attendees shall be kept at all times and shall be made available for inspection upon request (to enable compliance with condition 3 to be monitored).**
- 5. No cooking of food without the prior approval and implementation of details of any kitchen ventilation system and external plant.**
- 6. Loud speaker amplification systems shall not be installed in the building.**
- 7. Restriction on the hours when deliveries and waste collections can take place.**