

SUPPLEMENTARY REPORT

PLANNING COMMITTEE (4 March 2024)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

Pages 3 - 30

23/00444/FUL – Erection of single storey rear extension, two storey link extension and balcony to form café, restaurant and wedding venue with installation of access gates Blackbrook Hall , London Road, Lichfield, Staffordshire

Additional / Further Observations

Closure of windows/openings on northern elevation

Officers note that the Committee Report does not address why there is no planning condition requiring the openings on the north-facing elevation of the building to be closed during live music performances, and after 9pm regardless. It is noted that criterion (v) of Condition 10 (Section 22 – Page 27) refers to a ‘Warm Weather/Ventilation’ strategy that intends to assist the venue in complying with a planning condition that requires the openings on the north-facing elevation to be closed during live music performances, and after 9pm regardless.

Officers had drafted a planning condition that sought to secure this requirement for north-facing openings to be closed, in alignment with the Environmental Health Officer’s response (12th April 2024, summarised Paragraph 7.10, Page 11 of committee report).

Paragraph 56 of the NPPF advises that planning conditions should only be imposed ‘*where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*’ Officers felt that a planning condition concerning the status of windows, in terms of whether they were open or not during certain events and at certain times, was not practicably monitorable or enforceable. As such, it was felt that the condition would fail the NPPF’s tests, and be vulnerable to a successful appeal (and associated costs).

Therefore, after careful consideration, the condition was removed. However, reference to it was erroneously left in criterion (v) of Condition 10 (Section 22 – Page 27).

Officers therefore propose to change the wording of criterion (v) of Condition 10 from this:

‘A ‘Warm Weather/Ventilation’ strategy that sets out how the venue intends to ensure all doors and windows on the northern elevation of the building are kept shut at all times during live performances and after 9pm regardless, in compliance with Condition 17 of this permission, during wedding events which take place during warm weather events/heatwaves. Such a strategy might involve details of other means of ventilating the space and/or using air conditioners to keep the internal temperature tolerable.’

To this:

‘A ‘Warm Weather’ strategy that sets out how the venue intends to put in place measures that will allow them to comply with the requirements of Conditions 16 and 17 of this permission during wedding events which take place during warm weather events/heatwaves. Such a strategy might involve details of other

means of ventilating the internal spaces and/or using air conditioners to keep the internal temperature tolerable.'

Environmental Health Officer agreement to conditions

Officers acknowledge that the noise-related planning conditions recommended within the condition section of the report (section 22 – page 25) have been devised on the basis of the Environmental Health Officer's comments received by the Council on 12th April 2024 (as summarised within paragraph 7.10 of the Committee Report – page 11). For avoidance of doubt, the presently drafted noise conditions are...

- Condition 10 – Submission of addendum Noise Management Plan complying with five criteria.
- Condition 16 – Limitation of volume of live amplified music (to 100dB(A) LAeq 15 minutes).
- Condition 17 – Limitation of volume of external noise (to 65 dB(A) at 3m from noise source), and cessation of noise by 21:00.

The Environmental Health Officer did not provide wording for the conditions; the wording has been devised by the Planning Officer. At time of writing, the Environmental Health Officer has not had sight of the conditions, and has not confirmed in writing that they will be effective in mitigating harm.

To reassure members of the committee, Officers propose the recommendation is changed. The application would remain delegated to the Planning Management & Transformation Consultant (Artemis Christophi) but its approval would be also be dependant on the agreement of the Environmental Health Officer to the planning conditions drafted by the officer (or any minor variations thereof that are subsequently negotiated).

Recommendation

Officers propose to change the recommendation from this:

'Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the conditions set out at the end of this report, following the completion of the application publication period (for Site Notices & Press Adverts), and subject to no further objections being raised to the application that have not been previously raised by consultees or neighbours.'

To this:

'Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the conditions set out at the end of this report, following the completion of the application publication period (for Site Notices & Press Adverts), subject to no further objections being raised to the application that have not been previously raised by consultees or neighbours, and subject to the Environmental Health Officer's agreement to the noise related planning conditions as recommended by Officers, or any subsequent minor variation thereof.'