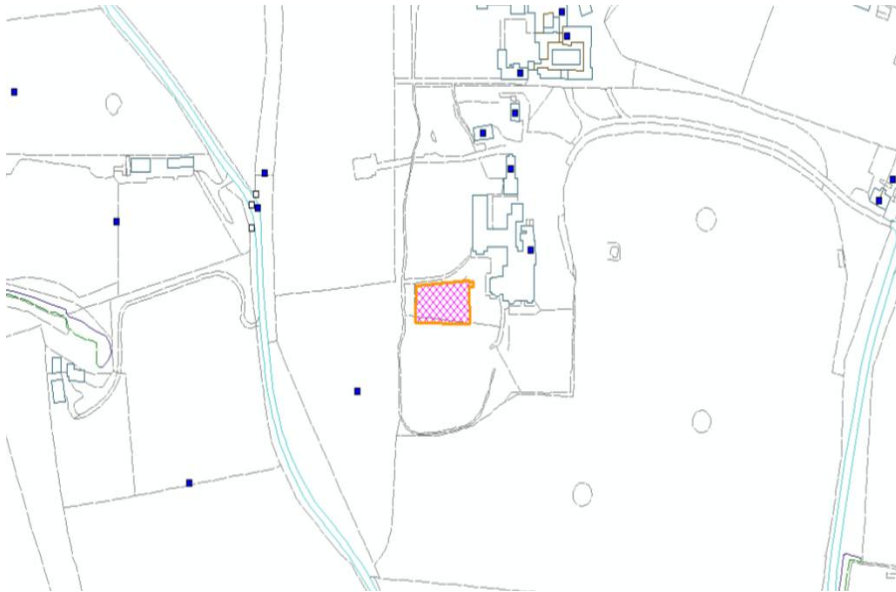


Reference: 14/00718/OUT
Date submitted: 1st September 2014
Applicant: Mr Colin Warburg – Scalford Hall Limited
Location: Scalford Hall, Melton Road, Scalford
Proposal: Provision of a marquee for events in the gardens



Introduction:-

Scalford Hall Hotel is located approximately 3 miles to the north of Melton Mowbray, and is accessed via a private driveway off the Melton Road. The driveway also serves the Scalford Court Nursing Home, which is situated around 100 metres to the north of the Hotel. The village of Scalford lies approximately 1.7 km to the north east of Scalford Hall, and the site lies within the open countryside. The Hotel has 88 bedrooms, and offers wedding packages, leisure breaks and training and conference facilities.

The application proposes the provision of a marquee to the west of the Hall to provide further space for events in the gardens of the Hotel. The marquee would have a footprint of 24metres by 35 metres, and the application seeks outline planning permission for the access, appearance and scale.

It is considered that the main issues relating to the application are:

- **Compliance with planning policy relating to the rural location**
- **Impact upon the open countryside**
- **Impact upon highway safety**

The application is required to be considered by the Committee as the application is contrary to the development plan.

Relevant History:

There is no relevant history at the site.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2 and BE1

OS2 states that planning permission will not be granted for development outside town and village envelopes except for:

- Development essential to the operational requirements of agriculture and forestry
- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside
- Change of use of rural buildings

BE1 states that planning permission will not be granted for new buildings unless:

- The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing;
- The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight;
- Adequate public open space and landscaping is provided where appropriate;
- Adequate vehicular access and parking is provided.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that **whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to respond positively to wide opportunities for growth.
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.
- Promote mixed use development, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some land can perform many functions, such as for recreation.

On Specific issues relevant to this application it advises:

Supporting a prosperous rural economy

Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28). To promote a strong rural economy, LPAs should:

- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations, where identified needs are not met by existing facilities in rural service centres.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objections</p> <p>No details of additional parking or improvements to access arrangements have been provided with the application therefore such details, to include coach parking and turning, will need to be submitted and approved at the reserved matters stage before development can commence.</p> <p>The widening of the access road would need to be constructed of a hard bound material to be capable of carrying coaches, delivery and service vehicles. Additional parking areas either side of an existing track to the rear (west) of the hotel for staff parking, as well as the provision of overflow parking for guests either side of the entrance road between the trees was identified at the meeting, along with a suitable location that would provide parking and manoeuvring for at least two coaches. These locations would need to be clearly identified on a plan, along with minor alterations to the access, including increasing the width of the access and the cutting back of overhanging vegetation, again a plan showing this detail would need to be submitted.</p> <p>In order to ensure that the parking provided is adequate, the Officer advises that restrictions would need to be imposed to restrict the use of the Hall / Hotel when the marquee is in use, to prevent major events being held inside of the hotel whilst an event takes place in the marquee. This could be in the form of a condition on the number of guests allowed at any one time, or the size of individual functions.</p> <p>Subject to conditions requiring the applicant to submit a plan showing the increased parking, coach parking and turning, and alterations to the existing vehicular access, the Officer advises that the Highways Authority has no objections to the proposal.</p>	<p>Noted.</p> <p>The Hotel is accessed from a private driveway off Melton Road which is at present a single track, tree lined driveway with passing places. The driveway is shared with the Scafford Court Nursing Home, which is located to the north of the Hotel. At the access there is a dwelling known as The Lodge.</p> <p>It is considered that there is adequate space on site for the required additional parking, along with coach parking and turning. It is also considered that the alterations to the access onto Melton Road would be acceptable in principal.</p> <p>It is therefore considered, subject to conditions, that the proposal would be able to be accommodated within the highway network and would not have an impact on highway safety, and complies with policy BE1 in this respect.</p>
<p>Parish Council: Object</p> <p>The Parish Council does not wish to penalise local businesses making a living it does have reservations regarding this application in relation to the following.</p> <p>The marquee will be relatively close to several existing dwellings which could well be affected by the noise</p>	<p>Noted.</p> <p>Please see the comments below from Environmental Health with regards to the potential noise from the development.</p>

<p>levels coming from events held in the marquee.</p> <p>It is unclear what will be the permitted times that the marquee can be used and the Parish Council feel there should be restrictions on the finishing times of events held there.</p> <p>The use of the marquee for events will without doubt create traffic movements through the village both into and out, of which some could well be late at night. Scalford's road system is at best difficult and as has been highlighted by a recent Road Safety Assessment commissioned by the Parish Council is not suitable or able to cope with further increases in traffic flows.</p>	<p>Times that the proposed marquee, if approved, could be used can be conditioned accordingly.</p> <p>The Highways Officer is satisfied that the development can be safely managed within the highway, subject to conditions as discussed above. Additional comments have been sought on the impact upon the wider road network (including within Scalford village) and these will be reported to the Committee verbally.</p>
<p>LCC Ecology:</p> <p>No comments</p>	<p>Noted.</p> <p>It is not considered that the proposal would cause harm to any protected species.</p>
<p>Environmental Health – Object</p> <p>The Environmental Health Officer has advised that the level of attenuation that would be required to achieve a suitable background level of noise at the nearest receptor would be difficult, possibly unachievable which could lead to conflict post application. Any noise report created at present without the existence of a marquee, or any functions would also be less than credible due to the lack of functions to measure.</p> <p>If the applicant wishes to proceed with the application, conditions are recommended in the form of:</p> <p>“Noise from functions associated with the marquee must not exceed background levels as assessed in line with British Standard 4142.”</p>	<p>Noted.</p> <p>The applicant has advised that he wishes to progress the application as it would receive Government funding should it be granted planning permission.</p> <p>The applicant has advised that a detailed design of marquee could be submitted at the reserved matters stage, showing lobby doors / porch, and ensuring that speakers are oriented away from the nearest receptor (to the north). This is accompanied by a report that states such measures could reduce noise levels to 25dB at the receptor – a level below the background noise level indicated as acceptable by Environmental Health.</p> <p>Based on the information provided, it is considered that the condition proposed by Environmental Health could be carried forwards to a reserved matters application. If however the noise from any functions exceed the standards as set out in BS4142 enforcement action would be necessary to prevent any noise nuisance.</p>

Representations:

The application was published by way of a site notice being posted at the entrance to the site, and 6 neighbouring properties were advised of the application. No letters of representation were received.

Other material considerations (not raised through consultation of representation):

Consideration	Assessment of Head of Regulatory Services
Application of the Development Plan Policies	The application is considered to be contrary to policy OS2 of the Melton Local Plan which seeks only to allow small scale development in the open countryside for employment, recreation and tourism. The proposed marquee is not considered to be small in scale, as it has a footprint of 24

	<p>metres by 34 metres and would provide space for approximately 400 people for events.</p> <p>The NPPF is however supportive of economic growth in rural areas in order to create jobs and prosperity. At paragraph 28 it states that to promote a strong and sustainable rural economy, local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings, and well designed new buildings.</p> <p>The application relates to the expansion of a well known hotel to the north of the town centre, that already has an established trade. The hotel currently hosts weddings, conferences and leisure breaks, and the addition of the marquee aims to enhance the level of entertainment space available for (in particular) wedding parties.</p> <p>It is considered that whilst the proposal is contrary to policy OS2, the proposal is supported by the NPPF as it represents sustainable economic growth to an existing business in the rural area. Policy OS2 is considered to closely represent the overall aims and objectives of the NPPF in regards to protection of the countryside, however has no exception policies that deal with larger scale expansions of local businesses in the countryside. As such, the NPPF stance on sustainable development in rural areas is considered to prevail in this instance.</p>
Design	<p>The proposed design of the marquee is simple, rectangular in shape, with a footprint of 24 metres by 35 metres. A relatively small covered entrance is shown on the submitted ground floor plan. The marquee would stand at a total height of 7.15 metres to the ridge, and 3 metres to the eaves. It would have a dual pitched roof, with the gable ends facing to the east and west.</p> <p>The marquee would be situated on the lawn to the west of the hotel, surrounded by trees to the north, west and south providing a high level of screening from the open countryside. It is considered that the proposal would only be fleetingly visible when approaching the site from Melton Mowbray town centre along Melton Road.</p> <p>The appearance of the marquee is considered to comply with policy BE1 of the Melton Local Plan.</p>
Impact upon the open countryside	<p>Due to the proposed location of the marquee to the west of the hotel on lawn that is surrounded by trees to the north, south and west it is considered that the proposal would not cause harm to the open countryside, or cause any harm to the character and appearance of the countryside.</p>

<p>Residential Amenity</p>	<p>The closest residential neighbour not associated with the application site is situated approximately 130 metres to the north. This forms part of the Scalford Court Nursing Home. Other residential dwellings are located further away from the site; the dwelling known as Foxfields to the south is approximately 220 metres away. The screening between the site and this dwelling is a high level of trees which are afforded protection by way of a TPO at the site, therefore the loss of the trees is unlikely.</p> <p>In terms of residential privacy, and any visual impact of the proposal it is considered that the location will ensure that these are not adversely affected. Concerns however are raised following the Environmental Health Officer's comments (above) with regards to possible noise nuisance.</p>
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Conclusion

The proposed marquee is considered to be contrary to policy OS2 of the Melton Local Plan as it is not considered to be small scale. It is, however, considered that it represents sustainable development, and is supported in principal by paragraph 28 of the NPPF. The marquee is well located in terms of its impact upon the countryside, and issues raised by the Highways Officer can be dealt with by way of condition at the reserved matters stage. The potential noise impact of the proposal on nearby residential properties remains a concern as no noise assessments can be carried out on a proposal, made difficult particularly because it that does not yet exist. The Environmental Health Officer has advised that this could be dealt with by way of condition, but care is required because such a condition needs to be reasonable, i.e. a condition could not be imposed that rendered the marquee inoperable. The applicant has submitted a report that indicates measures available to secure the necessary attenuation and on this basis it is considered reasonable to follow the approach of a safeguarding condition. A final design of the marquee can be required at the reserved matters stage to show noise attenuation features as suggested by the applicant. As such, the application is recommended for approval.

RECOMMENDATION:- Approve, subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. Before development commences, the applicants shall have submitted to and have had approved by the Local Planning Authority a plan showing details of increased parking, including coach parking and turning within the site. The approved scheme shall then be provided, hard surfaced and made available for use before the development is brought into use and shall thereafter be permanently so maintained.
4. Before the proposed development is first brought into use, the existing vehicular access serving the site off Melton Road shall have been improved in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority. Once improved the access shall thereafter be permanently maintained in accordance with the approved details.

5. Any noise arising from functions associated with the marquee must not exceed background levels as assessed in line with BS 4142
6. No events of more than 50 people shall be held inside of the hotel whilst an event is taking place in the marquee
7. No events shall be held in the marquee between the hours of 24:00 midnight-10:00am.
8. Details of proposed sound attenuation techniques shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The marquee shall be constructed in accordance with such measures as are approved.
9. No development shall take place until a Management Plan is submitted to and approved by the Local Planning Authority addressing the use and management of the marquee. The use of the marquee shall subsequently be undertaken in accordance with the approved management plan.

The reasons for the conditions are:-

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
4. In the interests of highway safety
5. In the interests of residential amenity.
6. To ensure that the parking provided within the site is adequate.
- 7, 8 and 9. In the interests of residential amenity

Officer to contact: **Mrs Sarah Legge**

Date: 17th November 2014