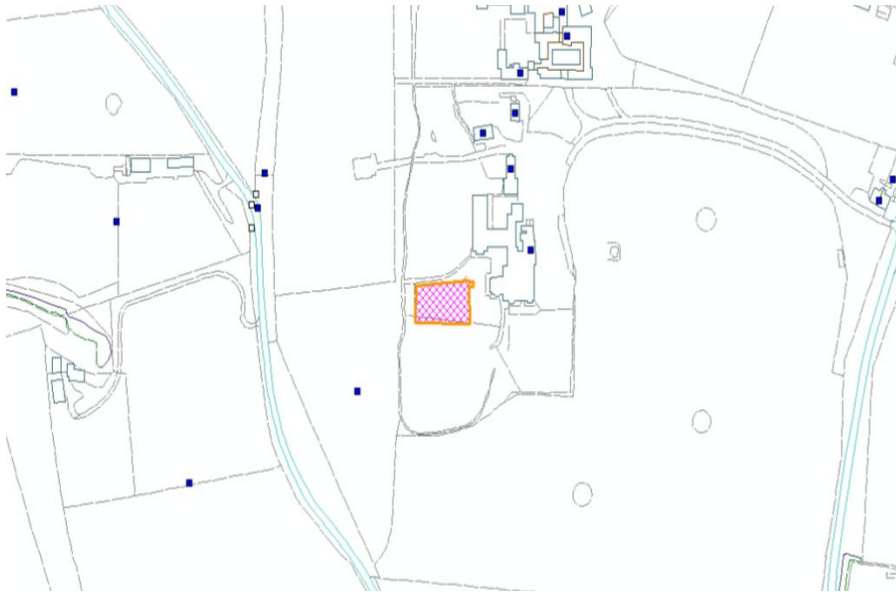


**Reference:** 14/00986/FUL  
**Date submitted:** 8<sup>th</sup> December 2014  
**Applicant:** Mr Colin Warburg – Scalford Hall Limited  
**Location:** Scalford Hall, Melton Road, Scalford  
**Proposal:** Erection of a marquee in the gardens



**Introduction:-**

The application proposes the provision of a marquee to the west of Scalford 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 full planning permission.

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.

**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:**

On 27<sup>th</sup> November 2014 application 14/00718/OUT was approved subject to conditions relating to the reserved

matters, highways and environmental health for the provision of a marquee for events in the garden. The application was determined by the Planning Committee. This application has been submitted as an application for full planning permission rather than 'reserved matters'.

### **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 27<sup>th</sup> 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><b>Highway Authority: No objections</b></p> <p>The Highways Officer has advised that the comments made on the outline application still stand. These comments related to the provision of coach parking and turning to be approved, and the widening of the access.</p> <p>The Officer also requested that restrictions would also 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. It would be acceptable for the any approval to be conditioned as such either to limit the number of guests allowed at any one time, or the size of the individual function.</p> <p>The widening of the access road would need to be constructed of a hard bound surface capable of carrying coaches, delivery and service vehicles.</p> <p><b>Subject to conditions requiring the provision of the coach parking and turning, the additional car parking and alterations to the existing vehicular access, the Officer advises that the Highways Authority has no objections to the proposal.</b></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>The applicant has submitted details showing where the additional car parking will be provided, and has also briefly identified the location for the widened entrance on a plan. The additional parking areas are shown along the access drive, and the coach parking and turning areas to the north of the hotel. These are considered capable of providing the parking and turning as required by the Highways Officer.</p> <p>The proposed widening of the access is acceptable in principal in the location as shown on the plan submitted with the application. A condition could be included on any permission granted to ensure that the widened access is hard bound and cleared of vegetation prior to the first event taking place at the marquee, and to be maintained and available for use at all times.</p> <p><b>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.</b></p>
<p><b>Parish Council: Object</b></p> <p>The Parish Council objected to the previous outline planning application, and has advised that their previous comments still stand. Their main concerns relate to the possible noise levels, particularly late into the evening. The applicant has stated that the marquee doors will be closed after midnight and they are concerned that on hot summer nights this may not be the case. The applicant has also requested that the times for events are 10:00-02:00, and the Parish Council considers that this is later than is acceptable.</p> <p>In addition, whilst the Parish Council considers that the</p>	<p>Noted.</p> <p>Please see the comments below from Environmental Health with regards to the potential noise from the development.</p> <p>Times that the proposed marquee, if approved, could be used can be conditioned accordingly.</p> <p>The Highways Authority is satisfied that the</p>

<p>parking arrangements will work it is concerned that a proportion of traffic leaving the events will exit through Scalford village which is undesirable particularly at 02:00. Therefore, the Parish Council requests that there are restrictions placed on the opening hours, and these are closely monitored by the Council should the application be permitted.</p>	<p>development can be safely managed within the highway, subject to conditions as discussed above.</p>
<p><b>LCC Ecology:</b></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><b>Environmental Health:</b></p> <p>The Officer was originally concerned (at outline) that the high noise levels associated with outdoor functions of this type would be incompatible with its proposed location in close proximity to noise sensitive receptors.</p> <p>The applicant was positive however that the necessary sound attenuation could be gained in order to achieve a noise level of background or below at the noise sensitive receptors and a statement from an acoustic consultant was received to that effect. Therefore a condition requiring a noise assessment is recommended by the Officer, particularly as this is a full application rather than reserved matters. Dependent upon the outcome of the noise assessment, mitigation measures may be required. The assessment should be carried out by a suitably qualified acoustic consultant / engineer and should take into account the provisions of the National Planning Policy Framework, BS4142: 2014, and BS8233: 2014.</p> <p><b>If the application is approved, the conditions will need to be worded retrospectively as the marquee has already been constructed on site. It is suggested that the report should be submitted to the Local Planning Authority within 1 month of permission being granted.</b></p>	<p>Noted.</p> <p>The applicant has stated that due to the solid wall construction of the marquee there should be no adverse impact upon the noise sensitive receptors.</p> <p>The applicant has included with the planning application a Management Plan which includes the measurement of sound externally by staff during an event to ensure that the sound levels are adhered to. This includes ensuring that doors are closed at certain times of day. The physical location and direction of the speakers has also been considered to direct noise towards the hotel.</p> <p><b>Whilst the measures stated by the applicant within their management plan may be acceptable, the conditions required by the Environmental Health Officer will ensure that noise levels are acceptable.</b></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
<p><b>Application of the Development Plan Policies</b></p>	<p>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 metres by 35 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><b>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.</b></p>
<p><b>Design</b></p>	<p>The proposed design of the marquee is simple, rectangular in shape, with a footprint of 24 metres by 35 metres. The sides of the marquee (where there is no glazing) would be constructed of white polycarbonate solid wall panels – there would be 31 glazed window panels.</p> <p>On the east elevation there will be the main entrance to the marquee, marked by a free standing cover over the door. There will be one further set of doors on the east elevation to the kitchen and store. There will be two further exit doors on the west elevation into the gardens of the hotel, and one on the north elevation.</p> <p>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 relatively 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. It is also viewed in the context of the built form of</p>

	<p>the Hotel and surrounding development.</p> <p><b>The appearance of the marquee is considered to comply with policy BE1 of the Melton Local Plan.</b></p>
<b>Impact upon the open countryside</b>	<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. The marquee is viewed in the context of the built form of the Hotel and development to the north.</p>
<b>Residential Amenity</b>	<p>The closest residential neighbour not associated with the application site is situated approximately 130 metres to the north. This forms part of the Scaford 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><b>It is considered that the location of the marquee will ensure that residential privacy and amenity are not adversely affected, subject to a satisfactory noise assessment.</b></p>

### **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 considered to represent sustainable development, and is supported in principle by paragraph 28 of the NPPF which supports a prosperous rural economy. The marquee is reasonably 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. Conditions relating to a noise assessment can be attached to any permission granted to ensure that noise does not breach acceptable levels at sensitive noise receptors. As such, the application is recommended for approval.

### **RECOMMENDATION:- Approve, subject to the following conditions:**

1. This permission relates to the approved plans numbered RH-14-04E, Drawing (A) and Drawing (B) received at these offices on 5th December 2014.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
3. No later than one month from the date of this decision notice, an assessment on the potential for noise from the development affecting residential or commercial properties in the area shall be submitted to the Local Planning Authority for approval. The rating of all noise associated with the development will be at the background level or below.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of the National Planning Policy Framework, BS4142: 2014 "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter. If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties, a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority no later than 1 month after being advised that this is necessary. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

As a starting point an 'on the dance floor' sound pressure level of 95dB(A) should be used.

The following noise sensitive receptors should be considered for the noise assessment, however this list is not exclusive:

- o Foxfields (south) - 750 ft
- o Campsite (west) - 720 ft
- o Development to the north - 550 ft
- o Gate Lodge (east) - 1050 ft

The use of the marquee shall subsequently and at all times thereafter be carried out in accordance with the approved assessment.

4. No events of more than 50 people shall be held inside of the hotel whilst an event is taking place in the marquee
5. The additional car parking, coach parking and coach turning areas as shown on the plan submitted to these offices on 5th December 2014 shall be provided prior to the first event taking place at the marquee.
6. The proposed widened access from Melton Road as shown on the plan submitted to these offices on 5th December 2014 shall be cleared of vegetation and surfaced in a hard bound material prior to the first event taking place at the marquee. The access shall then be maintained and be permanently available for use so long as the marquee remains at the site.

**The reasons for the conditions are:-**

1. For the avoidance of doubt.
2. To ensure a satisfactory standard of external appearance.
3. In the interests of the amenity of neighbouring properties.
4. To ensure that the parking within the site is adequate.
5. To ensure that there is adequate on site provision for cars and coaches using the site in the interests of highways safety.
6. In the interests of highways safety.

Officer to contact: **Mrs Sarah Legge**

**Date: 9<sup>th</sup> February 2015**