

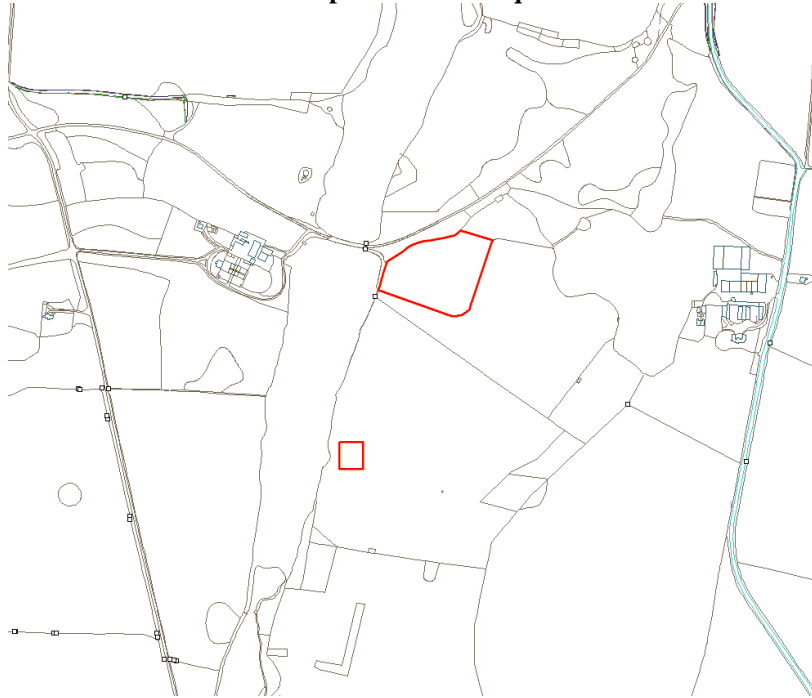
**Reference:** 12/00618/FUL

**Date Submitted:** 06.09.2012

**Applicant:** Belvoir Estate

**Location:** Field No 1962 Belvoir

**Proposal:** Amend Condition 2 (period of time) on Appeal decision 10/00660/FUL relating to the erection of a semi permanent marquee



**Introduction:-**

This application seeks a variation in Condition 2 of Appeal decision 10/00660/FUL to modify the period of time on the three year temporary condition granted for the erection of a marquee.

**It is considered that the main issues relating to the proposal are:**

- **The effect of altering the time period**

The application is presented to the Committee due to Members previous involvement with the site.

**Relevant History:-**

Application 10/00660/FUL – Erection of marquee on land adjacent to the lower lake at Belvoir Castle – refused 16<sup>th</sup> December 2010

Subsequent Appeal – Ref APP/Y2430/A/11/2155031- Allowed on 30 January 2012

**Planning Policies:-**

**Melton Local Plan (saved policies):**

**Policy OS2** - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing.

**Policy BE1:-** This policy refers to the siting and design of buildings and amongst other things is concerned with buildings harmonising with their surroundings and any adverse effects on neighbours.

**Policy BE9:-** This policy refers to Historic Parks and Gardens and states that planning permission will not be granted for any development that would have an adverse effect on their character or setting.

**The National Planning Policy Framework was published 27<sup>th</sup> March 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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 also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver business and industrial units,
- Supporting a prosperous rural economy
- Conserve ‘heritage assets’ in a manner appropriate to their significance
- Promoting sustainable transport

**On Specific issues relevant to this application it advises:**

**Building a strong competitive economy**

- Planning should do “everything it can” to encourage growth, not prevent it and should plan proactively to encourage economic growth
- Significant weight should be given to the need to support economic growth
- Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system

**Prosperous Rural Economy**

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas.

**Sustainable Transport:**

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

**Historic Environment:**

- Great weight should be given to an assets conservation,. The more important the asset, the greater the protection should be.
- Where harm is less than 'substantial', it should be weighed against the public benefits of the proposal.

In terms of heritage assets, paragraph 128 identifies that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

To this end, paragraph 132 seeks to ensure that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 133 states that planning permission should be refused for proposals which lead to substantial harm to or total loss of the significance of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Highway Authority –</b>	No observations have been raised by the Highways Authority.  <b>It is not considered that the proposal would have a detrimental impact on highway safety.</b>
<b>Parish Council –</b> No response.	Noted
<b>Leicestershire County Council Ecology –</b> An ecological survey of the site was undertaken pre application (10/00660/FUL) which was approved, following amendment.	LCC Ecology have no comments to make on this application.
<b>South Kesteven District Council –</b> No response	Noted

**Representations:**

A site notice was posted on 27 September 2012, no comments have been received in relation to the variation of condition application.

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

<b>Considerations</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Principle of Development</b>	Belvoir Castle is a grade I listed building set within its own extensive grounds and occupying a prominent and elevated position overlooking the

	<p>Vale of Belvoir. It also benefits from its own conservation area which encompasses the majority of the associated gardens and grounds which are also notified as being a grade II historic park and garden. In that respect it is clearly one of the most important listed buildings within the Borough.</p> <p>The approved marquee is to be located adjacent the Belvoir Upper Lake which abuts the conservation area but is within the boundary of the Historic Park and Garden designation. Whilst the marquee will not be visible from the grade I listed Castle it is within site of the grade II listed bridge between the upper and lower lakes and the grade II listed hunt kennels.</p> <p>The principle of the marquee was approved by an appeal decision in January 2012. This application is purely to consider a variation of condition.</p> <p>Consent was previously granted on appeal for a marquee to be erected on the east side of the lake to assist with wedding functions currently operating at the site by providing a larger seating venue which will enhance the current wedding facilities offered at Belvoir Castle. The consent allowed for the erection of a marquee during the months of March until October for a three year period. Condition 2 on the approval stipulated that the marquee can only be in situ for a period between 1 March 2012 and 31 October 2014.</p> <p>Due to the date of the decision the applicant did not have sufficient time to undertake the necessary marketing before the commencement of the first season and as such the marquee has not been erected to date.</p> <p>This application therefore seeks to vary that condition to allow for the marquee to be erected between 1 March 2013 and 31 October 2015, which would allow for appropriate marketing to be undertaken before the start of the season commencing on 1 March 2013 and continuing until 31 October 2013. The application has been submitted with supporting information to justify the variation.</p> <p>Given the temporary nature of the siting of the wedding marquee, consideration of local policies OS2, BE1 and BE9 together with national policies contained within the NPPF the variation in time limit is considered to fully accord with these policies.</p>
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<b>Impact on the setting of historic assets</b>	The impact of the proposal on the setting of historic assets was considered at the appeal and was considered acceptable on a temporary basis.
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**Conclusion**

The proposal for the erection of the marquee for wedding events for an eight month period (March to October) annually was approved at appeal on 30 January 2012. Condition 2 of the consent stipulated that the marquee could only be erected for a three year period running between 1 March 2012 and 31 October 2014. Due to the date of the decision the applicant did not have sufficient time to undertake the necessary marketing before the commencement of the first season and as such the marquee has not been erected to date and hence there has been a significant reduction in funds available to maintain Belvoir Castle.

This application requests that time limits imposed in Condition 2 be varied to run between 1 March 2013 and 31 October 2015, thus allowing appropriate marketing to be undertaken prior to the commencement of the first season. Given the temporary nature of the siting of the wedding marquee, consideration of local policies OS2, BE1 and BE9 together with national policies contained within the NPPF the variation in time limit is considered to fully accord with these policies.

**RECOMMENDATION: Permit subject to the following conditions :-**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: B138.1-002, B138.1-003, 001862P, 001862C/A, 001862BD.
- 2) The erection of the marquee hereby permitted is for a period of three seasons extending from 1 March to 31 October for each year from 1 March 2013. It shall be removed from the site and the land restored to its former condition on or before 31 October 2015, in accordance with a scheme of restoration works submitted to the Council at least 3 months prior to the aforementioned date and agreed in writing by them, unless in the meantime a further application has been submitted to and approved in writing by the Council.
- 3) After each event all resultant waste materials shall be removed from the site and disposed of.
- 4) Notwithstanding the submitted details, prior to implementation of the development hereby approved a detailed scheme of measures to minimise noise generation from events shall be submitted to and approved in writing by the Local Planning Authority. These measures shall include time limitations on the duration of events and on the letting off of fireworks. The measures shall be implemented, installed and operated as approved for the duration of all events occurring within the period of this planning permission.
- 5) Prior to implementation of the development hereby approved a detailed traffic management plan shall be submitted to and approved in writing by the Local Planning Authority, including the setting out of measures to limit the impact of noise and disturbance caused by vehicles arriving at and leaving events. The traffic management plan shall be operated as approved for the duration of all events occurring within the period of this planning permission.

**Reasons**

1. For the avoidance of doubt
2. The marquee is not one the Authority wish to see retained on a permanent basis because it poses a medium degree of harm on the setting of the historic park and garden and nearby listed bridge and hunt kennels;
- 3 In the interests of visual amenity
4. For the avoidance of doubt
5. For the avoidance of doubt

**Contact: Richard Spooner**

**Date: 7th October 2012**