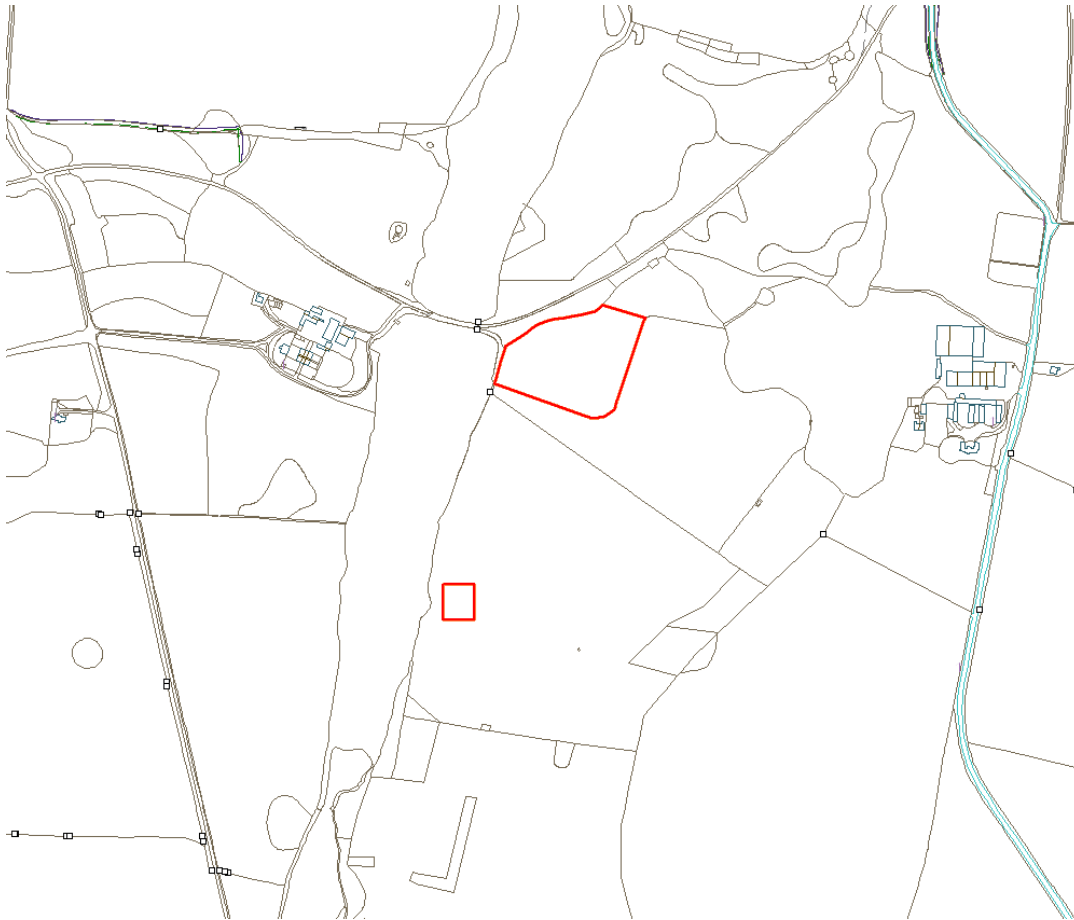


Committee Date: 16th December 2010

Reference: 10/00660/FUL
Date Submitted: 20.09.2010
Applicant: Belvoir Estate
Location: Field No 1962 Belvoir
Proposal: Erection of a semi permanent marquee



Introduction:-

This application seeks the permanent erection of a marquee during the months of March until October within the grounds of Belvoir Castle. The application has been submitted with supporting information to justify the proposal in terms of its ancillary function to the Castle and to provide additional funding for the upkeep of the grade I listed building.

The marquee will be erected on the east side of the lake and will have a size and scale of approx 50m x 20m x 6m to ridge. The purpose of the marquee is to assist with the wedding functions currently operating at the site and to provide a larger seating venue which will enhance the current wedding facilities offered at Belvoir Castle.

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

- **Impact upon the setting of the Listed Building and designated parklands**
- **Sustainable Development**
- **Compliance with National and Local Policy**

The application is presented to the Committee because it is contrary to the development plan and national planning policies.

Relevant History:-

There is no relevant history on the site

Planning Policies:-

PPS1 – ‘Delivering Sustainable Development’ - The guidance says that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce the need to travel by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. The Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper.

PPS4 ‘Planning for Sustainable Economic Growth’ – The guidance states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development including rural areas. Planning applications that secure sustainable economic growth should be treated favourably. Policy EC12.1 advises that local planning authorities should support small scale economic development where it provides the most sustainable option in villages, or other locations which are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport

PPS5 – ‘Planning and Historic Environment’ which outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government’s objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation. Policy HE11 concerns Enabling Development and states that local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan or from national policies.

PPS7 – ‘Sustainable Development in Rural Areas’ – The principles for permitting rural economic development is now contained within the PPS4 however PPS7 is still relevant and contains advice on determining applications in rural areas and sets out national planning policy in relation to development in rural areas. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

PPG 13 ‘Transport’ - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area. In determining the appropriate strategy for employment in rural areas, the guidance says that it is important to consider the scale, impact and likely catchment area of development, and that the larger the number of staff employed on site, the greater the need to ensure the development is accessible by public transport, walking and cycling.

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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority –Because Belvoir Castle already generates a significant volume of traffic with both visitors to the castle and all the special events it holds (concerts, jousting events etc) it would be difficult to justify a highway reason for refusal as it would be hard to demonstrate that the marquee would generate a material increase in traffic. Additionally there is plenty of space within the estate to cater for parking.	<p>No objections have been raised by the Highways Authority. The proposal is considered to not have a material increase in traffic generation given the events that currently take place at the tourist attraction.</p> <p>It is proposed to keep the marquee in use for eight months of the year and it will be capable of seating 500 guests. When not in use the marquee will be removed from site.</p> <p>Whilst a car park facility is proposed this falls outside of the borough lying within the neighbouring authority boundary of South Kesteven.</p> <p>Therefore, the proposal is considered acceptable in terms of highway safety.</p>
Parish Council – No response.	Noted
MBC Policy and Performance – Response awaited	Noted: the response will be reported verbally.
English Heritage – EH consider that the principal heritage issue is the effect that the proposal would have on the setting of Belvoir Castle, which includes the wider landscape and all registered assets within the estate. They note that the informal character of the lakeside area within which the	Policy HE9 of PPS5 states that when there is a degree of harm to a heritage asset from a proposal that the public benefit should be weighed against that harm. The proposal is a temporary solution and any profits are to be reinvested in the upkeep of the castle and grounds which is a public benefit .

<p>marquee will be erected needs to be acknowledged. Taking this into account EH are of the opinion that the marquee poses a medium degree of harm on the setting of the historic park and garden and listed bridge, however this harm is heavily influenced by the temporary nature of the proposal;</p> <p>English Heritage guidance on ‘Temporary Structures in Historic Places’ acknowledges that temporary structures can provide a number of benefits, most notably increasing revenue for conservation and increasing public awareness and appreciation. However a balance must be achieved between such benefits and the need to preserve and enhance the significance of the heritage asset.</p> <p>If this consent were restricted to a three year period it would cause limited and reversible harm to the setting of this part of the Estate, the listed bridge, listed hunt kennels and Belvoir Castle. The time period would also give sufficient time to test the need for such provision and provide ample opportunity to reach a permanent solution that would better preserve or enhance the setting of the various assets within the Estate. This is seen to strike the balance between public harm and benefit (PPS5 - Policy HE9.4)</p> <p>Clearly the longer a temporary structure is in place the greater the impact will be.</p>	<p>The financial justification for the marquee operation supplied with the application indicates that the inflow of profits from the new, additional income stream to support existing operations in funding and maintenance of Belvoir Castle will increase dependent on the number of wedding events held.</p> <p>In order to strike the balance between public harm and benefit as required by Policy HE9.2 of PPS5 it is considered that as well as the siting of the marquee being restricted to eight months per year that the overall period of consent should also be restricted to three years. In that regard its temporary siting would cause a less than substantial degree of harm to the setting of this part of the Estate, the listed bridge, the Hunt Kennels and Belvoir Castle. The time period would also give sufficient time to test the need for such provision and provide ample opportunity to reach a permanent solution that would better preserve or enhance the setting of the various assets within the Estate.</p> <p>In this case the marquee will be in place from March to October (8 months).per annum.</p> <p>Due to temporary nature of the structure and the perceived financial benefit to the upkeep of a Grade I listed building the proposal is considered acceptable.</p>
<p>Leicestershire County Council Ecology – An ecological survey of the site was undertaken pre application which was approved, following amendment, by LCC</p>	<p>Noted</p>
<p>South Kesteven District Council – No response</p>	<p>Noted</p>

Representations:

A site notice was posted on 13 October 2010, no comments have been received in relation to the marquee application.

Other material considerations (not raised through consultation of representation)

Considerations	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>PPS5 states that the Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. The policies in PPS5 are a material consideration which must be taken into account in development management decisions, where relevant. Therefore the development management plans in the PPS can be applied directly when determining whether development should proceed. Policy HE11 of PPS5 concerns Enabling Development and states that local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan or from national policies.</p> <p>PPS4 reflects the advice in PPS1 but supports the small-scale economic development in rural areas particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm in terms of:</p> <ul style="list-style-type: none"> the potential impact on the countryside, landscapes and wildlife. 	<p>Although not identified as a specific use in the policy the erection of a marquee will provide small scale employment whilst erected on site. It will impact on the character of the countryside and landscape of the Castle grounds in that part of the Estate to a minimal degree. However a balance needs to be drawn between the perceived impact and the overall public benefit of the proposal together with the temporary nature of the application</p> <p>The marquee will only be on site for eight months per year and will not harmonise with its surroundings whilst erected, however the temporary nature of the application mitigates that to a degree. Its remote location within the grounds of the Castle ensures that it does not adversely affect neighbours.</p> <p>Likewise the temporary nature of the application is considered to mitigate this to an extent.</p> <p>The financial justification submitted in support of the application indicates that the income against expenditure, including the cost of Castle maintenance currently operate at a loss The figures also demonstrate that holding 30 weddings in the marquee will result in a profit which will be used to offset that loss. In terms of the additional expenditure of the maintenance of the heritage asset, this must be viewed as a benefit of the application.</p> <p>A wedding marquee or a leisure use similar to that proposed is not described within PPS4 or the companion guide as a ‘main town centre leisure use’ and examples are provided in Annex B of PPS4 and annex C of the companion guide as major leisure complexes, casinos, cinemas, theatres, restaurants, museums etc.</p>

<ul style="list-style-type: none"> • local economic and social needs and opportunities. • settlement patterns and the level of accessibility to service centres, markets and housing. • the need to conserve, or the desirability of conserving, heritage assets and, • the suitability of the building(s), and of different scales, for re-use, <p>Policy EC14.3 advises that a sequential assessment (under EC15) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan.</p>	<p>Notwithstanding the above comment, policy EC14.1 refers to planning development for the creation of additional floor space of main town centre uses.</p> <p>Policy EC14.2 highlights that town centre policies within the PPS apply to such town centre uses unless they are ancillary to other uses. In this case the marquee is an ancillary use, complementing the established wedding uses at the castle, as it is the castle that holds the licence for marriages, together with the private chapel. The marquee would not be viable in isolation without the existing services at the castle.</p> <p>The proposal is considered to be contrary to local plan policy and national planning policy. However, when balancing the proposal against the temporary nature and the advice of English Heritage and the financial benefit to the upkeep of a Listed Building the proposal is considered to be acceptable.</p>
<p>Impact on the setting of historic assets</p> <p>The proposal is for the erection of a <u>permanent marquee</u> on the east side of the lake, from <u>March to October</u>; The site will return to open parkland during the winter months.</p> <p>The marquee will be in a light coloured canvas with additional decking and low level lighting; Approx size 50m x 20m x 6m (to ridge) for main marquee and 40m x 10m for catering and toilet areas</p> <p>It will be available for weddings in association with the wedding service currently offered by Belvoir Castle;</p> <p>The proposed site of the marquee is within the area currently designated as the concert site; No additional screening is proposed.</p> <p>This application presents an unusual set of circumstances where a temporary marquee is required to supplement the existing wedding facilities at Belvoir Castle. The expected profits will be used towards the maintenance costs of the castle</p>	<p>The proposed location is approximately 1.3 km SE of Belvoir Castle and the land between castle and the site is predominantly woodland and pasture land. In that regard the structure cannot be seen from the castle and therefore does not impact on the setting of the grade I listed building;</p> <p>The grade II listed hunt kennels and associated buildings are approx. 300 metres away on the other side of the lake. Likewise there are areas of tree planting separating the two and acting as a screen between them. In that regard the setting of the kennels remain unaffected;</p> <p>The grade II listed bridge, approx 280m to the north, however is in the direct line of vision from the marquee site and vice versa. It follows therefore that whilst the view from the marquee across the water, set against the valley ridge and woodland backdrop, will enhance the wedding experience. By contrast arguably the setting of the bridge will be affected by views of the marquee;</p> <p>Views of the marquee are contained within the estate by virtue of the landform;</p> <p>Clearly however, when viewed within the landscape context the marquee presents a modern addition to the landscape that is quite noticeable.</p> <p>Clearly there is a degree of harm to the landscape setting of the Historic Park and Garden and listed bridge;</p> <p>Views are however contained within the confines of</p>

<p>and this fact must be given considerable weight in terms of the benefit to a grade I listed building – a heritage asset of high importance. A balance has to be drawn between the perceived harm to the landscape and heritage assets of the site against the public benefit accrued from profits being reinvested for the upkeep and maintenance of the highly significant heritage assets that comprise the castle and its associated historic park and garden and the adjacent conservation area;</p>	<p>the estate;</p> <p>The marquee will not be directly viewed from the castle but there will be views within the wider landscape from various viewpoints;</p> <p>Some views from the various access routes around the estate will be partially screened and set against a treed or valley backdrop;</p> <p>The marquee is only to be on site for 8 months per year and will be removed during the winter months and the land reinstated to pasture.</p> <p>There is no argument that the proposal would impact on the landscape, however, again the perceived harm on the landscape is outweighed by the identified public benefit with regards to the heritage asset.</p>
---	---

Conclusion

Belvoir Castle is a grade I listed building set within its own extensive grounds and occupying a prominent and elevated position overlooking the 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

The proposal is for the erection of a marquee for wedding events for an eight month period (March to October) annually; during the winter months the site will be returned to open parkland. The 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.

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 PPS5 and additional advice from the English Heritage publication 'Temporary Structures in Historic Places' a balance must be achieved between the public benefits to the Estate, most notably by the revenue raised through the use of the marquees, and the need to preserve and enhance the significance of the heritage asset that is the Castle and various other registered assets within its estate. In this instance it is considered that the balance falls in favour of the former and due to its temporary nature would not unduly harm the setting of this historic asset.

RECOMMENDATION:- subject to :

- (i) the completion of a s106 Agreement to ensure the proceeds from the marquee are used for the maintenance of Belvoir Castle only**
- (ii) the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The wedding marquee hereby permitted, for a period of three seasons, shall be removed from the site and the land restored to its former condition on or before 31st October 2013 in accordance with a scheme of restoration work which shall be submitted to the Local Planning Authority at least 3 months prior to the afore indicated date and agreed in writing by the Local Planning Authority, unless in the meantime a further application has been submitted to and approved by the Local Planning Authority.
3. After each event all resultant waste materials shall be removed from the site and disposed of.
4. The marquee shall be used only for purposes ancillary to weddings held at Belvoir Castle and not as an independent venue.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
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, and is permitted on the basis of the contribution it will bring to the maintenance of the principal heritage asset.
3. In the interests of visual amenity.
4. The marquee is acceptable only because it is ancillary to events already being held at the location and would otherwise be regarded as an inappropriate location generating the need for increased travel by car.

Contact: Richard Spooner

Date: 7th December 2010