



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

7 December 2023



### S23/0710

**Proposal:** Change of use of grazing land to events venue  
**Location:** Land to West of the Junction of Belvoir Road and Cliff Road, Woolsthorpe by Belvoir  
**Applicant:** Her Grace the Duchess of Rutland  
**Agent:** Plan-It Design Ltd  
**Application Type:** Full Planning Permission (Major)  
**Reason for Referral to Committee:** Called in by Councillor Robert Leadenham due to concerns about highways impacts, and the impact on heritage assets.

**Key Issues:**

- Impact on the Character and appearance of the area
- Highway Safety Impacts
- Residential Amenity – noise and disturbance
- Heritage Impacts

**Technical Documents:**

- Noise Management Details
- Flood Risk Assessment
- Statement of Heritage Significance

#### Report Author

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**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Belvoir**

**Reviewed by:**

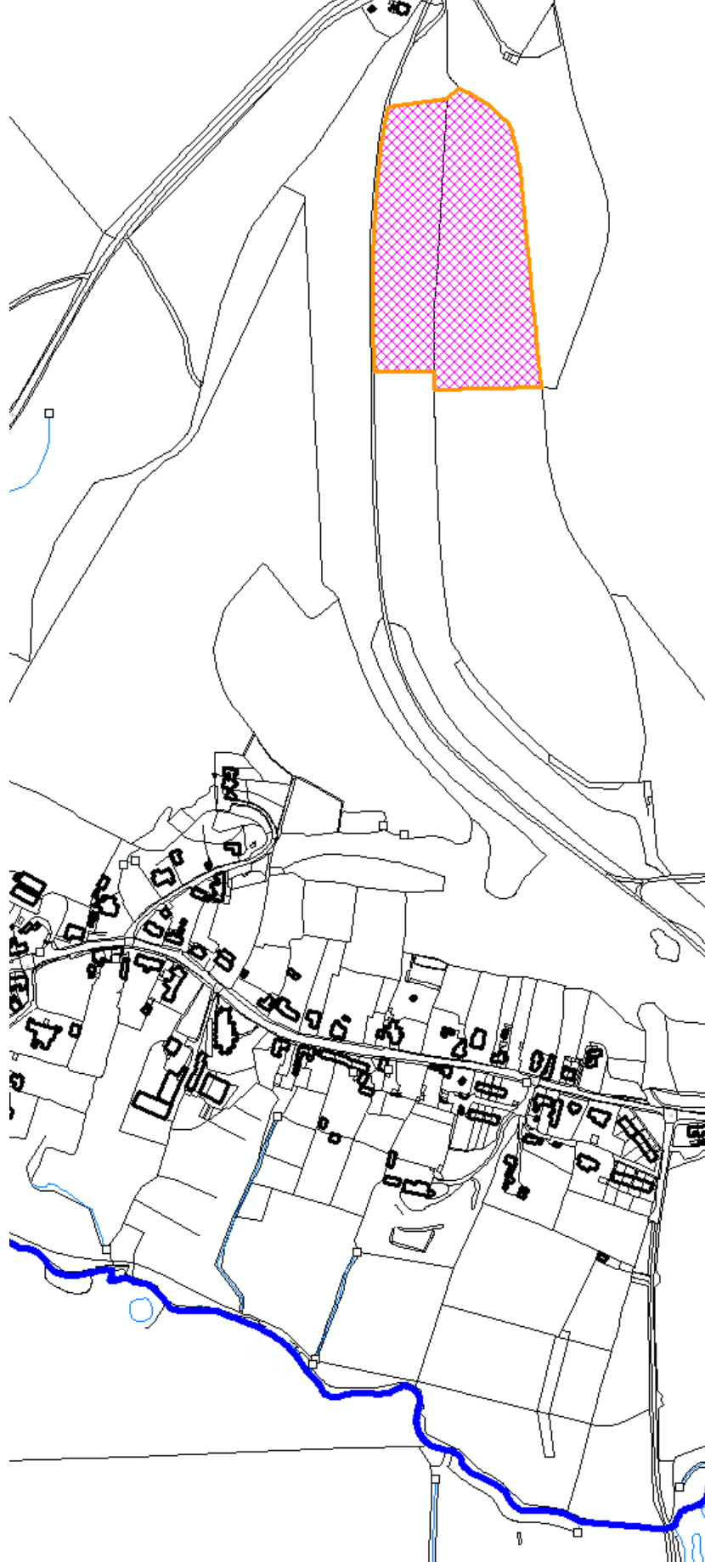
Adam Murray – Principal Development Management Planner

28 November 2023

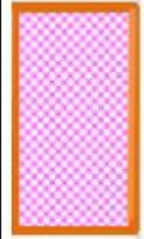
## **Recommendation (s) to the decision maker (s)**

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

S23/0710 – Land to west of junction of Belvoir Road and Cliff Road, Woolsthorpe by Belvoir



Key



Application  
Boundary



## **1 Description of Site**

- 1.1 The application site has a cross border relationship between Leicestershire and Lincolnshire. The marquee is sited on land that is within South Kesteven's' District boundary, whilst the access to the site would be within Leicestershire (within Melton Borough) via the existing Castle entrance, opposite to Belvoir Lodge.
- 1.2 The site is located within the grade II\* listed Belvoir Castle Registered Park and Garden. The marquee is sited approximately 230m to the west of Gateside Cottage and a set of entrance gates (known as the Eastern Gateway) to the Parkland. Although access to the events venue would NOT be via the East Gateway.
- 1.3 The grazing land is approximately 2.68 ha in size (discounting the existing access road). The site is located to the west of Cliff Road and is located to the east and outside of the main built-up part of the settlement of Woolsthorpe by Belvoir.
- 1.4 The site is largely screened from wider views by existing dense landscaping.

## **2 Proposal Description**

- 2.1 The proposal is for the change of use of the grazing land to be used to hold events (daytime events and evening events, usually weddings).
- 2.2 It is proposed that the marquee would be erected during the spring/summer months. The events are proposed to take place between May and September and the applicant is proposing to take install/remove the marquee in April and October respectively. It is proposed that the hours of use would be between 9am and Midnight. It is anticipated that approximately 10-15 people would be employed per event (dependent on its nature).. Average number of attendees to an event would typically be 400. One event per week would be an assumed average.
- 2.3 The proposal includes the erection of a white marquee that would have a floor space of approximately 981sq m. The maximum height of the marquee would be approximately 4m.
- 2.4 Vehicular access to the site to be used by guests attending the event would be via an existing site entrance, via the Castle entrance gates on Woolsthorpe Road. The access point is not within South Kesteven's District and is to the east of the application site (not within the application site). A private road would then provide an access route for all vehicles to the venue.
- 2.5 Within the site, 380 car parking spaces for guests would be provided. In the car parking areas and access track a grass protection mesh is proposed to be used which is designed to protect the sites surface.

## **3 Relevant History**

- 3.1 A large marquee was previously sited under permitted development rights for up to 28 days at a time on the eastern side of the Upper Lake (within Melton Borough, with regular temporary permission being granted) (Melton Borough Planning Reference No.22/00123/FUL).
- 3.2 The location was deemed to be 'sensitive' by Historic England due its location within the historic designated landscape. Historic England stated that "*The very large marquee is a very large white structure, made of PVC or similar, which makes it likely to be prominent in views over some distance*". Historic England considered that the siting would result in less

than substantial harm on the significance of the registered parking and garden, and significance derived from their setting of the Castle, kennels and bridge.

- 3.3 The applicants were encouraged to consider how any requirements for weddings could be incorporated into a less sensitive site through a business plan or conservation management plan for the estate. It is understood, that on this basis, the current application was put forward as an alternative location for the large marquee.

## **4 Policy Considerations**

### **4.1 South Kesteven Local Plan 2011 – 2036 (Adopted January 2020)**

Policy SD1 - The Principles of Sustainable Development in South Kesteven  
Policy SP1 – Spatial Strategy  
Policy SP2 – Settlement Hierarchy  
Policy SP5 – Development in the Open Countryside  
Policy DE1 - Promoting Good Quality Design  
Policy E7 – Rural Economy  
Policy E9 – Visitor Economy  
Policy EN1 – Landscape Character  
Policy EN2 – Protection Biodiversity and Geodiversity  
Policy EN4 – Pollution Control  
Policy EN5 – Water Environment and Flood Risk Management  
Policy EN6 – The Historic Environment  
Policy ID2 – Transport and Strategic Transport Infrastructure

### **4.2 National Planning Policy Framework (NPPF) (Published July 2021)**

Section 2 – Achieving sustainable development.  
Section 4 – Decision making.  
Section 6 – Building a strong, competitive economy.  
Section 9 – Promoting Sustainable Transport  
Section 11 – Making effective use of land.  
Section 12 - Achieving well-designed places.  
Section 14 – Meeting the challenge of climate change, flooding and coastal change.  
Section 15 – Conserving and enhancing the natural environment.  
Section 16 – Conserving and enhance the historic environment.

## **5 Representations received**

### **5.1 Lincolnshire County Council (Highways and SUDS)**

- 5.1.1 No objection subject to conditions.
- 5.1.2 Highways Safety – The access route will be from the access within the Vale of Belvoir and not via the Lion Gates (Eastern access). The access is not within Lincolnshire County Council's area.
- 5.1.3 Site Layout: Adequate parking has been demonstrated with overflow parking available.
- 5.1.4 Flood Risk and Drainage: The proposal site will not give rise to flooding and will not increase the flooding to any neighbouring sites.
- 5.1.5 Planning Conditions: In the event that permission is to be granted, planning conditions should be attached to confirm that the eastern access shall not be used for events.

## 5.2 **SKDC Environmental Protection**

5.2.1 No objection subject to conditions requiring the submission of a Noise Management Plan.

## 5.3 **Melton Borough Council (Adjacent Local Authority)**

5.3.1 Comment.

5.3.2 Due to the location of the site and its cross border relationship, we would recommend that Lincolnshire County Council Highways Authority are consulted due to the impact the change of use may have on the road network; especially with the estimated number of cars expected at the venue.

5.3.3 Concern that the principle area of concern has still not been addressed – which is that of the structure itself. Suggestion to change the structure to a khaki coloured tepee / bell tent, as they are substantially better design quality than the current proposal.

5.3.4 The location is a much better position with regards to the impact on the setting of the Castle, which will now only be experienced as a transitory impact, although now the parkland has been upgraded to Grade II\*. There will clearly be less than substantial harm caused to the setting of the parkland itself and this harm is to be at the upper end of less than substantial harm; the impact is compounded by the amount of cars that are indicated on the site plan.

5.3.5 There is clearly an argument on viability terms that a wedding venue marquee generates funds that are necessary for the upkeep of the Castle and other associated structures. Thus, there is a rationale for this.

## 5.4 **Woolsthorpe by Belvoir Parish Council**

5.4.1 Significant concerns.

5.4.2 The area is in a conservation area, and the impact of noise for residents of Woolsthorpe and Cliff Cottage need to be considered.

5.4.3 The previous site has been subject of many complaints, and the marquee has not always been taken down when required.

5.4.4 Concerns about pedestrian access, roads and rights of way.

5.4.5 Concerns about the loss of trees and hedgerow

5.4.6 Concerns about the foul drainage requirements and waste disposal requirements.

5.4.7 Concerns about the impact on local ecological assets, including protected species.

## 5.5 **Environment Agency**

5.5.1 The flood risk assessment confirms the use of temporary WC facilities on the site. It explains that a registered contractors will be responsible for these facilities and removal of foul waste from the site, we can therefore remove our objection to this application.

## 5.6 **The Gardens Trust**

5.6.1 No objection.

5.6.2 We consider that the proposed site is far more suitable than the temporary marquee which has been situated by the lake for many years in some of the most significant views. We consider that if there has to be a wedding venue somewhere at Belvoir – this is the best possible compromise.

## 5.7 **SKDC Tree Officer**

5.7.1 No objection subject to conditions.

5.7.2 Although the application is not supported by a tree survey, it is clear that the site for the car park and marquee is an open field, devoid of trees. It is contained (in landscape terms) by many trees elsewhere, but these are not on the site itself, and it is not intended to remove or impact on any of them. The selected point of access to the field from the carriage drive avoids mature trees and in the context of the overall tree resource, impacts would be minimal.

5.7.3 The applicants have indicated the use of ground protection, which would be beneficial to fully minimise any interference of the ground in between trees, and it would be reasonable to consider imposing a condition to require further details.

## 5.8 **Historic England**

5.8.1 No objections.

5.8.2 To note we have attended a site meeting in respect of this site at pre-application and did not raise significant concerns. We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

## 5.9 **Woodland Trust**

5.9.1 Woodland Trust would like to lodge an objection to this proposal until it can be demonstrated that veteran trees on site are appropriately protected from detrimental impact and harm in line with paragraph 180 of the National Planning Policy Framework.

5.9.2 The applicants have not submitted any arboricultural information to support this application, so it is not clear if the proposals have taken into account the proximity of veteran trees. Our concerns relate to the potential for root encroachment and detrimental impact from both construction and use of the carpark, and the installation of drainage provision. Additionally, it is not known whether there are any veteran trees along the boundary of the woodland to the south of the proposed car park which might be adversely impacted.

## 5.10 **Conservation Officer**

5.10.1 The siting of the proposed events venue is at the eastern extent of the designated Park and Garden. The site is on low ground with good tree cover to the south, east and some tree cover to the north and west. There will be very limited to no intervisibility with the gateway and lodge.

5.10.2 It is proposed that the grassed access drive and parking area will be protected by turf mesh. The extent of the marquee and the turf mesh will impact upon the surface, likely leaving a visible imprint for some time. Sufficient time will need to be given for the ground to recover in between the permitted periods of use, to minimise this impact. Care should be taken to minimise the extent of traffic crossing the site, by maintaining one access route. The overall impact upon the heritage significance of the Park and Garden can be assessed to be of less than substantial impact.

5.10.3 There are no objections to the current proposal on heritage grounds, based on its position and the condition that the ground will be given time to recover.

## **6 Representations received as a result of publicity**

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 11 letters of objection have been received and 1 in support. The letters of representation have raised the following matters:

#### Objection

1. Events would result in noise and disturbance (loud music and fireworks), detrimental to nearby residents of Woolsthorpe by Belvoir.
2. Regular firework displays at these types of events result in disturbance to wildlife and pets of residents.
3. Noise conditions were not adhered to previously (when Marquee located in alternative location), it is assumed that there may be further breaches if this application is approved.
4. Noise from the previous location of this wedding venue (sited by the lake), could be clearly heard by residents of the village, this is much closer (within 350m of Woolsthorpe by Belvoir).
5. There are more suitable locations within the parkland, lack of sensitivity to local people and concern for the environment.
6. Further degradation of historic landscape, resulting in air pollution.
7. Suggestion of a dark green (as opposed to white), which would be much less visible marquee.
8. No. of car parking spaces seems excessive.
9. Archaeological site is located adjacent to the site - possibly Iron Age houses.
10. Significant number of vehicles leaving the site in early hours of morning - causing disturbed sleep to nearby residents.
11. Possible contamination/pollution of springs that feed from high ground in the park above the Village to the Village.
12. Harm to wildlife and ecology
13. There is already a very busy wedding venue within the village - there is no need for two venues within the village - this will cause even more traffic using the narrow roads around the village.

#### Support

14. Resident that lives approximately 500m from event site and did not find the party loud, disruptive or intrusive.

## **7 Evaluation**

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises of the South Kesteven Local Plan 2011-2036 (Adopted January 2020).

7.1.2 The Local Planning Authority have recently adopted a Design Guidelines Supplementary Planning Document (Adopted November 2021) and this document is a material consideration in the determination of planning applications.

7.1.3 The policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Published September 2023) are also a relevant material consideration in the determination of planning applications.

## 7.2 **Principle of Development**

7.2.1 Policy SD1 (The Principles of Sustainable Development in South Kesteven) sets out the overarching obligation for development proposals to minimise its impact on climate and contribute toward a strong, stable and more diverse economy. The policy requires consideration of a number of matters including the impact of development of climate change, minimising the need to travel, avoiding development of areas of flood risk and development proposals giving rise to pollution, encouraging the use of previously developed or underutilised land, providing a supply of housing to meet the needs of present and future generations, and enhancing the character, natural environment and cultural and historic environment of the District.

7.2.2 Decisions about the location and scale of new development will be taken on the basis of the settlement hierarchy set out in Policy SP2. Policy SP2 (Settlement Hierarchy), alongside Policy SP1, seeks to focus the majority of new development to Grantham to support and strengthen its role as a Sub-Regional Centre, with "new development which helps to maintain and support the role of the three market towns of Stamford, Bourne and the Deepings" also being allowed, provided that the proposal does not "compromise their nature and character".

7.2.3 The application site in this instance lies within private the Parkland/estate that is associated with the existing historical tourist attraction of Belvoir Castle. The site is located outside of the built-up part of Woolsthorpe by Belvoir Village and is therefore considered to be within open countryside. Policy SP5 of the LP states that development proposals in open countryside will be limited to those which have an essential need to be located outside of the existing built form of a settlement. In such instances, the following types of development will be supported:

- a) Agriculture, forestry or equine development.
- b) Rural diversification projects
- c) Replacement dwellings
- d), e) & f) Conversion of buildings.

7.2.4 Further to this, Policy E9: Visitor Economy seeks to encourage sustainable growth in the District's visitor economy, which in turn will support growth in the local economy: The Policy states, amongst other things that: Proposals for development of the local visitor economy will be supported where these:

- a) allow provision for visitors which is appropriate in use and character to South Kesteven's settlements and maintains the quality of the countryside and the natural environment.
- b) enhance existing tourist and visitor facilities; aid the retention and/or enhancement of existing overnight accommodation and the provision of new overnight accommodation.
- c) allow new tourism provision and initiatives where these would also benefit local communities and support the local economy; or

- d) allow new tourism development of an appropriate scale and use which utilises existing historic buildings in the countryside whilst respecting their character.

- 7.2.5 Furthermore, Policy E5: Expansion of Existing Businesses, supports expansion of existing businesses will be supported, provided that: existing buildings are re-used where possible, vacant land on existing employment sites is first considered, the expansion does not conflict with neighbouring land uses, the expansion will not impact unacceptably on the local and/or strategic highway network; and the proposal will not have an adverse impact on the character and appearance of the area and/or the amenities of neighbouring occupiers.
- 7.2.6 Belvoir Castle, an established tourist attraction, is surrounded by extensive landscape park and gardens. The Castle itself, dates to the early 19<sup>th</sup> Century, with the parkland largely laid out to plans by Lancelot 'Capability' Brown of the 1780's. This is a proposal, submitted on behalf of the Duchess of Rutland for the use of a part of the registered Parkland and surrounding estate, known as the Vineyard, for use as a wedding venue.
- 7.2.7 The proposal includes the erection of a large white marquee and creation of associated parking spaces to be in used seasonally between the months of May – September each year on an on-going basis.
- 7.2.8 The proposal seeks to support the provisions of Section 6 of the NPPF and policy E5 and E9 of the South Kesteven Local Plan, in that it the events will contribute to the ongoing upkeep and maintenance of the historic castle and its surrounding parkland and encourages growth in the District's visitor economy, which in turn will support growth in the local economy.
- 7.2.9 As such, the proposal is considered to be acceptable in principle and in accordance with Policy SD1 (Presumption in Favour of Sustainable Development) and Policies SP1, SP2 and SP5, E5 and E9 of the adopted Local Plan and Sections 6 and 12 of the National Planning Policy Framework, subject to assessment against site specific criteria. These include (not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers and impact on highway safety, which are discussed in turn as follows.

### 7.3 **Impact on the character and appearance of the area and heritage assets**

- 7.3.1 Belvoir Castle is a Grade I listed building and is situated on an isolated hilltop on the south-east edge of the Vale of Belvoir and is surrounded by extensive landscape park and gardens. The Castle stands 8km to the west of Grantham. The Castle itself is visible within the wider landscape due to its elevation position. The surrounding park and gardens are included within Historic England's Registered Parks and Gardens of Special Historic Interest in England (Grade II\*). Historic England state that the designed landscape at Belvoir Castle is registered at Grade II\* for the following reasons:

- it is a multi-layered designed landscape of great time-depth, having evolved over almost a thousand years since the first Norman castle was established, shaped particularly by the 5<sup>th</sup> and 8<sup>th</sup> Duchesses;
- it is associated with some of the most accomplished landscape and garden designers, architects and engineers from the C18 to the C20;
- it is a vast and impressive designed landscape laid out around Wyatt's spectacular Grade I-listed hill-top castle and ornamented by finely-wrought buildings, the majority of which are listed, some at high grades.

- 7.3.2 Policy EN1 (Landscape Character) seeks to ensure that development is appropriate for its context. Any formal planning application should seek to justify the submitted design solution in the context of the character, attributes and features of the landscape character area. In this regard, it should be noted that the site lies within the Harlaxton Denton Bowl identified within the South Kesteven Landscape Character Study 2007. In connection with the above, the Rutland and South Kesteven Design Guidelines SPD (Adopted November 2021) identifies that the detailed design of a proposal should be influenced by its context and should consider the relationship between the site and other buildings, routes and spaces, views and vistas, facilities, architectural details and the landscape.
- 7.3.3 Policy DE1 of the SKLP seeks to ensure high quality design is achieved throughout the District. Further, paragraph 127 of the NPPF provides that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 7.3.4 Policy EN6 (The Historic Environment) of the Local Plan seeks to protect and enhance heritage assets and their settings within the district. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm. Proposals which would conserve or enhance the significance of the asset shall be considered favourably. Substantial harm or total loss will be resisted.
- 7.3.5 Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.
- 7.3.6 Case law has established that considerable importance and weight must be attached by the decision maker to the desirability of preserving the setting of heritage assets when balancing harm against public benefits.
- 7.3.7 Equally the NPPF is very clear that great weight should be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. If harm is identified, there are two policy tests in the NPPF:
- i. Proposals which would result in substantial harm should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh the harm.
  - ii. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Although substantial and less than substantial harm are a matter of judgement the NPPG advises that substantial harm is a high test and is most likely to be applicable where a fundamental element of a heritage asset's special interest is seriously compromised.
- 7.3.8 Furthermore Para 201 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

- 7.3.9 The proposal site is situated in a less significant area [than its previous siting] of the Grade II\* listed parkland. The marquee, although large is not widely visible in the landscape due to the topography of the site and the fact that the site is screened by existing woodland. Glimpses of the marquee are visible from the wider views, however the structure is not prominent, and it is not considered that the siting of the marquee adversely impacts on the setting of the Castle. It is considered that the proposed location is a much better position with regards to impact on the setting of the Castle, which would only be experienced as a transitory impact.
- 7.3.10 Historic England have undertaken pre-application discussions and site visits with regarding to the proposing siting of the marquee and have not raised any significant concerns. They have deferred the proposal to the Councils own Conservation and Archaeological advisors, as relevant.
- 7.3.11 The Gardens Trust have commented that they believe the application site has been farming pasture for many years and is nowhere in the view from the castle or principal rooms or private or public gardens. The Trust has also commented that there is sufficient tree cover.
- 7.3.12 The Councils Conservation Consultant has commented that the siting of the proposed events venue, including marquee, access drive and parking area is now supported by various consultees including Historic England, the Gardens Trust and Melton Borough Council, with particular emphasis on the impact on Grade I Listed Belvoir Castle, grounds and associated Registered park and gardens. The site is on low ground and there is good tree cover. Historic England concluded that there are no further issues or objections to the current proposal on heritage grounds.
- 7.3.13 However, it is understood that the previous siting of the marquee has resulted in a long-lasting impact on the grounds of the Grade II\* Registered Park and Garden. As such, it is proposed that a temporary planning permission is granted, which would cover 1 season's use of the new site, after which the Applicant would be required to submit a new planning application. The temporary permission would allow an opportunity to obtain further information about the potential long-term impacts of the proposed use on the Registered Park and Garden, and therefore, assess the extent of harm to the designated heritage asset, and the planning balance of the proposals.
- 7.3.14 On the basis of the information available, it is considered that the proposed siting of a marquee to be used for 6 months of the year for the purposes described above would have a less than substantial harm on the significance of the historic park and garden and the significance of Belvoir Castle and associated listed structures and their setting, as a result of the proposed development, and the level of harm would be justified and outweighed by the public benefit arising from the creation of a rural diversification project that would ultimately contribute positively to the visitor economy and would be in accordance with the aims of the SKLP.
- 7.4 Therefore, the proposal would comply with the Section and 12 and 16 of the NPPF and Policies DE1, EN 1, EN6 and E9 of the Local Plan
- 7.5 **Impact on Neighbours Residential Amenity**
- 7.5.1 Policy DE1: Promoting Good Quality Design sets out to ensure high quality design is achieved throughout the District, all development proposals will be expected to, amongst other things, ensure there is no adverse impact on the amenity of neighbouring users in

terms of noise, light, pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime.

- 7.5.2 Policy EN4 of the SKLP states that development should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water. Development that, on its own or cumulatively, would result in significant air, light, noise, land, water or other environmental pollution or harm to amenity, health well-being or safety will not be permitted. Development will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals. Para 127 of the NPPF states planning decisions should create places with a high standard of amenity for existing and future users.
- 7.5.3 The Rutland and South Kesteven Design Guidelines SPD (Adopted November 2021) identifies that residential amenity is determined by a range of factors such as space, privacy, outlook, outdoor space and natural light, and identifies a series of rules / standards that will be utilised to assess the quality of residential amenity provided by development proposals.
- 7.5.4 The application site is located in an area where the development would not result in overlooking, loss of privacy or over dominance. However, the use of the marquee does have the potential to result in noise and disturbance through the playing of amplified music, live music and fireworks displays as part of an event.
- 7.5.5 Concerns have been received from nearby regarding the potential for noise and disturbance to residents of Woolsthorpe by Belvoir and that an event has already taken place in the marquee. Levels of noise from the event site were considered to be unacceptable by local residents especially because the event was carried on late into the evening and into the early hours of the morning. Events such as Birthday parties and Wedding receptions are typically held in the later afternoon and continue into the evening.
- 7.5.6 The applicants subsequently provided a Noise Management Plan and supplementary information. The Applicants noise consultant advised that further mitigation would be required to prevent further noise nuisance. The supplementary information stated that *“My advice to the client is that mitigation will be required to prevent noise nuisance. Modelling indicates that, in this basic configuration, adverse impact is likely at Woolsthorpe and I understand that the birthday event was indeed clearly audible in the village. Whilst modelling is an approximate estimation of noise impact the margin of uncertainty is only +/-2dB. The model can only calculate sound pressure level as it cannot know dynamic sound level changes over time, however experience suggests that, for this type of venue, the equivalent level (dBLAeq(t) for t=15min would be approximately 6dB lower than the sound pressure level. We would therefore expect the impact levels at the most affected properties to be approximately 10-12dB above background. The characteristics of marquee structures is that they exacerbate noise propagation from audio systems operated within them (a full explanation of this effect is available if the committee wish to examine it) ”* The report goes on to suggest several techniques to mitigate this unwanted effect, including:
- Baffles within the structure to prevent low frequency noise impacting the roof of the structure.
  - Orientation of the stage in the most appropriate direction
  - Disturbing the audio system in order to reduce the critical distance between loudspeakers and audience.
  - Sound level limit devices to prevent accidental high noise events.

- Real time noise monitoring at residential locations.

- 7.5.7 The Councils Environmental Protection have reviewed the submitted details and have noted the proposed methods of ensuring levels of noise are achieved at nearby residential properties. They have suggested that if the application is proposed to be recommended for approval, a condition should be imposed requiring the submission of details of noise mitigation measures is submitted to the LPA and approved in writing, prior to the first event taking place.
- 7.5.8 In addition to this, it is proposed that the events should be limited in number and that the operating hours are limited by condition, requiring the ceasing of activities within sociable hours so as not to impact upon the amenities of nearby residents.
- 7.5.9 Notwithstanding the above, it is proposed to grant planning permission on a temporary basis, in order to allow the impacts of the development and the effectiveness of the proposed mitigation measures to be assessed further. Upon the expiration of the temporary permission, the Applicants would be required to re-submit a planning application to allow the acceptability of the development to be comprehensively assessed.
- 7.5.10 Consequently, subject to the imposition of conditions, it is Officer's assessment that the application proposals would not result in any unacceptable impacts on the amenity of the nearby residential properties. As such, the application would accord with Policy DE1 and EN4 of the adopted Local Plan in respect of amenity considerations.

## 7.6 **Access and Highways Impacts**

- 7.6.1 The application site has a cross border relationship between Leicestershire and Lincolnshire. The marquee is sited on land that is within South Kesteven's' District boundary, whilst the access to the site would be within Leicestershire (within Melton Borough) via the existing Castle entrance, opposite to Belvoir Lodge. The marquee is sited approximately 230m to the west of Gateside Cottage and a set of entrance gates (known as East Gateway) to the Parkland. Although access to the events venue would NOT be via the East Gateway.
- 7.6.2 Lincolnshire County Council (as Local Highways Authority) have been consulted on the proposals and have raised no objections to the proposed access arrangements, subject to conditions confirming that the Lion Gate entrance will not be used in connection with the events venue.
- 7.6.3 Leicestershire County Council were consulted, and no objections were received. The marquee was previously sited to the east of the Belvoir Upper Lake and the same entrance from Woolsthorpe Road (that is proposed to be used in this proposal) was used by attendees of events at that location. It is therefore considered that there should be no greater impact upon the highway network, notwithstanding the fact that it is not within our district. By granting temporary permission it is considered that any impacts upon the highway network can be monitored and assessed again if a further application for a longer or more permanent period is submitted for consideration.
- 7.6.4 The proposal is considered acceptable subject to conditions specified by the Local Highway Authority and as such the proposal would comply with Section 9 of the NPPF and Policy ID2 of the SKLP.

## 7.7 **Flood Risk and Drainage**

- 7.7.1 Policy EN5 of the SKLP seeks to ensure development is located in the lowest areas of flood risk and that surface water should be managed effectively on site. This is mirrored in Section 14 of the NPPF.
- 7.7.2 The applicants have submitted a Flood Risk Assessment (FRA) and the Environment Agency has commented that they do not object to the proposal. The FRA confirms that temporary WC facilities will be provided on site, explaining that a registered contractor will be responsible for the removal of foul waste from the site.
- 7.7.3 Lincolnshire County Council as the Lead Local Flood Authority have been consulted and have commented that the proposal will not give rise to flooding and will not increase the flooding to neighbouring sites.
- 7.7.4 On the basis of the above it is not considered that the proposal would result in any direct increase to flood risk and as such the proposal, subject to appropriate conditions would be in accordance with Policy EN5 of the SKLP and Section 14 of the NPPF.
- 7.8 **Impacts on Arboriculture, Ecology and Biodiversity**
- 7.8.1 Local Plan policy EN2 together with NPPF (section 15) require developments to contribute towards conservation and enhancement of biodiversity and avoid and/or mitigate any adverse impacts.
- 7.8.2 It is noted that representations received from the Woodland Trust have raised concerns on the basis of the potential impact of the development on local arboriculture; most notably, concerns have been raised regarding the impact of the development on well-established veteran beech trees recorded on the Ancient Tree Inventory. They state that the applicants have not submitted any arboricultural information to support the application and so it is not clear if the proposals have taken into account the proximity of veteran trees.
- 7.8.3 The Councils Consultant Tree Officer has however commented that there is adequate information available on file to enable potential impacts on the tree resource to be understood. He states that "Although the application is not supported by a tree survey, it is clear that the site for the car park and marquee is an open field, devoid of trees. It is contained (in landscape terms) by many trees elsewhere, but these are not on the site itself, and it is not intended to remove or impact on any of them. The selected point of access to the field from the carriage drive avoids mature trees and in the context of the overall tree resource, impacts would be minimal. The applicants have indicated use of ground protection, which would be beneficial to fully minimise any interference of the ground in between trees, and it would be reasonable to consider imposing a condition regarding this intention, or to ask for clearer details of what would be installed and whereas part of the current application documents."
- 7.8.4 In view of the above, conditions are proposed to ensure that all works are carried out in accordance with a Tree Protection Plan, which is to be submitted and approved prior to the commencement of the use, and to confirm that no additional works to trees shall be carried out without the prior approval of the Local Planning Authority.
- 7.8.5 The application site is not part of a designated site (SSSI or similar). The development proposal is unlikely to have a significant impact on local biodiversity or ecological assets.
- 7.8.6 Taking the above into account, subject to conditions, the application proposals would accord with Policy EN2 of the adopted South Kesteven Local Plan, and Section 15 of the Framework in respect of biodiversity and arboriculture.

## **8 Crime and Disorder**

- 8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## **9 Human Rights Implications**

- 9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

## **10 Planning Balance and Conclusions**

- 10.1 It is Officer's Assessment that the proposed siting of a marquee to be used for 6 months of the year for the purposes described above would have a less than substantial harm on the significance of the historic park and garden and the significance of Belvoir Castle and associated listed structures and their setting. The level of harm would be justified and outweighed by the public benefit arising from the creation of a rural diversification project that would ultimately contribute positively to the visitor economy and would be in accordance with the aims of the SKLP.
- 10.2 However, where an application made for permanent permission for a use be "potentially detrimental" to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its effect, it may be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development.
- 10.3 Given that the impact of the marquee on the character and appearance of the area is considered appropriate, in this instance, it is considered that it would be appropriate to grant temporary planning permission for the land identified to be used for events such as weddings and birthday parties.
- 10.4 The granting of a temporary permission would allow for evidence to be gathered by the LPA in order to assess the impact on neighbours' residential amenities. The granting of a seasonal condition is considered appropriate in this instance as the removal of the large marquee would allow the ground to recover during the winter months. Furthermore, the granting of temporary planning permission for 12 months would allow for assessment of the noise management methods and to ascertain if the use has a detrimental impact upon the amenities of neighbouring occupiers.
- 10.5 Taking the above into account, it is Officer's assessment that the application proposals would accord with the adopted Development Plan when taken as a whole, and there are no material considerations to indicate that planning permission should be withheld, although Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been given considerable weight and importance in this assessment.

## **11 Recommendation**

- 11.1 To authorise the Assistant Director – Planning to GRANT planning permission subject to the recommended schedule of conditions.

### **Time Limit for Commencement**

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended)

- 2) The marquee hereby permitted shall be removed and the use shall be discontinued and the land returned to its former condition on or before 12 months following the commencement of development.

Reasons: To define the permission and for the avoidance of doubt; and to allow further assessment of the potential impacts of the development on the Registered Park and Garden and nearby residential properties, in accordance with Policy DE1, EN4 and EN6 of the adopted South Kesteven Local Plan.

### **Approved Plans**

- 3) The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- i) Drawing No.22-013/SL/002 Site Layout Plan received 13 April 2023
- ii) Drawing No.22-013/D/010 Access Route Plan received 7 June 2023

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

### **Before the Development is Commenced**

- 4) Prior to commencement of the use, a site-specific tree survey and arboricultural impact statement have been submitted to and approved in writing by the LA in writing. The survey and report should have regard to BS5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations and shall include: a schedule of existing trees that should be cross referenced to a survey and constraints plan, a plan identifying which trees are to be felled and which are to be retained. The impact assessment shall take into account the possible impacts from construction work on the trees and vice versa including but not limited to foundations, new hard surfaces, access ways, work areas, shade, drainage systems, facilitation pruning and utilities. A method statement, and a plan showing anticipated tree shade patterns shall be provided.

Reason: In the interests of amenity, tree health and for the avoidance of doubt.

- 5) Prior to the development hereby approved being brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

The Noise Management Plan should include, but not be limited to:

- Summary of events to be held at the site
- Location Plan and Site Plan which identifies noise sensitive properties and locations of noise sources
- Inventory for all noise sources
- Proposed timings for all noise sources

- Controls/mitigation for all noise sources
- How noise will be monitored during events
- Action in the event of complaints
- Review of events

Reason: In the interest of the amenities of the occupiers of neighbouring dwellings and in accordance with Policy DE1 of the South Kesteven Local Plan.

### **Ongoing**

- 6) The number of weddings/events shall be limited to 25 per annum unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of the amenities of the occupiers of neighbouring dwellings and in accordance with Policy DE1 of the South Kesteven Local Plan.

- 7) No more than 400 patrons shall attend a single event at any given time.

Reason: In the interest of residential amenity in accordance with Policies EN4 and DE1 of the South Kesteven Local Plan.

- 8) The site shall not be used for the purposes authorised by this permission, as an events venue, other than between the hours 8:30am to Midnight, on any given day.

Reason: In the interest of residential amenity in accordance with Policies EN4 and DE1 of the South Kesteven Local Plan.

- 9) No marquee shall remain on the site between 1 November and 31 March in any one year and the succeeding year.

Reason: To ensure the satisfactory preservation of the historic park and garden in accordance with Policy EN6 of the South Kesteven Local Plan.

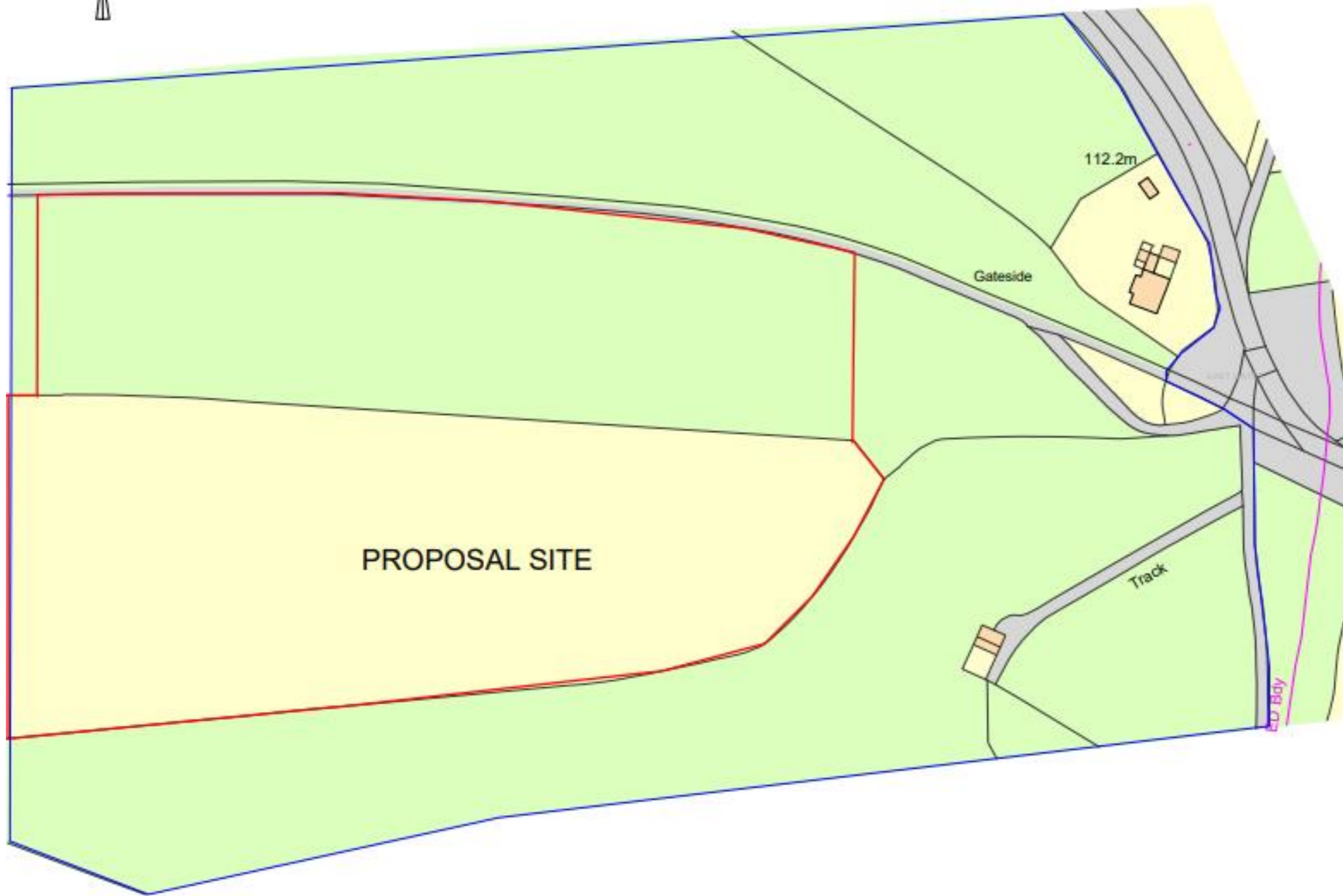
- 10) The permitted development shall be accessed through the parklands from the Castle access in the Vale of Belvoir only. The Eastern access through the Lions Gates shall not be used in relation to the use of the marquee/events venue.

Reason - In the interests of Highway Safety and the safety of the users of the site.

**Financial Implications reviewed by: Not applicable**

**Legal Implications reviewed by: Not applicable**

Site Location Plan



# Site Layout



## PROPOSED WEDDING VENUE AT "THE VINEYARD" BELVOIR CASTLE PARK & GARDENS

The access for vehicles of the wedding party would be via the gates on Workhorse Road adjacent to the castle.

The route to the wedding venue would be through the park to the Vineyard site which is on the very East side of the park and near to the East Formal Entrance gates.

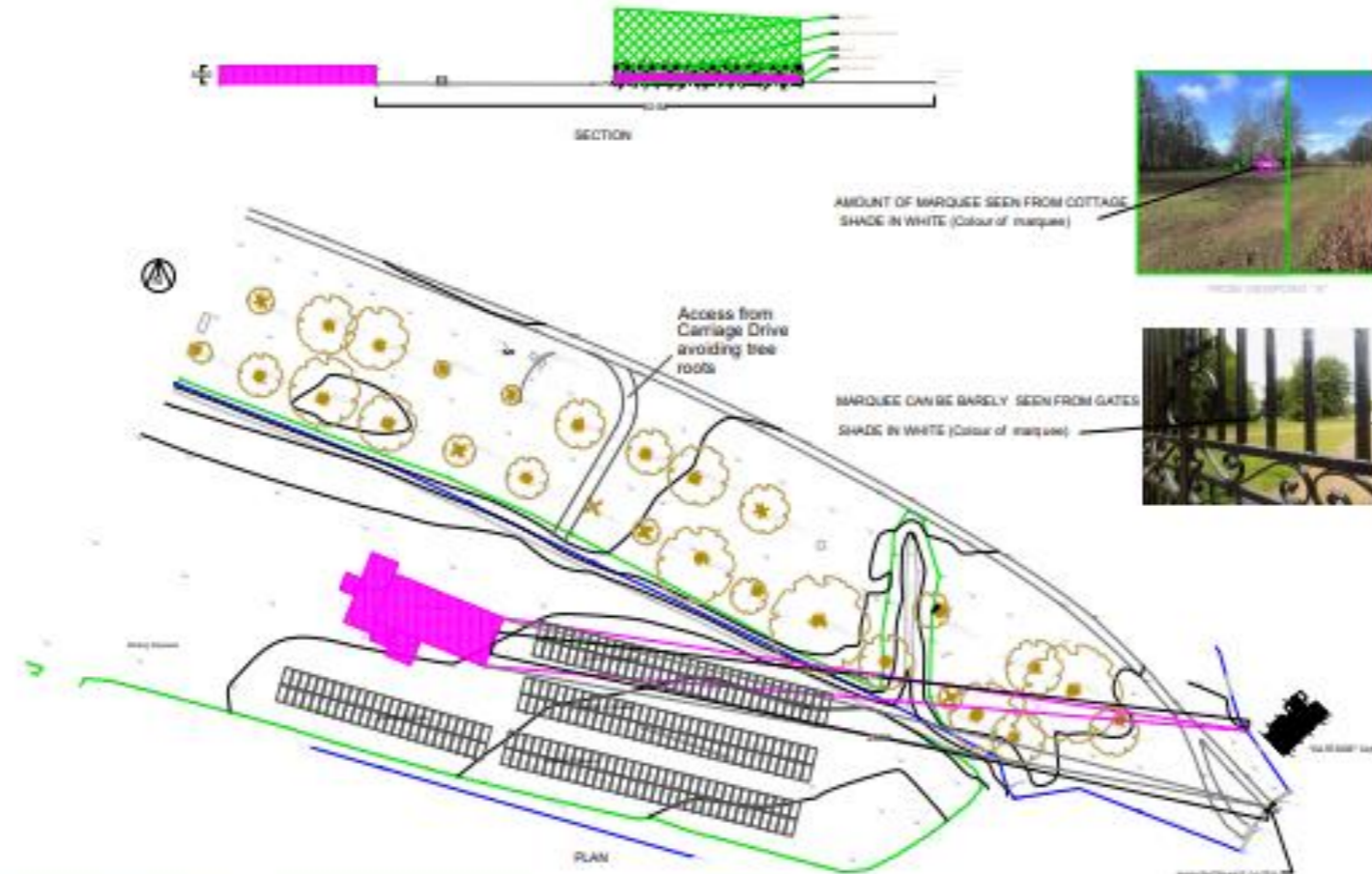
The access from the carriage road to the site would be through trees to the south of the carriage road. The access route from the carriage road chosen is through an area with minimal or smaller trees. If tree root protection is required this can be accomplished using the product shown on this drawing.

For protection of the surface of the access and car park areas a grass protection mesh is proposed (see detail of "Turf Mesh" on this drawing).

Use this method to ensure ground will not be disturbed

Because of the extensive mature tree cover there is limited visibility of the proposed Marquee from "Gate-side" cottage and even less as seen from the front entrance gates.

As shown on the site layout the proposed marquee is some 200M from the Entrance gates.



SATELLITE IMAGE



GRASS PROTECTION FOR CAR PARKING  
TURF MESH BY SIMCLAR & RUSH

Access Route to Venue

