

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
Mr J Morris, 'A'	Permanent erection of marquee, to replace temporary marquee - Grafton Manor Hotel, Grafton Lane, Bromsgrove, B61 7HA	Green Belt	10/1099-DK 29.11.2010

RECOMMENDATION: that permission be **REFUSED**.

Councillor B. Lewis F.CMI has requested that this application is considered by Planning Committee, rather than being considered under Delegated Powers. (Verbal Request 31.01.2011).

Consultations

WH Consulted: 25.02.2011 Response received: 14.03.2011.
No objection to the grant of permission.

Dodford with Grafton PC Consulted: 25.02.2011 Response received: 07.03.2011.
No objection to the proposal which effectively has been in situ for a number of years.

Conservation Officer Consulted: 25.02.2011 Response received: 09.03.2011.

Grafton Manor is a large red brick property now in use as a hotel, and dates from the 16th century with 19th century alterations. The west elevation adjacent to the proposed marquee has ornate star shaped chimneys, and crowstepped gabled dormers, and has considerable architectural interest unfortunately undermined by the large PVC marquee currently obscuring the entire ground floor.

Between 1995 and 2005 a series of temporary period consents were granted allowing a marquee to be erected from April to November each year, allowing full views of the rear elevation to be appreciated during the rest of the year. In 2005 a five year temporary permission was granted allowing a marquee to be erected until November 2010. During this period, in January 2008, consent was granted for a new two storey extension to the building to provide for more permanent event use and the pre-commencement conditions were discharged in April 2010. The permission for the extension was subject to a s106 agreement which provided for repairs to the listed building in exchange for allowing new development in the green belt, as a form of enabling development. I understand that the construction of the extension is no longer commercially viable and that the applicant is willing to undertake a unilateral agreement to rescind the permission.

The proposed replacement PVC marquee would be of a similar footprint to the existing rising to 3.9m at the highest point, however a permanent consent is requested rather than a further temporary

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	<p>permission. The existing marquee completely obscures the ground floor of the building and has a detrimental impact on the setting of the listed building, to allow this to continue on a permanent basis would therefore be contrary to policy HE10 of PPS5, section 6 of the PPS5 practice guide, the English Heritage draft guidance on setting of listed buildings and the 2010 English Heritage guidance on temporary structures in historic places. I would therefore recommend that only a temporary consent be allowed to ensure that the setting of the building is not permanently affected by a large plastic marquee in the grounds.</p> <p>http://www.helm.org.uk/upload/pdf/Setting-heritage-assets.pdf?1299677421</p> <p>http://www.helm.org.uk/upload/pdf/temporary-structures-hp.pdf?1299676974</p>		
ENGHER	<p>Consulted 25.02.2011. Response received: 29.03.2011.</p> <p>English Heritage objects to this application on the grounds that siting a marquee permanently in this location will cause substantial harm to the setting and visible historic significance of the grade II* listed Grafton Manor.</p> <p>English Heritage has fully supported this position in relation to Grafton Manor over the last decade, both by agreeing to the temporary positioning of a marquee to help sustain the business use and in encouraging the development of a permanent built replacement. Our position remains supportive of the principle of the current business use of these premises and its contribution both to the upkeep of the building and to the local economy but this must not be at the expense of their historic significance. Our position remains that we would wish to see a permanent replacement building erected if additional accommodation is required on a long term basis.</p> <p>English Heritage recognises that in the current national economic climate trading conditions generally are difficult and we are fully aware from press coverage (and as indicated in the D&A Statement) that bank lending is not readily available. Although we would prefer to dispense with any marquees in close proximity to the listed house we are prepared to suggest the compromise that the applicant seek a further three year temporary consent for a marquee in this location in the anticipation that market conditions will improve and allow erection of the permitted extension.</p> <p>We offer no comment on permanent marquees erected at other historic premises (as cited in the supporting documentation) as the circumstances will differ from site to site and we have no knowledge of the context in which they have been permitted.</p>		

Recommendation

English Heritage recommends that your Council refuse planning permission for the erection of a permanent marquee at Grafton Manor. We suggest that you consider allowing the applicant to seek a further temporary consent for 3 years for the existing marquee in recognition of current difficult trading conditions nationally. We suggest that a clear advisory note should be attached to any consent along these lines encouraging the owner to proceed with erection of a permanent building at the expiry of the temporary period and indicating that further renewals are unlikely to be forthcoming.

GEORGE

Consulted 25.02.2011.

VICSOC

Consulted 25.02.2011. Response received:

Grafton Manor is an important Grade II* Listed building. Whilst some of the fabric dates from the sixteenth century, following a fire in 1710, it was much rebuilt in 1861 to the designs of David Brandon, a noted Victorian architect.

While we understand that at present the use of a large marquee is helpful for the hotel, and we note that the proposed marquee is of the same dimensions to the present temporary structure, we consider that it is inappropriate for permission to be given for a marquee to be permanent in this position. In our opinion it would have a negative impact on the appearance of the listed building in the long term. The applicants state in the heritage impact statement (item 7) that "the best answer to the problem raised by the limited life of the marquee at present is the construction of a purpose built extension to the manor" and point out that planning and listed building consent have been granted for this (application numbers 07/0111 and 07/0110). We note the financial constraints of the hotel referred to in the heritage impact statement (item 7), but as these existing consents for an purpose built extension expire in 2013, consideration should be given to finding a long term solution which is more appropriate to the setting and character of the listed building. It is therefore our opinion that it would be inappropriate for a permanent marquee to be given consent at this stage, and so we urge the council to refuse this application.

We therefore object to this application as presented, but we would not object to a temporary permission for a period of no more than a further five years.

EDO

Consulted 25.02.2011. Response received: 25.02.2011.

Economic Development supports the application:-

- The permanent marquee will enhance the business

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	<p>(profitability and employment security).</p> <ul style="list-style-type: none"> • It should be more energy efficient as the temporary marquee requires space heaters which are difficult to run • From our observations, the site is unlikely to impinge upon views and aspects from neighbouring properties. 		
Publicity:	One response received 01.04.2011 as follows:		
Site Notice posted:04.03 Expires 25.03	"The replacement extension is not economically feasible and substantial sums have been expended on renovation of the listed building. It is important that the proposal is allowed to maintain the viability of the business."		
Press Notice posted: 03.03 expires: 24.03			

The site and its surroundings

The application site is an attractive Grade 2* listed buildings set within extensive grounds accessed from Grafton Lane. There is a chapel to the side of the main building which is two storey and narrow in profile. The building has large feature chimneys and is constructed on a sandstone base with ashlar details. The lands fall away to the rear with a feature lake and views over the surrounding countryside. This side of the building is subject to significant noise from the M5 which is located a short distance away to the NW.

Proposal

The proposal is for the erection of a permanent marquee to replace the temporary marquee.

Relevant planning history

B/1994/0244 Temporary erection of a Marquee on the west terrace from 01/04/95 to 30/10/95.

B/1996/0043 Temporary erection of marquee from 17th May 1996 to 30th October 1996. Granted 11.03.1996.

B2000/1127 Temporary Marquee LB – Granted 12.02.01
 B/2000/1128 Temporary Marquee FP – Granted 12.02.01
 B/2001/1225 Temporary Marquee FP – Granted 26.11.01
 B/2001/1226 Temporary Marquee LB – Granted 26.11.01
 B/2002/1102 Temporary Marquee FP – Granted 30.10.02
 B/2002/1101 Temporary Marquee LB – Granted 30.10.02
 B/2003/1330 Temporary Marquee FP – Granted 14.11.03
 B/2003/1331 Temporary Marquee LB – Granted 14.11.03

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
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B/2004/1279	Temporary Marquee FP – Granted	12.01.05	
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B/2004/1280	Temporary Marquee LB – Granted	12.01.05	
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B/2005/0806	Retention of temporary marquee from 30.11.05 for a period of 5 calendar years. Granted	03.10.2005.	
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B/2007/0111	New 2 storey extension and internal alterations to provide banqueting facilities currently housed in the temporary marquee. Granted:	21.01.2008.	
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Relevant policies

WMRSS QE1, QE2.

WCSP SD2, CTC1, CTC19, D38, D39, SD1, T1.

BDLP DS2, S38, S39, DS13, S48, TR11.

Draft CS2 CP16

Others SPG1, PPS1, PPG2, PPS5.

Assessment

The main consideration in the determination of this application is the impact of the proposed marquee on the setting and character of the Grade 2* listed building. The planning history is also relevant here. Unlike previous applications, the marquee would be a permanent structure in the Green Belt and therefore the impact on the openness of the site is also relevant. In this respect policies CTC19, D38 and D39 of the WCSP, policies DS2, S38 and S39 of the BDLP are most relevant.

Green Belt

The proposed marquee will measure 26m by 9.6m amounting to a floorspace of at least 250sqm in addition to the toilets and access to them. The maximum height is 4m. I appreciate that the structure is enclosed by the existing wings of the building and located to the rear but it would impact on the openness of the site at this location. I consider it amounts to inappropriate development. There is a conflict with policy DS2 and the advice of paragraph 3.4 of PPG2. I note that the retention of the commercial enterprise and maintenance of the historic fabric of the building was accepted as very special circumstances in the case of B/2007/0111. I also note the planning history which shows that 'temporary' marquees have been a feature of the site since the mid 1990's.

There is a Heritage Impact Assessment and Design and Access Statement presented with details of the financial difficulties of the hotel and restaurant as a result of the current financial climate. The specific circumstances will be outlined in the section below.

Impact on Listed Building

Policy CTC19 of the WCSP states that any development which has a negative impact on the setting of a listed building will not normally be allowed and this provision is augmented in policies S39 and S48 of the BDLP which rule out

proposals which would have a negative impact on the setting or character of a listed building. The grounds are integral to the setting of the building and thereby policy S48 is also relevant in controlling development therein.

The applicant has put forward a case for the proposal which can be summarised as follows:

- ❖ The business, comprising wedding, dining and hotel facilities has been struggling to attract bespoke weddings with a reduction in bookings from 95 as at Nov 2008 and 74 as at Nov 2010 (a 25% reduction). There are no weddings booked for Feb/March 2011 with 10 booked for that period in 2010. The number of guests and spend per head has declined.
- ❖ The trade of the restaurant has declined significantly with heavy discounting and the wedding dress shop has also has sharp falls in revenue.
- ❖ The projections for 2011/12 forecast a reduction in turnover of £160k
- ❖ The business supports the local economy in a variety of ways
- ❖ The temporary marquee has been necessary to accommodate all guests at a wedding since the main building does not enable this
- ❖ Remedial repair works including works to repair the chapel and guttering have been carried out in accordance with the terms of the S106 attached to B/2007/0111.
- ❖ The cost of the extension permitted under B/2007/0111 is £827,000. No alternative quotes have been obtained. The business cannot secure the money from lenders.
- ❖ The solution is a permanent marquee by the same firm who have constructed a marquee in the Houses of Parliament
- ❖ A copy of the FOI request and accompanying map of the Houses of Parliament has been presented
- ❖ The replacement will be no larger than the existing marquee with the noise of the motorway shielded by the superior construction method.

Additional points in the Heritage Impact Assessment

- ❖ The assets of value on the grounds will not be adversely affected by the proposal to replace the existing marquee
- ❖ The new marquee will enhance inter-visibility from the marquee over the parkland
- ❖ The proposal will allow the business to sustain itself and thereby secure the appropriate repair and preservation of the important historic asset.

The applicant's statements are detailed and raise a number of important issues particularly in respect of viability. These points have also been raised in previous applications and I note the relevant comments of the Economic Development Officer. I must carefully weigh up the financial considerations (sustainability of the business and employment) with the impact of the proposal on the protected structure.

In respect of the latter point, the views of the Conservation Officer, Victorian Society and English Heritage are clear and do not need to be repeated. They are all consistent in not endorsing the erection of the marquee to the rear of Grafton Manor

**Name of Applicant
Type of Certificate**

Proposal

**Map/Plan
Policy** **Plan
Date**

in that the historic fabric would be permanently compromised. It is unfortunate that the B/2007/0111 application for a permanent extension cannot be implemented for financial reasons as this offers the best overall solution for all concerned parties. It is noted that additional quotes for the works have not been obtained and this is something that the applicant can address. In the circumstances, the LPA may be willing to accept an extension of time for the implementation of the permission allowing for market conditions to improve. The suggestion of the applicant to provide a Unilateral Agreement to permanently revoke this permission to secure consent for a marquee instead, is neither in the interest of the applicant, the LPA or English Heritage.

I note that the main consultees have suggested the compromise of a temporary consent and I have addressed this to the applicant.

On the basis of the application before us for the erection of a permanent marquee, I consider that this is in breach of policies CTC19 of the WCSP, S39 and S48 of the BDLP. Members should note the LPA has allowed a series of applications for temporary consents for a marquee and has never considered that this should be a permanent arrangement. The financial constraints of the business are noted. However, policies in respect of conservation are directed primarily to protect the building or historic asset which takes precedent over the financial position of the applicant. The applicant's agent has provided a quotation from by the Rt Hon Greg Clark MP on 23rd March 2011

"Benefits to the economy should where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport, have consequently agreed that to the extent that it accords with the relevant statutory provisions and national policies, decisions on these and other consents should place particular weight on the potential economic benefits to be offered by an application. They will reflect this principle in relevant decisions that come before them and encourage their agencies and non-departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible"

The economic considerations are important in this application but the planning history has consistently shown that a permanent marquee is not acceptable. The current financial climate may cease to be material in the future, whilst the marquee will be a permanent feature of the historic landscape. The policies of the development plan strongly support this position and the views of the Conservation Officer and English Heritage are clear and Members should note these views.

Members should note that a Unilateral Undertaking has been provided by the applicant to the effect that the approved extension will not be commenced. This does not make the scheme acceptable in planning terms and undermines the efforts undertaken by the applicant, English Heritage and the LPA in securing an appropriate solution for the site.

**Name of Applicant
Type of Certificate**

Proposal

**Map/Plan
Policy** **Plan
Date**

The applicant has responded to the objection of English Heritage by email on 31.03 stating that a temporary marquee is not a practical financial solution and reiterated that there has been a similar marquee at the House of Commons since 1953. English Heritage have responded 02.04 as follows:

'regardless of the proportions of the marquee, positioning a permanent structure or assembly room against this elevation of the listed house is not acceptable in historic building terms. This is why the approved new range of 2007 sits at right angles to the main house and not on the footprint of the temporary marquee.

As indicated in my letter EH is purely concerned with the impact of this proposal on Grafton Manor. The circumstances in which a marquee comes to be sited against the Houses of Parliament (or any other historic building) are wholly unique and the product of individual circumstances - they have no bearing on this application.....

....our advice remains that the application should be refused.

Recommendation: that permission be **REFUSED** for the following reason:

The proposed development would have a detrimental impact on the setting of the Grade 2* listed building contrary to policies DS13 and S39 of the Bromsgrove District Local Plan 2004 and the advice of Planning Policy Statement 5 (Planning for the Historic Environment).