

**Item No. 9****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>CB/09/07039/FULL</b>
<b>LOCATION</b>	<b>Shuttleworth College, Old Warden Park, Old Warden</b>
<b>PROPOSAL</b>	<b>Full: The erection of marquee in Old Warden Park for summer weddings with car parking in the Old Walled Garden from 1st May to 30th September in the years 2010-2014 and the installation of a septic tank.</b>
<b>PARISH</b>	<b>Old Warden</b>
<b>WARD</b>	<b>Northill and Blunham</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Maudlin &amp; Cllr Turner</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>18 December 2009</b>
<b>EXPIRY DATE</b>	<b>12 February 2010</b>
<b>APPLICANT</b>	<b>Bedford College</b>
<b>AGENT</b>	<b>Andrew Pym</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Cllr Maudlin – Significant local interest and implications for funding to the Shuttleworth Trust</b>  <b>Full Application - Refused</b>

**Site Location:**

The site lies within a Grade II\* registered Historic Park and Garden and near to Shuttleworth Mansion, a Grade II\* listed building. The house is the work of Henry Clutton, a 19th century architect, and is considered to be a building of substantial heritage importance.

The Old Warden Estate comprises around 1,862 hectares and is owned and managed by the Shuttleworth Trust. It includes farmland and woodland, the Village of Old Warden, and the Historic Park. Within the Park are a number of listed buildings, pleasure gardens, the Shuttleworth College and the Shuttleworth Collection and aerodrome. Much of the Park and the village are within a Conservation Area.

**The Application:**

Planning permission is sought for the erection of a marquee for 5 months (1 May to 30th September). The marquee would be sited to the north east of the Mansion House close to the Summer House and Sunken Garden. It is 28 by 12 metres with a service tent and separate wc. The application also includes the installation of a septic tank. The Old Walled Garden, to the south east of the marquee, is also included in this application and is to be used for parking. Marriage ceremonies often take place in the Mansion or the Summer House with the marquee being the venue of the wedding party.

It is proposed that the marquee would be used from 1st May to 30 September each year. This permission seeks consent from 2010 to 2014 (inclusive).

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPG15 Planning and the Historic Environment

### **Regional Spatial Strategy**

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

### **Central Bedfordshire (North) Core Strategy and Development Management Policies 2009**

CS15: DM13 Heritage in Development

### **Supplementary Planning Guidance**

Design in Central Bedfordshire 2010

### **Planning History**

03/01423/Full	Erection of marquee from 1 April to 30 September each year to 30 September 2008 (retrospective) Refused 30 September 2003.
04/00589/Full	Erection of marquee from 1 April to 30 September each year until 30 September. Refused 20 May 2004.
04/01367/Full	Erection of marquee from 1 April to 30 September each year until 30 September 2009. Approved 21 May 2005.
08/02366/Full	Erection of marquee from 1 April to 30 September each year from 2010-2014. Withdrawn 17/2/09
09/01207/Full	Erection of marquee from 1 April to 30 September each year from 2010 - 2014. Refused 23/07/09

### **Representations: (Parish & Neighbours)**

Old Warden Parish Council	No comments received at time of writing report
Neighbours	No comments received at time of writing report

### **Consultations/Publicity responses**

Site notice displayed 11/1/2010

Application advertised  
English Heritage

08/01/10

English Heritage have advised on the previous applications. Concerns have been raised about the impact of the proposals on the character of the historic landscape and setting of the listed mansion.

## **Determining Issues**

The main considerations of the application are;

- 1 Background
- 2 Policy
- 3 The effect upon the Historic Park and Garden and the setting of the Listed Building and the conservation area.
4. The impact on neighbouring amenity.

## **Considerations**

### **1 Background**

The marquee was granted temporary consent in 2004. The permission allowed the siting of the marquee from 1 April to 30 September each year until September 2009. Temporary consent was granted as a limited permission following the concerns of both English Heritage and the Council's Conservation Team with regard to the visual harm that the marquee would have on the wider landscape, the setting of the house, gardens and parkland. The consent was granted with the view that the suitability of a marquee on the site would be considered through the production of a Conservation Management Plan (CMP) for the site as a whole. In addition, the temporary consent was granted on the basis that the marquee would not be seen when viewed from the wider landscape, and that it would not create traffic issues.

The CMP is a long term management plan providing a vision for the future management of Old Warden Park. It has been prepared by the Joint Management Group and external consultants in order to set out conservation management and policies which are needed to protect the historic estate. The CMP has been in preparation since 2003. To date the CMP has not been formally agreed with the Council and English Heritage. A most recent draft version was submitted in December 2009 and is awaiting further discussion with English Heritage and the Conservation Team. The document will be subject to public consultation prior to it being formally adopted.

### **2. Policy**

Policy CS15 of the Core Strategy aims to protect, conserve and enhance Listed Buildings, Conservation Areas and Registered Parks and Gardens. Development Management Policy DM13 ensures that proposals for development relating to Listed Buildings and Registered Parks and Gardens will pay particular attention to the conservation of local features. PPG15 - Planning and the Historic Environment states that 'planning authorities should protect registered parks and gardens'. The guidance goes on to say 'The effect of proposed development on a registered park and garden or its setting

is a material consideration in the determination of a planning application.' (para 2.24).

### **3 The effect upon the Historic Park and Garden and the setting of the Listed Building and the conservation area.**

#### Visual impact

Following the re-evaluation of the proposal, the concerns of the Council's Conservation Team and English Heritage are still valid. The siting of the marquee is undoubtedly visible from a number of view points within the park itself, and from Old Warden village. This is clearly evident from the photographs submitted with the application. Whilst the position of the marquee is proposed to be altered, it would still be highly visible from a number of vantage points.

The CMP, prepared by the applicants own conservation consultants, refers to the marquee stating that 'the marquee does have an important role in generating significant income and relieving the pressure of events within the Mansion; but it does have a detrimental impact upon the landscape' (page 157).

Furthermore on page 75 of the document there is a plan that identifies key views across the gardens and pleasure grounds. The site of the marquee is in close proximity to a key view identified on this plan. The view of the marquee in this location would be clearly detrimental.

It is considered that the marquee, given its siting, design and colour would have an adverse impact upon the visual appearance of the Listed Buildings, Conservation Areas and Registered Parks and Garden

#### Traffic issues

The use of the marquee is causing wear and tear to the grass of the historic parkland, detracting from the setting of the house, park and garden. Damage which is also acknowledged by the applicants in the CMP. Page 109 comments - 'in 2005, access to the marquee followed a single route and this created another track in the park detracting from the views of the Mansion'.

Although the car parking is now proposed to be within the walled garden, this area is some distance from the marquee. Servicing vehicles would still require access to the marquee, along with disabled parking provision. There is no site location plan identifying an access route for servicing vehicles or provision for the disabled parking and access. Additionally the proposed septic tank would require excavation, causing further harm to the parkland.

#### Financial justification

It is acknowledged that the marquee provides a significant proportion of income for the Shuttleworth Trust. However this does not override the importance of protecting the site, which is of national importance, from detrimental proposals. The original permission provided five years for the Trust to address the

concerns of the marquee and make provisions for a more suitable solution. Given that the draft CMP is considered by the applicants to be in its final stages, there is no mention of a suitable replacement venue for weddings. The CMP notes that the visual intrusion of the marquee is reversible and other impacts can be mitigated by providing suitable infrastructure. When the temporary consent was granted in 2004, it was considered to be acceptable in the short term only. It was never the intention of the Council to grant long term permission for a semi-permanent marquee that would have a detrimental impact upon the gardens and parkland and the adjacent listed building.

#### **4 The impact on neighbouring amenity**

There are some neighbouring properties located within the Park however the nearest is some distance away from the marquee therefore no adverse impact is likely to occur.

#### **5 Conclusion**

A further grant of permission would be seen as accepting a permanent marquee structure, reinforced by the installation of a septic tank for the marquee use. The marquee would have a detrimental impact upon the landscape and the setting of the Grade II\* listed building. The visual impact of the marquee is also acknowledged by the applicants themselves.

The siting and design of the marquee would have a detrimental impact on the Historic Park and Garden and would neither preserve or enhance the conservation area. Therefore, given the above considerations the proposal is considered to be unacceptable, contrary to advice given in PPG15 and Policies CS15 and DM13 of the Core Strategy. As such refusal is recommended.

#### **Reasons for Refusal**

- 1 The siting of the marquee, due to its design and colour, would have an unacceptable adverse impact on the Historic Park and Garden, the setting of the adjacent Listed Building and would neither preserve or enhance the conservation area; as such the proposal is contrary to PPG15 and Policies CS15 and DM13 of the Core Strategy and Development Management Policies Document (2009).

#### **DECISION**

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