

## DEVELOPMENT CONTROL PANEL

16 December 2020

Item: 2

<b>Application No.:</b>	20/00809/FULL
<b>Location:</b>	Hurley House Hotel Henley Road Hurley Maidenhead SL6 5LH
<b>Proposal:</b>	Construction of a marquee to the rear of the main building for associated event space (Retrospective).
<b>Applicant:</b>	Hurley House Hotel
<b>Agent:</b>	Mr Kevin Scott
<b>Parish/Ward:</b>	Bisham Parish/Bisham And Cookham
<b>If you have a question about this report, please contact:</b> Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

### 1. SUMMARY

- 1.1 Whilst the very special circumstances put forward in support of the application are noted, they are not sufficient to outweigh the harm caused by inappropriate development, harm to openness of the Green Belt, harm to the amenities of Apple Tree (nearest neighbour) and harm to the character of the area. The development is therefore considered to be contrary to Local Plan Policies GB1, GB2(A), DG1, NAP3, E10 and paragraphs 83, 84, 127, 133, 134, 143, 144, 145, 146 of the NPPF (2019); warranting refusal of this application.

<b>It is recommended the Panel refuse planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):</b>	
1.	The proposed Marquee does not fall into any of the exceptions to inappropriate development as outlined in paragraphs 145 and 146 of the NPPF (2019). It is therefore considered to be inappropriate development in the Green Belt. Due to its location on otherwise open land, its scale, in particular footprint and height, it is also considered to cause spatial and visual harm to the openness of the Green Belt. No very special circumstances have been demonstrated which outweigh its substantial harm to the Green Belt and other harm identified (to the character of the area and amenities of residents at Apple Tree). The proposal is therefore considered to be contrary to policies GB1 and GB2(A) of the Local Plan, as well as paragraphs 133, 134, 143, 144, 145, 146 of the NPPF (2019).
2.	The proposed development would result in noise disturbance, which would subsequently have a significant adverse impact on the amenities of occupiers at Apple Tree (nearest neighbour). No conditions or mitigation measures could be implemented which would overcome this adverse noise impact. The proposal is therefore considered to be contrary to policy NAP3 of the Local Plan, as well as paragraph 127(f) of the NPPF (2019).
3.	The marquee is out of character with the surrounding area because of its size, scale and external finish. The building does not visually integrate with surrounding buildings due to its temporary appearance. Furthermore, due to its size and location it would take up the site's remaining area of open/undeveloped land, fully urbanising this plot located in this rural Green Belt location; this is out of keeping with neighbouring plots and represents poor design. The structure is also in close proximity to the Hurley House Hotel and because of its size and juxtaposition with the hotel, it results in a cramped form of development. For these reasons the proposal is considered to be contrary to Policies DG1 and E10 of the Local Plan, as well as Paragraph 83, 84 and 127 of the NPPF (2019).

### 2. REASON FOR PANEL DETERMINATION

The application has been called to Panel at the request of Cllr Clark if recommended for refusal, on the grounds that the pub provides benefits to the local community and tourists and that the proposal is required to maintain the viability of this site. It will also help in sustaining business that will protect local jobs.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies on the south-west side of the A4130, Henley Road. At present it comprises Hurley House Hotel and the marquee subject of this planning application, which has been erected within the grounds of the hotel.
- 3.2 Hurley House Hotel is part of a group of buildings which sit either side of Henley Road located within the Green Belt and surrounded by countryside. Buildings within the area vary in size, design and use. However, it is worth noting that sites are all well landscaped and incorporate green outdoor amenity space; features which ensure they integrate with the area's verdant and rural character.

### 4. KEY CONSTRAINTS

- 4.1 The development site is located within the Green Belt.

### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks retrospective planning permission for the construction of a marquee to the rear of the main building for associated event space.
- 5.2 The marquee is 6m high to its ridge, single storey and has a footprint of approximately 450m<sup>2</sup>. It is to operate between 10am -11pm Sunday to Thursday and 10am – 12pm Fridays and Saturdays. To date the marquee has hosted a total of 50 events, hosting between 5 - 240 people.

5.3.

Application No.	Description	Decision
14/03669/Full	Part two storey, part single storey extensions to form 5 new letting rooms and addition to kitchen following demolition of existing buildings. Works to enlarge the existing cellar and provide WC's, landscaping and additional parking for disabled persons	Approved: 26.01.2015
04/01718/FULL	Installation of low-level lighting bollards to car park	Approved: 09.02.05
04/41970/FULL	Construction of a timber enclosure with flat for freezer and chiller units	Approved: 07/07/04
99/34814/ADV	Installation of two externally illuminated fascia signs to Henley Road elevation and one illuminated post sign	Approved: 08.12.1999
99/34813/ADV	Erection of two externally illuminated single sided distance signs	Approved: 08.12.1999
99/34087/ADV	Two non-illuminated fascia signs to Henley Road elevation first floor level, one illuminated single sided distance	Refused: 22.09.1999

	signs	
99/33583/FULL	Single Storey rear extension, porch and bay window car parking and sewage treatment	Approved: 30.04.1999
89/00583/FULL	Side and Rear single storey and first floor extensions	Approved: 05.05.1989

5.4 The works approved under the most recent planning application have been completed (14/03669).

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, E10
Highways	P4 AND T5
Appropriate Development in Green Belt and acceptable impact on Green Belt	GB1, GB2

## 7. MATERIAL PLANNING CONSIDERATIONS

### 7.1 National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making  
 Section 6 – building a strong and competitive economy  
 Section 12- Achieving well-designed places  
 Section 13- Protecting Green Belt land

### 7.2 Borough Local Plan: Submission Version

Issue	Local Plan Policy	Proposed changes
Design in keeping with character and appearance of area	SP3	QP3
Development in the Green Belt	SP5	QP5
Visitor attractions	VT1	VT1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the

Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings currently ongoing. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

### 7.3 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- RBWM Highways Design Guide
- RBWM Borough Wide Design Guide

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

- 8.1 In response to consultation on this application **14** comments were received **in objection** to the application. The vast majority of the letters were received from the site's nearest neighbours. Those letters have been summarised below:

Comment	Officer Response
We are the nearest neighbour to the development site and are regularly disturbed by excessive noise pollution caused by music and people associated with the marquee.	See paragraphs 9.19 – 9.37
The sewage system has not been updated in years and marquee adds to the sites foul smell and drainage issues	
Light from the marquee, lit walk ways, cars coming and going in the night pollutes the countryside and its occupants	
Flue pipes for the marquees kitchen are attached to trees, this being the case, odours come directly into our garden	
We have had to spend new year's away from home on different occasions because the noise is so bad,	
We live 350m away from the hotel and are still recipients of noise pollution	
The proposal had an adverse impact on local Fauna species due to associated noise and light pollution.	
Our livestock are impacted by noise and lights, this is adversely impacting our business and therefore livelihood.	
There is no amenity space left for the pub	See paragraphs 9.15 – 9.18
The marquee is out of keeping with the area's character	
The marquee along with other extensions is an overdevelopment of the site	See paragraphs 9.6 - 9.14 and 10.1 - 10.6
The proposal is inappropriate development in the Green Belt	
There are other events venues in the area	

Expecting to secure 100-200 events a year (day and night) to save the business is optimistic and highly unlikely and therefore the business is likely to fail. The business model itself is flawed.	See paragraphs 10.1 - 10.6
The development has led to increased vehicle movements and road congestion on occasions	See paragraphs 9.38 – 9.43
Rubbish is sometimes disposed of in our field	Noted.
Fire to the marquee would damage our property and boundary due to its location, there is no evacuation or management plan in place for such an event	

8.2 In response to consultation on this application **42** comments have been received in **support** of the proposal and are summarised below.

Comment	Officer Response
The council should be supporting local businesses at this time to avoid business closures.	See paragraphs 9.2 – 9.5 and 10.1 - 10.6
Hurley House Hotel provides a high quality food and accommodation service which is enjoyed by local residents and those visiting the area. It therefore contributes to the local economy and the areas value.	
The facility provides jobs for local residents	
Hurley House gives back to the community by hosting non-profit events for locals. It is an important community facility.	
The marquee would allow for the site to offer more services to the local community and visitors, such as classes and wedding spaces.	
Significant investment has been made to revitalise the facility over the years. Its closure would be a loss to the owner and locals.	
Many of those customers go on to spend their time and money on the many and varied activities and amenities of the local area.	
With the impact of Covid 19 the Marquee would provide an important space for local charities to continue to fundraise and for individuals to arrange events that would enable them to follow the government's current guidelines on social distancing.	
Great business meeting space to entertain clientele due to its high standards.	
It is within a wonderful setting that adds great character to an already pleasant venue. The marquee is not visible from the road, nor is it visible from behind the venue from the BCA grounds so is in no way an eyesore.	
Adequate parking space exists at the site	See paragraphs 9.38 – 9.43
Agriculture in the adjoining fields will be unaffected, and providing there are no fireworks to frighten livestock, this will not be a problem. I am by the way a farmer and racehorse breeder so I do understand any fears people may have with noise, but it is only sudden loud noise such as fireworks that cause a problem.	See paragraphs 9.19 – 9.37
There has been no complaints of note since the marquee went up in 2017	Noted.

8.3 Below are the summarised comments received from consultees and the Parish during the process of the application.

Consultee	Comment	Where in the report this is considered
Bisham Parish Council	Object to the proposed development on the following grounds. It is overdevelopment of the site, is inappropriate development in the Green Belt, inadequate parking exists at the site, the sewer systems are out of date and foul odours are emitted from the marquee, smell and noise pollution harm neighbouring amenities. The marquee is not in compliance with building regs, The marquee has been up for two years and still hasn't met required levels to make the business profitable, therefore making it permanent would still result in a failing business.	See sections 9 and 10 of this report for responses regarding green belt, character, design, and financial viability.
Environmental Protection:	While in theory the reports are sound and show that there will not be an adverse effect from noise on the local residents, from years of experience have concerns that there will be noise issues. A model shows what is likely to happen but there will always be anomalies especially when it comes to structures such as marquees.	See paragraphs 9.19 – 9.37 and 10.1 to 10.6.
Highways officer:	The existing access will remain unchanged. There is ample on-site car parking provision (a total of 64 spaces including 3 reserved for vehicles used by people with disabilities) to serve the existing public house, restaurant, letting rooms and marquee.No objection to the proposed development.	See paragraphs 9.38 – 9.43

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of the development
- ii Impact on the Green Belt
- iii The impact of the proposal on the character and appearance of the area
- iv Impact on amenity
- v Highways impacts
- vi Whether very special circumstances exist to outweigh the developments harm

### Principle of the development

9.2 Paragraph 83 of the NPPF states that: 'planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- 9.3 Paragraph 84 of the NPPF (2019) states that: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 9.4 Local Plan Policy E10 provides guidance for industrial and business development; the policy requires that the design and scale of buildings, as well as their materials should be appropriate and fitting of the surrounding area. Policy VT1 of the Borough Local Plan Submission Version supports business and the rural economy, however this policy has limited weight in this assessment.
- 9.5 The marquee is 6m high to its ridge, single storey and has a footprint of approximately 450m<sup>2</sup>. It is to operate between 10am -11pm Sunday to Thursday and 10am – 12pm Fridays and Saturdays. To date the marquee has hosted a total of 50 events, hosting between 5 - 240 people. The building, by virtue of its temporary nature and consequent design and materials, has noise insulation/attenuation issues which are mentioned in this report below. It is not sensitive to its surroundings in terms of its design and appearance, hence its lack of visual integration with other buildings and its adverse impact on neighbouring amenities (explained later in the report). It does not have regard to the character of the locality or incorporate architectural features or external material finishes similar to surrounding buildings. The development is within the Green Belt, where new buildings are inappropriate. It does not fall within any of the exceptions relating to appropriate development (discussed later in this report). The buildings primary function is for events associated with Hurley House Hotel (bar/restaurant with accommodation), it is not a community facility. Overall, the marquee is harmful to the Green Belt, to the areas character and neighbouring amenities (as described below). The development is therefore contrary to the above guidance and is considered to be unacceptable in principle.

### **Green Belt**

- 9.6 The site lies within the Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 9.7 Local Plan Policy GB1 sets out appropriate development in the Green Belt, it also advises that new development in conflict with the list of appropriate development(s) should not be approved except in very special circumstances.
- 9.8 Local Plan Policy GB2(a) advises that new development should not have a greater impact on the openness of the Green when compared with existing development on the site.
- 9.9 The policies are not entirely consistent with NPPF objectives in terms of its list of appropriate forms of development, however like the NPPF (2019), the policies seeks to protect the openness of the Green Belt and require that very special circumstances

be demonstrated to outweigh the substantial weight given to any harm to the Green Belt and any other identified harm. On this basis the policies are afforded moderate weight in this assessment. More weight is given to the NPPF (2019), as a material consideration.

- 9.10 Paragraphs 145 and 146 of the NPPF set out forms of development which could be considered as exceptions to inappropriate development in the Green Belt. The marquee is a semi-permanent structure which has been at the site since October 2017. The building is 6m high to its ridge, single storey and has a footprint of approximately 450m<sup>2</sup>. The marquee does not fall within any of the exceptions outlined in paragraphs 145 or 146 of the NPPF (2019). It is therefore considered to be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt.
- 9.13 In addition to its definitional harm, the structure has replaced an otherwise open outdoor amenity space associated with Hurley House. Due to its siting, height, and substantial footprint, the structure is also considered to cause visual and spatial harm to the openness of the Green Belt.
- 9.14 For the reasons mentioned above the proposal is considered to constitute inappropriate development which is harmful to the openness of the Green Belt. This harm must be afforded substantial weight. The proposal could therefore only be acceptable in Green Belt terms if it were demonstrated that Very Special Circumstances exist which would outweigh this harm to the Green Belt and any other harm arising from the proposal. The case for very special circumstances is considered later in this report.

#### **Impact on the character and appearance of the area**

- 9.15 Section 12 of the National Planning Policy Framework aims to achieve well designed places. Paragraph 127 specifically advises that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping and they should also be sympathetic to local character, history and the surrounding built environment. Local Plan Policy DG1 places similar emphasis on achieving good design and creating new development which sympathetically integrates into existing environments without causing harm to the character or appearance of the area. It advises that the materials of buildings should be similar to those in the locality, that development should not result in a cramped appearance and that the scale, height and building lines of areas should also be respected by new development. Policy DG1 is considered to be generally consistent with the aims and objectives of the NPPF.
- 9.16 The application site lies on the south-west side of the A4130, Henley Road. At present it comprises Hurley House Hotel and the Marquee subject of this planning application. Hurley House Hotel is part of a group of buildings which sit either side of Henley Road and are surrounded by greenery and countryside. Buildings within the area vary in size, design and use. However it is worth noting that sites are all well landscaped and incorporate green outdoor amenity space; features which ensure they integrate with the areas surrounding verdant and rural character.
- 9.17 Due to its set back from the road, its siting behind Hurley House, and the screening provided by the sites existing planting, the marquee does not have a significant detrimental impact on the appearance of the area.
- 9.18 Notwithstanding the above, the structure is out of character with the area. No structures of a similar size or external finish exist within the locality. The building does

not integrate with surrounding buildings due to its scale and temporary appearance. Furthermore, due to its size and location it would take up the site's remaining area of open/undeveloped land, fully urbanising this plot located in this rural Green Belt area; this is out of keeping with neighbouring plots and represents poor design. The structure is also in close proximity to the Hurley House Hotel and because of its size and juxtaposition with the hotel, it appears as a cramped development of the site. For these reasons the proposal is considered to be contrary to Policies DG1 and E10 of the Local Plan, as well as Paragraph 83, 84 and 127 of the NPPF (2019).

### **Impact on amenities.**

- 9.19 Local Plan Policy NAP3 advises that development should not have an adverse impact on noise, air, and smell pollution. Paragraph 127 of the NPPF (2019) advises that new development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. Policy SP3 of the emerging Borough Local Plan also promotes good amenity for surrounding properties and future occupants.
- 9.20 During the process of the application major concerns have been raised by the occupants of the sites nearest neighbours (Apple Tree, Apple House Farm, The Barn) regarding the adverse impact of the development on their amenities, especially the disturbing levels of noise generated from the marquee.
- 9.21 A noise assessment and technical note (which includes noise mitigation and management measures) has been submitted in support of the application (Technical Note, Hurley House Hotel, Project No 2019424, dated 28/10/2020 created by Sharps Redmore and Hurley House Hotel Venue Proposal Noise Assessment, Project No 2019424, dated 30/04/2020 created by Sharps Redmore). The reports conclude that if the mitigation measures set out within them are carried out, the development would have an acceptable noise impact on nearby residents, including Apple Tree.
- 9.22 The suggested mitigation measures are made up of three broad areas:
- Reduce Noise at Source
  - Prevent Noise Escaping
  - Noise Management
- 9.23 The Borough's Environmental Protection Officer has concluded that even if all the mitigation measures were implemented, there would still be noise issues at the site if the marquee were granted planning permission.
- 9.24 Taking into account all of the above it is concluded that the development would have an unacceptable noise impact on Apple Tree for the following reasons.
- 9.25 Paragraph 6.7 of the financial viability statement states that 100 events are needed annually to address the losses currently being incurred. 100 events consisting of 50 small events and 50 large events (example given within the statement is weddings with amplified music).
- 9.26 The proposed Marquee is located 14m away from Apple Tree and 5m away from Apple Tree's outhouse. 50 large events a year means that almost once a week the residents of Apple Tree would be subject to an event, catering for between 60 – 240 people and its associated impacts.

- 9.27 Noise caused by vehicles entering and exiting the site late at night and tooting horns for taxi pickups, slamming car doors is difficult to control, but inevitable and would have an adverse noise impact on Apple Tree.
- 9.28 Celebratory events and parties often involve people who are intoxicated, louder than usual and sometimes disorderly. Keeping those people quiet during pick-ups and drop offs is extremely difficult and is likely to generate noise to the detriment of the residents of Apple Tree (during unsocial hours).
- 9.29 Windows and doors are likely to be opened for continued periods to allow for air circulation, especially when a significant amount of guests are using the facility, this would allow for noise to escape. A condition to stop windows and doors being opened during events is unreasonable as it could also impact on the safe functioning of the marquee.
- 9.30 A condition has been recommended - which would see any outdoor area to the front and rear of the site restricted to use by smokers only after 10pm. This in itself would be difficult to police by staff and/or enforce as after 4hrs in a marquee with loud music, people may want fresh air. Any condition would be unenforceable. Furthermore there is nothing to say that those smoking outdoors wouldn't be loud.
- 9.31 For the reasons mentioned above some of the noise impacts to neighbours are unavoidable and are likely to be unenforceable, thus a condition is unlikely to fulfil its purpose. Furthermore many of the mitigation measures set out above are unenforceable due to the imprecise nature of the wording.
- 9.32 If simultaneous events were to be held at the site for example an event within the marquee and an event at the site's main building (which includes a large outdoor dining terrace), more external noise would be generated impacting adversely on the amenities of apple tree.
- 9.33 External noise generated from use of the marquee would discourage use of Apple Tree's outhouse and garden, whilst also disturbing those within the house.
- 9.34 Taking into consideration the above, it is considered that the marquee would have a significant adverse noise impact on Apple Tree, which could not be controlled by conditions and would harm that neighbours' living conditions.
- 9.35 Additionally there are flues and vent pipes associated with the marquee. Neighbours have suggested that the pipe works cause distasteful smells at times. Taking into consideration that the pipes and flues are a considerable distance from the main house, that wind can carry odours in different directions, and the fact that no significant evidence has been submitted to substantiate the claim. This element of the scheme is not considered to be harmful enough to warrant refusal of the application.
- 9.36 Light emitted from the marquee, along with light from cars constantly moving in and out of the site is also noted as having an adverse impact on the occupants of the neighbouring property, as well as neighbours further away. However light emissions associated with the marquee are unlikely to be significantly harmful to neighbouring amenities taking into consideration that the existing main building is well lit in and out, cars already enter and exit the site for the hotel, and the marquee is internally illuminated as opposed to externally.

- 9.37 In conclusion, the proposal is considered to be contrary to Local Plan Policy NAP3 and section 127(f) due to its significant adverse noise impact on Apple Tree and the resultant harm to the residential amenities of the occupants of the property.

### **Highways Impact**

- 9.38 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards (HDS). The policy notes advise that the purpose of the HDS is to ensure that new development does not place an undue burden or create problems of congestion on the highway network. Policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. Policy DG1 of the Local Plan states that developments should provide convenient access, parking, and facilities for people with disabilities' and that 'traffic generated by the proposed development should not have an unacceptable effect on the local road network and the environment of the locality'.
- 9.39 The NPPF(2019) is a material planning consideration and paragraph 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.40 The existing site access is located off road to allow for vehicles to enter the site without stopping and causing obstruction on Henley Road. The access would be retained.
- 9.41 This section of Henley Road has solid white centre line markings denoting no overtaking on the approaches. Vehicles therefore cannot park along this section of Henley Road.
- 9.42 The Local Authority's Parking Strategy does not specify a parking requirement for a marquee, however the marquees use is similar to that of a D2 facility (Hall) and has therefore been assessed as such. 1 parking space is therefore required per 30sqm. The marquee is circa 450sqm in size and therefore requires a demand for 15 spaces. The Hotel (C1 class use) has 10 rooms and therefore requires 1 space per bedroom, total of 10 spaces. The pub/restaurant area (inside) measures circa 144sqm. A3 use (food and drink) requires 1 space per 6sqm. This generates a demand for 24 spaces. The outdoor seating area (which could be used for drinking / eating during the summer) measures circa 76sqm. This requires 13 spaces (1 space per 6qm). Taking into consideration the Local Authority's current Parking Strategy (2004) the entire site will generate a demand for 62 spaces. 64 spaces including 3 disabled spaces are provided on site, which exceeds the Local Authority's maximum standard. It is therefore considered that adequate parking space exists for the proposed development.
- 9.43 Taking into consideration the above the proposal is considered to be acceptable In terms of its highways impact.

## 10. Very special circumstances test, Planning Balance and Conclusion

10.1 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10.2 The submitted design and access statement and financial viability statement (Expert witness report, Stuart Parsons, March 2020) suggests that very special circumstances exist as follows:

- Hurley House Hotel is operating at a loss as the quality of service provided is high, therefore expensive and there has been a drop in visitors to RBWM. In order to make the business viable and profitable the marquee is needed. 50 large events (weddings) supplemented by 50 smaller events held within the marquee would address the losses currently experienced by the business. 267 event enquiries were received between 2018 and 2019. Some bookings were not agreed due to the uncertainty surrounding Planning and the Marquee, however there is future demand.

*This point is afforded limited weight in favour of the proposed development as the evidence does not demonstrate that the proposal is necessary for a viable business to operate at the site but is based on the requirements of the specific business model of the current operator.*

- 'Covid 19 - Lockdown' has led to significant losses for the business and will continue to effect the business going forward. The marquee would help to support the business.

*This point is afforded limited weight in favour of the development. Whilst the council seeks to support business that has to be balanced against the impact on neighbouring amenities and the Green Belt. Furthermore the marquee was not erected in response to lockdown but is part of a longer term business plan by the owner.*

- Hurley House Hotel is a high quality visitor's attraction, which supports the rural economy by providing 56 jobs and a level of service that cannot be found in many other places. It also attracts people to the area; who in turn spend money in the local area.

*This point is afforded moderate weight in favour of the development, as the marquee would help to secure jobs and would also provide a visitor attraction for the area.*

- The marquee hosts events for local charities and the community (often at a loss)

*This point is afforded limited weight in favour of the development as it would be unreasonable for the LPA to condition or legally secure the hosting events at the marquee. The marquee is for commercial purposes and is part of the Hurley House business.*

10.3 Paragraph 144 of the NPPF states 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the

Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.

- 10.4 The harm caused by the inappropriateness of the development is accordingly afforded substantial weight. As is the harm caused to the openness of the Green Belt due to the size and siting of the structure.

Further significant weight is given to:

- the development’s harm to the amenities of Apple Tree (nearest neighbour)
- the development’s harm to the areas character

### **Conclusion**

- 10.5 Weight has been afforded to the benefits of the development, as described above. This includes any benefits to the local economy and to the local community. However, these benefits are not considered to carry sufficient weight to outweigh the substantial harm to the Green Belt and the other identified harm. Therefore no very special circumstances exist which are sufficient to outweigh the identified harms and the proposal is considered to be contrary to Local Plan policies GB1 and GB2(a) DG1, NAP3, E10 as well as paragraphs 83, 84, 127, 133, 134 ,143, 144, 145, 146 of the NPPF (2019).

## **11. APPENDICES TO THIS REPORT**

- Appendix A - Site Location Plan and existing site layout plan
- Appendix B - Proposed Layout Plan
- Appendix C – Proposed roof and floor plans
- Appendix D – Proposed elevations

## **12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The proposed Marquee does not fall into any of the exceptions to inappropriate development as outlined in paragraphs 145 and 146 of the NPPF (2019). It is therefore considered to be inappropriate development in the Green Belt. Due to its location on otherwise open land, its scale, in particular footprint and height, it is also considered to cause spatial and visual harm to the openness of the Green Belt. No very special circumstances have been demonstrated which outweigh its substantial harm to the Green Belt and other harm identified (to the character of the area and amenities of residents at Apple Tree). The proposal is therefore considered to be contrary to policies GB1 and GB2(A) of the Local Plan, as well as paragraphs 133, 134 ,143, 144, 145, 146 of the NPPF (2019).
- 2 The proposed development would result in noise disturbance to neighbouring properties, which would subsequently have a significant adverse impact on the amenities of occupiers at Apple Tree (nearest neighbour). No conditions or mitigation measures could be implemented which would overcome this adverse noise impact. The proposal is therefore considered to be contrary to policy NAP3 of the Local Plan, as well as paragraph 127(f) of the NPPF (2019).
- 3 The marquee is out of character with the surrounding area because of its size, scale and external finish. The building does not visually integrate with surrounding buildings due to its temporary appearance. Furthermore, due to its size and location it would take up the site's remaining area of open/undeveloped land, fully urbanising this plot located in this rural Green Belt location; this is out of keeping with neighbouring plots

and represents poor design. The structure is also in close proximity to the Hurley House Hotel and because of its size and juxtaposition with the hotel, it results in a cramped form of development. For these reasons the proposal is considered to be contrary to Policies DG1 and E10 of the Local Plan, as well as Paragraph 83, 84 and 127 of the NPPF (2019).