

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1378.22

WARD : Rainham & Wennington

Date Received: 23rd August 2022

ADDRESS: Moor Hall
Romford Road
Aveley

PROPOSAL: Variation of Condition No. 2 of Planning Permission Ref: P1029.17 dated 15/06/2017 to remove the need to dismantle the marquee outside its operational hours. (Variation of condition 4 attached to planning permission reference: P1004.12 (change of use of part rear garden area for temporary marquee for wedding receptions) to allow an increase in the number of wedding receptions from 20 to 40 per year)

DRAWING NO(S): 21-001-005 A

RECOMMENDATION : It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application site is located at Moor Hall which is approximately 780m west of Romford Road, Aveley, South Ockendon. The site falls within the Metropolitan Green Belt and also forms part of the Thames Chase Community Forest.

The surrounding area is mainly characterised by agricultural land and scattered development. There are residential cottages directly north and further north of the application site whilst Moor Hall consists of a large 3-storey detached dwelling. The area directly north of Moor Hall has a number of industrial-type warehouse buildings and it was noted that light industrial activities are currently taking place.

The site has and most recently been operating as a wedding venue for up to 40 occasions a year, incorporating a marquee which meant to be dismantled weekly. When not hosting weddings, the main dwelling has been occupied as a family home.

There are a number of outbuildings currently within the site's demise which includes converted cottages; a large marquee used for wedding receptions; a helipad and helicopter hanger; a garden store; and a marquee huts, formed of two timber structures with varying roof finishes.

Internal hardstanding provides connectivity between the structures on site, as well as car parking spaces for associated uses.

There is a private access road and security gates to Moor Hall House.

Conditional planning permission has been granted for a change of use of part of the rear garden area for a temporary marquee for wedding receptions. This include a temporary tented marquee on the main lawn area in the rear garden, with a depth of 21 metres and a width of 12 metres. The marquee measures 4 metres to the ridge and 2.4 metres in height to the eaves. The marquee features a separate reception area, which is 6 metres square. A condition is in place that the marquee to be removed when not in use.

There is also a condition to restrict the number of wedding to 40 per year, to be held on Friday and Saturdays only with opening hours from 10pm to 11pm.

The venue has been hired on an exclusive use basis for the garden area only with temporary parking area for licensed civil weddings and partnership ceremonies. Moor Hall House has remained in residential use for the owner of the house.

There are 7 parking spaces accessible from the drive through the site and existing hardstanding in the southern corner of the site has been used to provide additional parking for up to 25 cars.

DESCRIPTION OF PROPOSAL

The proposal requires the variation of a condition to retain the marquee on permanent bases.

The justification for the retention of the marquee is that its dismantling after each event is cumbersome and costly.

The increase in the hours of the operation is sought to increase the attractiveness of the site for wedding ceremonies.

RELEVANT HISTORY

The site has been subject to a number of planning schemes as follows;

PI 730.02 - Single storey sun lounge and swimming pool enclosure (Approved with conditions)
25/11/2002

P0510.11 - Conversion of existing double garage and garden store to 2 no. one bedroom bungalows (Approved with conditions) 19/05/2011

PI 004.12 - Change of Use of part rear garden area for temporary marquee for wedding receptions (Approved with conditions) 24/10/2012.

P0432.14 - Partial Change of Use of existing dwelling to provide a wedding ceremony and reception area (Approved with conditions) 21/05/2014.

PI 029.17 - Variation of conditions 4 attached to planning permission reference: PI 004.12 (change of use of part rear garden area for temporary marquee for wedding receptions) to allow an increase in the number of wedding receptions from 20 to 40 per year. Approved with conditions 15/06/2017.

Condition 2 attached to PI 029.17 set out time parameters for when the marquee could be used and set a requirement for it to be dismantled during certain times of the week:

'The garden area and temporary marquee shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 23:00 on Fridays, Saturdays and Sundays. At all other times the use shall be returned to residential garden area and the marquee dismantled.'

CONSULTATIONS/REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the Core Strategy and Development Control Policies Development Plan Documents. Notification letters were sent to 8 neighbouring properties. No letters of representation have been received.

RELEVANT POLICIES

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the 2021 Havering Local Plan (2016-2031); and, the London Plan 2021.

The Local Plan (2016-2031) adopted 2021, along with the Mayor of London's, London Plan, (adopted 2021).

The National Planning Policy Framework 2021 (NPPF) is a material planning consideration. The relevant chapters are:

- 2 - Achieving sustainable development
- 9 - Promoting sustainable transport
- 11 - Making effective use of land
- 12 - Achieving well-designed places
- 13 - Protecting Green Belt land
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment

The adopted planning policies;

- Policy 7 Design and amenity
- Policy 12 Healthy communities
- Policy 23 Transport Connections
- Policy 24 Parking provision and design
- Policy 26 Urban design
- Policy 27 Landscaping
- Policy 28 Heritage Asset
- Policy 30 Biodiversity and geodiversity
- Policy 33 Air quality
- Policy 34 managing pollution

Other relevant development plans includes;

The London Plan (2021) where the relevant policies include;

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- D1 London's form, character and capacity for growth,
- D4 Delivering good design,
- G2 Green Belt

The following are also relevant material considerations:

National Design Guide;

Air quality - London Plan; the Mayor's Environment Strategy; Control of dust and emissions during construction and demolition SPG; Air Quality Neutral draft LPG; Air Quality Positive draft LPG;

Transport and parking - London Plan; the Mayor's Transport Strategy; Sustainable Transport, Walking and Cycling draft LPG;

Equality - London Plan; the Mayor's Strategy for Equality, Diversity and Inclusion; Planning for Equality and Diversity in London SPG;

MAYORAL CIL IMPLICATIONS

The existing marquee is only used as a temporary nature, its conversion to a permanent structure would be subject to Mayoral CIL contribution to the sum of £6,300.00

STAFF COMMENTS

The main issues in this case are considered to be the impact upon the character and openness Metropolitan Green Belt, the impact upon the street scene, impact upon neighbouring occupiers and highway/parking issues. Inappropriate Development;

The application site falls within the Metropolitan Green Belt. Policy 9 of the National Planning Policy Framework (NPPF) states that local authorities should ensure 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 is by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this instance, it is considered that the marquee in connection with the proposed change of use comprises inappropriate development and some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal. Assessment;

The local plan and the London Plan Policy G2 protects Green Belt from "inappropriate development", affording the strongest possible protection to the Green Belt land in line with the requirements of the National Planning Policy Framework (NPPF), in which paragraph 137 of the NPPF (July 2021) states "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

The Havering Local Plan (2016-31) sets out the Council's ambition, vision and strategy for future growth and sustainable development within the Borough over the next 15 years up to 2031. The adopted local plan retains strong strategy for the protection of the Green Belt. The policies for the protection of the land in Green Belt, is provided across the range of policies and area specific within different chapters of the adopted plan. The Proposal Maps and various illustration within the adopted local plan delineate the extent of the green belt. However, any development within the Green Belt would primarily be subject the criteria and tests adopted by the NPPF which would form the basis of the consideration for the schemes in the Green Belt.

Paragraph 5.1.11, explains, Havering is one of London's greenest boroughs with extensive open spaces and more than half of the borough designated as Metropolitan Green Belt as identified on the Proposals Map. The spatial strategy of the Local Plan is to optimise the use of brownfield land with suitable brownfield sites being developed first meeting the demand for new homes and business growth and to provide continued protection for Havering's Green Belt and its most valuable open spaces and its ecological assets.

Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF, explains when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The paragraph states: "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".

National guidance in the form of the NPPF and the policies of the London Plan and the Havering

Local Plan all seek to protect the Green Belt within which this site lies. In respect to the NPPF of particular relevance is para 149 which states as follows: The National Planning Policy Framework (NPPF) attaches great weight to Green Belts in preventing urban sprawl by keeping land permanently open.

Paragraph 149 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 149 of the NPPF explains, a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt (subject to a number of exceptions). The present proposals entail the construction of new buildings which are inappropriate development within the meaning of paragraph 147. Since "inappropriate development" is by definition harmful to the Green Belt, these proposals must be regarded as harmful to this part of the Green Belt.

Paragraph 150 of the NPPF provides that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including (a) mineral extraction; (b) engineering operations; (c) local transport infrastructure which can demonstrate a requirement for a Green Belt location; (d) re-use of buildings provided that the buildings are of a permanent and substantial construction; (e) material change of use in the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and (f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

When the planning application was granted, it was considered 'the change of use of part of the rear garden area for wedding receptions would not adversely affect the open nature and character of the Green Belt, as the marquee would be a temporary structure. The planning

report explains 'It is Staff's view that holding a maximum of 20 weddings a year would not result in material harm to the open and spacious character of the Green Belt. Dismantling the marquee when it is not in use and the maximum number of weddings can be secured by condition if minded to grant planning permission. In addition, the marquee would largely be screened by an existing hedgerow which is approximately 3.8 metres high on the south western boundary of the site. The marquee would be largely screened by mature hedgerow planting on the eastern boundary of the site. The garden area adjacent to the marquee consists of mature landscaping planting. The marquee would be screened by the former farm buildings located to the north of the site. The temporary parking area for 25 vehicles consists of grass on terrain and would utilise the existing tarmac driveway. The car park for 7 cars and the existing driveway (adjacent to the vegetable garden area) would be shingled. Therefore, the proposal does not involve the creation of any hardstanding.' The subsequent planning permission allowed the scheme to be used up to 40 times a year, yet it was also required the building to be erected for temporary use. Hence, again it was concluded that on the basis of the temporary nature the impact upon the openness of the green belt would not be significant.

However, the retention of such a large structure on a permanent nature in the Green Belt would be considered as inappropriate development. The applicant has not confirmed that the proposed development is inappropriate. However it has been explained that the dismantling of the structure after each wedding is cumbersome and costly. The applicant has also explained the permanent retention of the marquee would not have any greater impact upon the amenities of the adjoining occupiers. However, these reasons would not justify the 'very special circumstances' necessary to outweigh the harm to the Green Belt from these proposals.

The marquee has a foot print of 252 sqm, with a height of 3.8m which is considered to amount to a considerable bulk with significant impact upon the openness of the Green Belt if retained in situ on a permanent basis

In conclusion, the scheme would cause substantial harm to the openness of the Green Belt and fails to satisfy the NPPF exceptions tests. Therefore, the proposals constitute inappropriate development. It is considered that the information submitted does not adequately establish very special circumstances that would clearly outweigh the harm the scheme would cause to the openness of the Green Belt. As it stands, the proposal does not comply with the Local Plan, the policies in the London Plan and the guidance given in the NPPF in terms of land use principles."

Impact upon Heritage Asset

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions 'should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. If it is judged that harm to the heritage asset/s would arise from the proposed development, considerable importance and weight must be attributed to that harm, in order to comply with the statutory duty.

The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

London Plan Policy HC1 states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage Asset. Policy 28 of the Local Plan, requires

that The Council recognises the significance and value of Havering's heritage assets and will ensure the development scheme would be assessed with respect to the guidance given in the NPPF and follows the London Plan policies.

Moor Hall is identified in the Council's Heritage Supplementary Planning Document as a Building of Local Heritage Interest.

Heritage assets, such as Moor Hall are valued by the community for their contribution to the history, appearance, character and cultural role of Havering and this will be taken into account when development proposals are considered. Whilst not meeting the criteria for statutory protection, the current policies sets out that when dealing with planning applications the Council will take into account the contribution that buildings of local historical and/or architectural interest make to heritage. In line with guidance set out in the NPPF, the effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application.

In determining the previously approved scheme it was considered that 'the proposal is approximately 780 metres west of Romford Road, South Ockendon. The marquee would not be visible from any public views and would not have an impact on the streetscene. The marquee would be screened by a number of barns and commercial buildings located to the north of the site. The marquee would largely be screened by mature hedgerows on the eastern and south western boundaries of the site. Mature landscaping planting within the garden area would help to screen the marquee. Consideration has also been given to the fact that the marquee would be a temporary structure for a maximum of 20 weddings per year. It is considered that the proposal would not have any harmful impact on Moor Hall and would, in fact, retain its local heritage interest, nor would it materially affect the streetscene.'

The NPPF advises that demolition and significant alteration to the locally listed building would be harmful to the significance of the heritage asset. In this case, the proposal would not result in any alteration to the locally listed building therefore, in accordance to the NPPF, there would be no harm to the locally listed building. Overall the proposal would bring no negative change to the local historic environment.

Highways impact

There is no proposal to increase the frequency of the number of weddings. The proposal would not be likely to increase the number of movements to the site significantly, hence there would be no further impact upon the highways condition.

Impact upon the amenities

The proposal would not result in any loss of daylight, sunlight or have any overbearing impact upon the quality of the residential amenities of the neighbouring properties. Policy D14 of the London Plan and Policies 7 and 34 of the local plan explain the principles development proposals should follow to manage and mitigate noise impacts in new developments. Proposals should improve and enhance the acoustic environment and promote appropriate soundscapes by separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation.

The only neighbours to be affected are those in the two cottages directly north of the application site (Nos 37 and 39 Moor Hall Cottages). In approving the previous scheme, consideration was given to whether the change of use of part of the rear garden area for a temporary marquee for wedding receptions would result in undue noise and disturbance to neighbouring

occupiers including vehicular and pedestrian movements. It was considered that the conversion of existing double garage and garden store to two no. one bedroom bungalows would not be adversely affected by the proposal, as the agent advised that they will be used to provide temporary overnight accommodation for the bride and groom, family or friends in connection with the proposed use. When not in use for wedding functions, the bungalows would be let out to provide short stay temporary accommodation.

It was considered that the proposal would not be materially harmful to residential amenity, as the marquee would be located approximately 50 metres away from the land adjacent to No. 39 Moor Hall Cottages. It was considered that the mature hedgerows on the eastern and south western boundaries of the site would help to buffer any noise.

Finally, it was considered that subject to a condition regarding a scheme of noise control with respect to limitation in amplified music, the proposal would not have a significant impact upon the amenities of the adjoining occupiers. The application does not seek consent for the change in hours or the frequency of weddings. Therefore subject to conditions, it is considered that the proposal would not result in a significant loss of amenity to neighbouring occupiers.

PRINCIPLE OF DEVELOPMENT

KEY ISSUES/CONCLUSIONS

It is considered that the proposal would not have any harmful impact on Moor Hall as a Building of Local Heritage Interest or on the streetscene, or would be would not be detrimental to neighbouring amenity or create any highway or parking issues.

However, it is considered that the retention of the marquee on a permanent basis comprises inappropriate development in the Green Belt. The Council are of the opinion that retention of the marquee as a permanent structure, rather than the temporary and removable feature it was previously, gives rise to materially different planning issues, at least in terms of Green Belt impacts, from the earlier approvals. As such, it is reasonable to consider the appropriateness of the structure within the Green Belt if to be retained as a permanent feature within the landscape. It is also considered that the very special circumstances has not been demonstrated to justify the inappropriate development proposed. It is considered that the proposal would materially harm the open and spacious character of the Green Belt, hence recommendation for refusal.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Refusal non standard

The site is within the area identified in the Local Plan as Metropolitan Green Belt. The Local Plan, as well as the London Plan and the Guidance Given in the National Planning Policy Framework emphasise that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The special circumstances which have been submitted in this case are not considered to outweigh the harm of the inappropriate development. The proposal is therefore contrary to the Local Plan (2021), London Plan (2021) and the advice given in the NPPF (2021) .

2. Refusal non standard

The proposed development would have a harmful impact on the character and appearance of the green belt by adding a permanent structure of substantial footprint and bulk, which is generally open introducing forms of development which would be detrimental to the openness. The proposed development would, by reason of its bulk and massing, result in unsympathetic development which would not preserve the open character of the area. The proposal is therefore would be contrary to the Guidance Given in Chapter 16 of the NPPF, Policies 26, 27 and 28 of the Local Plan, and the provisions of the London Plan

1 Refusal - No negotiation ENTER DETAILS

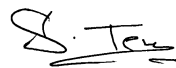
Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent on 20th October 2022.

2 Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the Mayoral CIL payable would be £6300, based on the calculation of £25.00 per square metre.

Further details with regard to CIL are available from the Council's website.

Authorising Officer: Suzanne Terry



20-10-2022