

Committee Report

Application No:	DC/18/01036/FUL
Case Officer	Joanne Munton
Date Application Valid	4 October 2018
Applicant	Moorgate Bars Ltd
Site:	Woodmans Arms Fellside Road Whickham NE16 5BB
Ward:	Whickham South And Sunnyside
Proposal:	Construction of single storey extension to provide marriage and function room facilities, internal refurbishment and external alterations to existing building (revised application) (amended 10/01/19 and additional information received 14/01/19).
Recommendation:	REFUSE
Application Type	Full Application

1.0 The Application:**1.1 DESCRIPTION OF SITE**

The application site is a large public house situated to the east of Fellside Road in Whickham. The pub has undergone extensive internal and external refurbishments and there is an outdoor seating area between the pub and the car park.

1.2 The application site is in the Green Belt and there is farmland to the north, east and south, and a golf course to the west across Fellside Road.

1.3 There are a number of mature trees on the boundary and within the site.

1.4 DESCRIPTION OF APPLICATION

The application proposes the construction of a single storey extension to the east and north of the existing building, The extension would cover 278sqm additional floor area, and would provide a function room, chill-out room and toilets, associated with the hosting of weddings and receptions at the premises.

1.5 The extension would be 22m deep and would extend beyond the easternmost side wall by 10m.

1.6 The proposal would also result in the change of use from the pub to a mixed use of pub and wedding venue (sui generis).

1.7 RELEVANT PLANNING HISTORY

DC/17/01106/FUL - Construction of single storey extension on east side, general refurbishment including roof alterations, construction of new balcony on north elevation and external landscaping - Withdrawn 14.12.2017

DC/07/01644/FUL - Erection of raised timber decked area at front of building in disused car park spaces, and installation of 2 x jumbrellas on decked area - Granted 05.12.2007

288/93 - Erection of single-storey extensions on east side of public house to provide children's playroom, and on south side to provide enlarged toilet accommodation, and recladding of parts of east and west elevation gable walls (amended 25/3/93, 31/3/93 and 19/4/93) - Granted 28.05.1993

675/87 - Layout of childrens' play area on former car park and garden areas - Granted 06.08.1987

2.0 Consultation Responses:

Coal Authority Conditions recommended

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 Letters of support have been received from Councillor Marilyn Ord and Councillor Jonathan Wallace, making the following comments:

- Benefits the local economy;
- Job creation;
- Modest extension and would enhance the overall appearance;
- Existing precedent within the immediate area;
- Supports the Council's rural development policies;
- Development needed to secure the future of the business;
- Would bring about an increase in visitors to the area, which would benefit other businesses too;
- Would not damage or degrade the Green Belt or openness of the Green Belt.

3.3 Councillor Wallace has also requested that the application be reported to Planning Committee.

3.4 Additionally, one representation has been received, neither objecting nor supporting the proposal, commenting that the enhancements to the property are welcomed but there is concern regarding noise and disturbance from amplified external entertainment, and that the development should be in keeping the the character of the area.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

CS5 Employment-Economic Growth Priorities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are the impact the proposal will have on the Green Belt, trees, amenity, highway safety and parking and ground conditions.

5.2 GREEN BELT
The application site is located in the Green Belt.

5.3 Paragraph 133 of the NPPF states:

'The Government attaches great importance to Green Belts. 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.'

Paragraph 134 of the NPPF sets out the purposes of the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

5.4 Policy CS19 of the CSUCP reflects the above.

5.5 Firstly, in terms of the proposed change of use (separate to the proposed extension), paragraph 146 of the NPPF states that material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed change of use to mixed use of pub and wedding venue would fall within the above exception.

5.6 However, in terms of the proposed extension, paragraph 145 of the NPPF states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt' and continues to set out exceptions to this, including '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'

5.7 From historic records the footprint of the original building is 395.69sqm. The building has previously been extended and the current proposal would result in an overall building footprint of 1168.9sqm. As such, it is considered that the proposal would not fall within the above exception, or any of the other exceptions identified in paragraphs 145 or 146 of the NPPF. Therefore, the proposal would be inappropriate development in the Green Belt.

5.8 Paragraphs 143 and 144 of the NPPF state that:

'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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.'

5.9 The planning statement submitted with the application proposes very special circumstances, namely:

- Supporting the rural economy, allowing the business to diversify further and secure its long term future, maintain and create employment, support nearby businesses by bringing more visitors to the area;

- Sustaining the existing bus service and improving the accessibility of the site;

- Sustaining a community hub.

- 5.10 Policy CS5 of the CSUCP encourages development of a diverse economy with accessible employment and increasing the number of businesses and jobs, achieved by (amongst other points) diversifying and expanding the rural economy by supporting local businesses and growth in leisure, culture and tourism. The creation of jobs at the premises, and the potential benefits to the local economy and success of the business through the development are recognised and afforded some weight.
- 5.11 In terms of harm to the Green Belt, this is through the inappropriateness of the development and the impact on the openness of the Green Belt caused by the additional bulk of the proposed extension. The proposal would be contrary to the purpose of the Green Belt, particularly assisting in safeguarding the countryside from encroachment.
- 5.12 The planning statement confirms that the applicant has achieved some diversification at the site already, as the premises are used by community groups. It is considered the creation of a wedding venue and potential subsequent increase in trade for other businesses in the area could be duplicated/occur outside of the Green Belt, and there is no reason proposed in the application as to why the development would need to take place in this location in the Green Belt rather than land outside of the Green Belt.
- 5.13 No information has been submitted with the application to clearly demonstrate that without the proposed development in the Green Belt the business would not be able to continue, and accessibility/car parking layout at the site could also be improved separate to the proposed extension.
- 5.14 Weighing up the benefits of the proposal against the harm to the Green Belt and its openness, it is considered that very special circumstances, that would clearly outweigh this harm, have not been submitted with the application, and based on the information currently available, officers are of the view that no such circumstances exist.
- 5.15 Therefore, the proposal would remain inappropriate development in the Green Belt and contrary to the aims and requirements of policy CS19 of the CSUCP and the NPPF.
- 5.16 PRINCIPLE OF CHANGE OF USE
The proposal would result in the change of use from the pub to a mixed use of pub and wedding venue (sui generis). As above, policy CS5 of the CSUCP encourages development of a diverse economy with accessible employment and increasing the number of businesses and jobs, achieved by (amongst other points) diversifying and expanding the rural economy by supporting local businesses and growth in leisure, culture and tourism.
- 5.17 The pub use is existing and whilst the proposed wedding venue use would be outside of a retail centre, the proposal would allow the business to diversify and would support the existing business and growth in leisure uses in the area.

- 5.18 It is considered that the proposal would be acceptable in principle in terms of the proposed change of use, and would comply with the aims and requirements of policy CS5 of the CSUCP.
- 5.19 **HIGHWAY SAFETY AND PARKING**
The planning statement submitted with the application states that the proposed extension to be used as a wedding reception room would have capacity for a maximum of 80 guests. Given the proposal would result in the increase in visits to the site, the applicant has provided car park survey data, and it is considered that the proposed amendments to the car park would provide adequate parking spaces to accommodate the existing use and the proposed increase in visitors/floorspace. A condition to secure the proposed maximum number of guests could be imposed if the application was recommended to be granted.
- 5.20 Additionally, it is the use as a wedding venue would likely result in an increase in coaches/larger vehicles accessing and turning within the site. This is considered acceptable and appropriate measures to keep a coach turning area clear could be secured through a condition if the application was recommended to be granted.
- 5.21 Further, the applicant has submitted details of the visibility splay at the existing access. Whilst the proposal would result in an increase in visits to the site, the number attending the wedding venue could be restricted by a condition, and the speed limit of this part of Fellside Road is currently being reduced from 50mph to 40mph.
- 5.22 Appropriate staff cycle parking provision could also be secured through a condition if the application was recommended to be granted.
- 5.23 Given the above, subject to conditions, the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.24 **TREES**
There are a number of mature trees on the boundary and within the application site. The applicant has submitted additional information in terms of the impact the proposed development and associated car parking arrangements would have on trees.
- 5.25 The size and location of the proposed extension and the proposed amendments to the existing car park to adequately accommodate the increase in visitors would result in a number of trees needing to be removed. The impact assessment identifies six high quality trees, ten moderate quality trees and nine low quality trees would be removed to allow for the proposed development.
- 5.26 Policy CS18 of the CSUCP requires that a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife will

be achieved by protection, enhancement and management of trees, woodland and hedgerows.

- 5.27 Additionally, saved policy ENV44 requires that works that will damage or lead to the loss of trees which contribute to the amenity of an area will not normally be permitted.
- 5.28 Whilst the trees propose to be removed contribute to the rural character and amenity of the area, there would be scope to plant replacements that would provide beneficial age and species diversity to the site. Therefore, it is considered that the loss of the identified trees as a result of the proposed extension and amendments to the existing car park would not have an unacceptable impact on green infrastructure and the contribution to amenity of the area.
- 5.29 Details of a replacement landscaping scheme and compliance with appropriate methods and tree protection during works could be secured by conditions if the application was recommended to be granted.
- 5.30 Subject to conditions, the proposal would comply with the aims and requirements of saved policy ENV44 of the UDP and policy CS18 of the CSUCP.
- 5.31 VISUAL AMENITY
The existing building would be between Fellside Road and the proposed extension, and it is considered that the design of the extension would be in keeping with the existing property. The imposition of conditions could secure the use of appropriate materials for the extension if the application was recommended to be granted.
- 5.32 The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.33 RESIDENTIAL AMENITY
The proposed extension would be approximately 113m from the nearest residential property, North Cottage, on the opposite side of Fellside Road. The building and use as a pub, with the potential to hold functions, is existing and it is considered that the proposed additional floor space would not have an unacceptable impact on residential neighbours in terms of additional noise/disturbance, loss of light, loss of privacy, loss of outlook or overbearing impact.
- 5.34 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.35 GROUND CONDITIONS
The site is within a high risk area as defined by the Coal Authority. The applicant has submitted a Coal Mining Risk Assessment and the Coal Authority agree with the recommendations of the report, and conditions could

be imposed to ensure appropriate site investigations and remediation were carried out, if the application was recommended to be granted.

5.36 Subject to conditions, the proposal would comply with the aims and requirements of saved policy DC1(p) of the UDP and policy CS14 of the CSUCP.

5.37 **COMMUNITY INFRASTRUCTURE LEVY**

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development not CIL chargeable development. As such no CIL charge is liable.

6.0 CONCLUSION

6.1 It is considered that issues relating to trees, visual amenity, residential amenity, highway safety and parking, and ground conditions could be addressed by conditions.

6.2 However, the proposal would not fall within any of the exceptions to inappropriate development in the Green Belt and no very special circumstances exist that would clearly outweigh the potential harm to the Green Belt by reason of this inappropriateness and the identified harm to the openness of the Green Belt. Therefore, the proposal remains inappropriate development within the Green Belt and is contrary to policy CS19 of the CSUCP and the NPPF.

6.3 Therefore, it is recommended that the application be refused.

7.0 Recommendation:

That permission be REFUSED for the following reason:

1

The proposal would be inappropriate development in the Green Belt and no very special circumstances exist that would clearly outweigh this harm to the Green Belt and the harm to the openness of the Green Belt. Therefore, the proposal is contrary to the aims and requirements of policy CS19 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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