

Committee Report

Application No:	DC/19/00414/FUL
Case Officer	Josh Woollard
Date Application Valid	30 April 2019
Applicant	Mrs Lorraine Richardson
Site:	Pack Horse Inn Lead Road Greenside Ryton NE40 4BS
Ward:	Crawcrook And Greenside
Proposal:	Change of use from Public house (A4 Use) to Childcare Day Care (D1 Use) including creation of designated off-street parking bays
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

1.2 The Pack Horse Inn is a public house located in Greenside. The public house is a two-storey property constructed from stone with a slate roof and white timber and UPVC fenestration. There is an existing single storey front extension which faces onto Lead Road. To the rear sits a two-storey extension finished in an orange render and a single storey extension.

1.3 There is no designated off-street parking on site.

1.4 The property is mid-terrace with residential properties to the east and west along with a ground floor hairdressing salon. To the north lies terraced residential properties. To the south, Lead Road runs west to east and beyond lies a newsagent and an area of designated open space.

1.5 The Pack Horse Inn public house ceased trading in May 2019.

1.6 DESCRIPTION OF THE APPLICATION

1.7 This application seeks planning permission for the change of use from drinking establishment (Use Class A4) to children's day care (Use Class D1).

1.8 Externally, the application proposes the demolition of a section of wall and fence to the rear (north) of the site to provide 3 designated off-street parking bays which would have access onto Buddle Gardens, and to change the front door.

1.9 The applicant has submitted the following information in support of the application:

- Location Plan
- Existing and Proposed Site Plan
- Details of numbers of children, staff, and staggered pick-up/drop-off times
- Images of the back street
- Barrelage
- Customer numbers
- CCTV images
- Trust Inns historic volumes of sale
- Trust Inns letter outlining recent history of the pub

2.0 Consultation Responses:

2.1 None received

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 70 representations have been received.

3.3 42 letters of objection were received. The objections are summarized as follows:

- Increased parking
- Interfere with parking for Greenside Primary School
- Loss of community pub
- No demand for childcare
- Loss of history
- The site isn't suitable for a nursery. It is a multi-level property and the outdoor facilities are not appropriate
- Removing the rear wall and fence would affect parking and be 'aesthetically gruesome'
- Additional noise in the early morning
- Current method of transport for staff is not relevant
- Increased competition and negative impact on funding for state-run schools
- Demographic of current children using the nursery is not relevant
- Flexible pick-up and drop-off times will cause parking issues
- Community not provided the option to buy the property
- Inappropriate in a residential area
- Poor management has reduced customer numbers
- There is demand for a community-led pub

3.4 28 letters of support were received. These are summarized as follows:

- Childcare is a brilliant community asset
- The pub is running at a financial loss
- Nursery enables more people to be able to work
- Flexible childcare helps families
- Rejuvenate failing pub
- Shortage of childcare families in local and surrounding villages and increased supply of new homes around Greenside
- Existing nursery is professional

3.5 A petition with 304 signatories has also been received. The petition states the following:

We, the undersigned, object to the planning application number DC/19/00414/FUL on the following grounds:

1) There are individuals and groups who would like to buy and run the pub as a profitable community pub and there is a real need and demand for this in the village.

2) The pub is a strong historical hub of the village with hundreds of years of important history.

3) The location is not suitable for the number of vehicles that will need access and is likely to cause serious traffic and parking issues.

4) Having another nursery in the village will mean they are in direct competition with the school nursery and in turn may take funding away from the school.

3.6 In addition, Councillor Helen Haran has objected to the application on the following grounds:

- The pub has been on the site for over 200 years and has a long history linked with the former pit
- The location of the pub is on a very difficult junction where we have raised concerns for many years about visibility and safety of pedestrians. The introduction of three parking spaces will (1) make the situation worse; (2) these spaces are going to be very difficult to access; and (3) three spaces would not be enough for this site.
- Impact on nesting birds
- The Councillor has also requested that, due to the fact the pub was offered for sale by the brewery without the opportunity for anyone to buy the pub, full consideration be given to the Asset of Community Value application which is currently outstanding

3.7 3 requests to speak have also been received including one from Councillor Helen Haran who wishes to speak against the application.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place-Making

DC2 Residential Amenity

ENV3 Character and Design

5.0 Assessment of the Proposal:

5.1 PRINCIPLE OF THE DEVELOPMENT

Section 38 of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise

5.2 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The achievement of sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. There is an economic objective to help build a strong, responsive and competitive economy, a social objective to support strong, vibrant and healthy communities, and an environmental objective to contribute to protecting and enhancing our natural, built and historic environment.

5.3 At the heart of the NPPF is a presumption in favour of sustainable development.

5.4 Paragraph 92 of the NPPF states that to provide social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- b) Take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs
- d) Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community

5.5 Policy CS7 of the CSUCP states that the vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Outside the retail hierarchy local community facilities and small shopping parades, including single shops, will be retained where they provide an important service to the local community and remain viable

5.6 Given the above, it is important to, first, establish whether the Pack Horse Inn is a valued facility and whether it provides an important service to the community and remains viable. Secondly, it is necessary to establish whether the permanent loss of the public house would reduce the community's ability to meet its daily needs. Finally, it is necessary to establish the acceptability of the proposed use in this location.

5.7 Is the Pack Horse Inn a valued local facility?

5.8 Historic England define value as "an aspect of worth or importance, here attached by people to qualities of places".

5.9 It has been demonstrated that there is a large strength of feeling among former patrons of the pub and sections of the local community, expressed through numerous individual representations and a petition with a large number of signatories. Many of the representations highlight the important role the Pack Horse Inn has played in providing a place for the community to meet and further its social well-being for over 200 years.

5.10 In recognition of the above, the Pack Horse Inn has been listed as an Asset of Community Value and included on the Council's register.

5.11 Section 88(1) of the Localism Act 2011 states that:

For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

- (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
- (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building

or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

- 5.12 It is considered that the submission of an application, on behalf of the Friends of the Pack Horse, Greenside community group, to register the Pack Horse Inn as an ACV does provide a tangible demonstration that a section of the local community considers that, through recreation, the pub furthered the social wellbeing or social interests of the local community.
- 5.13 The Pack Horse Inn has now been listed on the Council's List of Assets of Community Value and will remain on the list for 5 years. It is considered that this demonstrates that the Council considers that there was a time in the recent past when an actual use of the building that was not an ancillary use furthered the social wellbeing or interests of the local community. It also demonstrates that the Council is satisfied that it is realistic that there will be a time in the next five years when there could be a non-ancillary use of the building that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- 5.14 The primary purpose of ACV listing is to afford the community an opportunity to purchase the property. Its purpose is not to prevent otherwise acceptable development. The provisions do not place any restriction on what an owner can do with their property, once listed, as long as it remains in their ownership. It is for the local planning authority to consider whether its status as an ACV is a material planning consideration and the weight to be afforded to it. Accordingly, whilst some weight can be afforded to its status, it is not considered to be determinative (APP/Y5420/W/14/3001921).
- 5.15 Is the Pack Horse Inn viable and does it provide an important service to the local community?
- 5.16 The applicant has submitted a variety of documents to attempt to demonstrate that the Pack Horse Inn is no longer a viable business.
- 5.17 In addition, Trust Inns, the previous owners of the Pack Horse Inn, have provided an overview of the recent history of the pub.

“Since 2011, the pub has had six tenants on 1-year agreements and 2 who occupied under Tenancy at Will. Of these 8 tenants in total, only 2 lasted more than 12 months, and most only a few months. Over the same period the rental income dropped from £14,500 pa...to £2600 from May 15 up to the time of completion. This equates to only £50 per week”

“The volume of beer barrels going through the property during the same period (purchased through out nominated supplier) fell from 166 composite 36-gallon barrels in year 2010/11 to 49 composite barrels for the 12 months up to the completion date (2018/19)”

- 5.18 The barrelage, quoted above by Trust Inns, tallies with information submitted by the applicant detailing the barrelage over the period 1997/98 to 2018/19. From the graph submitted, there has been a steady decline from 1999/00 with numbers dropping from 311 to 49 barrels pa.
- 5.19 It is clear from the number of representations received that a large number of people would lament the closing of the Pack Horse as it has provided an opportunity to meet and socialise for a number of years. However, the pub is not universally valued. This is indicated by the number of support letters received for the proposed development and the dwindling customers and sales figures over the past 19 years.
- 5.20 Whilst the Friends of the Pack Horse have stated that they have completed CAMRA's Viability Test to demonstrate that the pub could be viable, no evidence has been submitted in this regard.
- 5.21 It is acknowledged that the pub would have generated some economic benefits, through employment for example. However, from the information submitted by the applicant it is clear that the significance of these benefits would have deteriorated over the years as the number of customers gradually reduced. As such, only limited weight can be afforded to this.
- 5.22 Given the above, it is not considered that the proposal would result in the loss of a valued local facility that provides an important service to the local community and remains viable, in accordance with policy CS7 of the CSUCP.
- 5.23 Viability of Local Services and Facilities
- 5.24 There are a number of pubs within Greenside including The White Swan, Greenside Social Club (both located off Lead Road), The Fox and Hounds, and Greenside Cricket Club which can provide a similar service to the Pack Horse Inn.
- 5.25 Whilst a large number of representations have been received which object to the loss of the pub, these representations do not equate to feet through the door. The physical decline in barrelage and rental income that was drawn from the premises demonstrates that the demand for the service which the Pack Horse Inn provides within the community is waning.
- 5.26 As such, it is considered that the proposed change of use would not be detrimental to the wider community and would not result in the community being unable to meet its day-to-day needs as there are other alternative venues which could provide a similar service. The proposed scheme would therefore accord with paragraph 92 of the NPPF in this respect.
- 5.27 Proposed Children's Day Care Use
- 5.28 Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The

application site is not located within a District or Local Centre and a children's day care is not included within the definition of main town centres uses located within the Annex of the NPPF. It is therefore considered that the principle of the use in this location is acceptable subject to all other material planning considerations being satisfied.

5.29 As previously highlighted, the Pack Horse Inn public house ceased trading in May 2019. The proposed use would therefore bring back into use a property which is currently vacant. This is considered to be a benefit and moderate weight has been attached to this.

5.30 Whilst objections to the proposed development state that there is no demand for childcare within Greenside, representations supporting the application contradict this by stating there is a need for more childcare facilities. No information has been submitted to substantiate either claim.

5.31 The proposed change of use would allow the relocation of an existing business. It is considered, therefore, that there would be demand for the services provided which in turn would increase footfall through the area, boosting the vitality and vibrancy of the village.

5.32 **Conclusion**

5.33 Whilst sections of the local community certainly value the pub, it is considered that its role within the local community has diminished over the years to the point that it is no longer viable to run as a public house. Any harm resulting from the loss of the facility is not considered to warrant refusal of the application as the community has other facilities which can fulfil a similar role as the Pack Horse Inn.

5.34 Taking into account the benefits that would stem from the proposed nursery, it is considered that the social wellbeing of the community would be maintained, albeit in a different way. Whilst it is argued that there would be a loss of historic value as a result of the change of use, the development would help revitalise the premises and add vibrancy to the area. It is therefore considered that the scheme would be acceptable and would accord with the NPPF and policy CS7 of the CSUCP.

5.35 VISUAL AMENITY

A number of objectors have expressed their concerns regarding works which have taken place prior to determining this planning application, the loss of history as a result of the proposed development, and the impact on nesting birds/roosting bats within the timber structures to the rear.

5.36 Officers understand the extent of the works to be the removal of the sign to the front of the pub and removing the interior bar. The removal of these features would not require planning permission and have been undertaken at the risk of the applicant.

- 5.37 Externally, the application seeks planning permission for changing the front door, the removal of a section of fence and wall to the rear of the site, and the creation of 3 parking bays. No buildings would be affected by the works and it is therefore not considered necessary for any bat/bird surveys to be undertaken and submitted to support the application. In addition, it is considered that the external historic fabric would be preserved.
- 5.38 Given the above, the proposed works are considered to be acceptable and would comply with the NPPF, policy CS15 of the CSUCP, and Saved policy ENV3 of the UDP.
- 5.39 RESIDENTIAL AMENITY
Policy CS14 of the CSUCP states that the wellbeing and health of communities will be maintained and improved by:
1. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
 - I. Creating an inclusive built and natural environment
 - II. Promoting and facilitating active and healthy lifestyles
 - III. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality
 - IV. Providing good access for all to health and social care facilities
- 5.40 Whilst the proposed use would have earlier opening hours in comparison to the existing use, it would also close earlier. As such, whilst objections have been received raising concerns with regard to increased noise disturbance, it is considered that the earlier closing hours would be more compatible given the residential character of the area. Patrons of the existing pub would have the opportunity to leave significantly later than is proposed. It is recommended that, in the interest of ensuring no unacceptable impact on residential amenity, a condition be attached restricting the opening hours of the day care centre (condition 6).
- 5.41 The application is to provide premises for an existing business with an existing customer base. There would be a limit on the number of customers using the day care centre whereas there is no limit on the number of patrons which could make use of the pub. As such, it is considered that, comparatively, any disturbance resulting from the proposed use and the number of customers using the service would be less than the current use of the site.
- 5.42 Given the above and the existing use of the site, it is considered that the proposed change of use would not have an unacceptable impact on the residential amenity of any neighbouring properties over and above that which would result from a pub. It is therefore considered that the proposed development would be acceptable and would be compliant with the NPPF, policy CS14 of the CSUCP, and Saved policy DC2 of the UDP.
- 5.43 HIGHWAY SAFETY

Paragraph 109 of the NPPF 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.

5.44 Traffic Generation

5.45 The application proposes the change of use from pub to day care centre providing childcare for 22 children. It is recommended that a condition be attached limiting the number of children using the facility (condition 9-10).

5.46 The applicant has submitted information detailing the flexible childcare provision which would be offered for approximately 22 children. This involves staggered pick-up and drop-off times. Given this, some trips to and from the centre would take place outside of peak morning and evening hours. Whilst the proposed use would generate more traffic at peak morning hours, it is not considered that this would have a severe impact on the road network.

5.47 Parking Provision

5.48 The application proposes the creation of 3 x designated off-street parking bays to the rear of the site. Council officers are of the opinion that a maximum of 2 x parking bays could be accommodated safely to the rear of the site. It is recommended that a condition be attached securing a revised layout (condition 7-8)

5.49 A number of objectors have highlighted the loss of two informal on-street parking spaces as a result of creating a new access to the rear of the site. However, the creation of designated off-street parking bays is considered to offset any harm resulting from this loss.

5.50 On conducting surveys on site over a number of days, there is a significant amount of unrestricted on-street parking within the local area, including immediately outside the application site to the north and south. This would be retained, and it is considered that this could accommodate for the predicted car movements associated with the proposed use.

5.51 Objectors have also raised concerns regarding the approval of one new dwellinghouse (DC/17/00519/FUL) at land to the rear of the application site. The approved development has its own designated parking and it is not considered that the proposed development would impact upon this.

5.52 Cycle Parking

5.53 The application site benefits from a large, private, external amenity space to the rear. In the absence of 3m x 7m garages, alternative secure and weatherproof cycle parking for the nursery should be confirmed. It is therefore recommended that further details of the proposed cycle parking are submitted to the Local Planning Authority for consideration prior to first use of the day care centre. This can be secured via condition (condition 4-5).

5.54 Given the above assessment, it is considered that the proposed development would not have an unacceptable impact on highway safety, nor would it have a severe impact on the surrounding road network. The proposed development is considered to be compliant with the NPPF and policy CS13 of the CSUCP.

5.55 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This proposal has been assessed against the Council's CIL charging schedule and the development is not chargeable.

5.56 OTHER MATTERS

Objectors have raised the following concerns regarding the proposed development:

- The pub should be locally listed
- Increased competition would affect existing nurseries
- There are too many nursery places and there no demand for nursery places within Greenside
- The pub has been poorly managed in order to demonstrate it isn't viable
- The premises and outdoor facilities are not suitable children

5.57 Whether the building is of sufficient interest to be classed as a 'non-designated heritage asset' in its own right is not a decision to be made in the context of a planning application but should ideally form part of a consistently judged locally listing exercise (APP/T5150/A/14/2219081).

5.58 It has been long established that the prevention of competition between nearby competitors is not a legitimate planning objective (APP/J3015/W/15/3133491) whilst no evidence has been submitted to demonstrate that there is an oversupply of nursery places within Greenside.

5.59 The way the pub has been managed by the current tenant is not a material planning consideration. The information provided by the applicant provides records of the pub's performance over the past 19/20 years which covers numerous tenants.

5.60 It is considered that the application site is suitable for a nursery. The evaluation of the facilities is a matter covered by other regulatory bodies e.g. Ofsted.

5.61 CONCLUSION

Returning to paragraph 8 of the NPPF and the presumption in favour of sustainable development, whilst there are social benefits associated with the Pack Horse Inn as a public house, these no longer exist to the same degree as the pub. The provision of additional childcare facilities in the area would provide social benefits for the children in attendance, would provide economic benefits through the creation of additional jobs in the local area and providing opportunities to allow parents to work, and would provide environmental benefits through the preservation of much of the external historic fabric of the pub.

5.62 Taking into account the above and all other material planning considerations, it is considered that the benefits of the proposed change of use would outweigh the harm resulting from the loss of an under-used and unviable community facility. The proposed development is therefore considered to comply with the relevant national and local planning policies.

Recommendation:

6.1 That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Ground Floor Plan

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on the submitted Application Form.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

Prior to first use of the day care centre, final details of the secure and weatherproof cycle storage shall be submitted for consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

5

The details approved under condition 4 shall be implemented wholly in accordance with the approved details prior to first use of the day care centre and retained for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

6

The opening hours of the premises shall be restricted to between 07:00 and 20:00 on any day unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan.

7

Notwithstanding the submitted plans, prior to first use of the day care centre, a revised layout for the parking area to the rear of the site shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

8

The parking details approved in Condition 7 shall be implemented in full prior to first use of the day care centre hereby approved.

Reason

In the interests of highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

9

Before the pupil roll exceeds 25, details of the intended staff and pupil numbers along with details of proportionate measures to ensure the transportation impacts and safety of these additional staff and pupils can

be accommodated at the site, shall be submitted for the written approval of the Local Planning Authority.

Reason

In the interests of the provision of adequate highway arrangements and in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

The physical provision, mitigation and/or management measures approved under condition 9 shall be implemented prior to the pupil roll exceeding 25.

Reason

In the interests of the provision of adequate highway arrangements and in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

