

**Committee Report**

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| <b>Application No:</b>        | <b>DC/22/00051/COU</b>  |
| <b>Case Officer</b>           | <b>Rebecca Norman</b>   |
| <b>Date Application Valid</b> | <b>27 January 2022</b>  |
| <b>Applicant</b>              | <b>Mr. David Whitehead</b>  |
| <b>Site:</b>                  | <b>Woodmans Arms<br/>Fellside Road<br/>Whickham<br/>NE16 5BB</b>  |
| <b>Ward:</b>                  | <b>Whickham South And Sunnyside</b>   |
| <b>Proposal:</b>              | <b>Change of use from public house with ancillary first floor accommodation (sui generis) to mixed use public house with ancillary hotel accommodation providing 5no. bedrooms (sui generis) with associated internal alterations (amended description 04.05.2022, 27.06.2022) (amended plans 04.05.2022, 16.05.2022, 20.05.2022, 16.06.2022)</b> |
| <b>Recommendation:</b>        | <b>GRANT</b>  |
| <b>Application Type</b>       | <b>Change of Use</b>  |

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

The application relates to the Woodmans Arms Public House, which is situated east of Fellside Road, Whickham.

1.2 The site is situated in the Green Belt around 800m south of Whickham and is surrounded by agricultural land with a golf course beyond to the west. There are also a small number of residential properties to the south/south west of the site along Fellside Road.

1.3 The pub is situated to the northern side of the site with a large car park to the south and an outdoor seating area between the two. The pub has undergone extensive internal and external refurbishments including the addition of a wedding/function room to the eastern side of the site approved under application DC/18/01036/FUL.

**1.4 DESCRIPTION OF APPLICATION**

Planning permission is sought for the change of use from a public house with ancillary first floor accommodation (sui generis) to a mixed use public house and hotel accommodation (sui generis) alongside associated internal alterations to provide 5no. hotel rooms for use ancillary to the Woodmans Arms Public House.

1.5 As originally submitted the proposed development was described as a change of use from a C3 dwellinghouse to a C1 hotel (5no. bedrooms) ancillary to the Woodmans Arms including internal

alterations. The application description has been updated to reflect the functionality of the site as a single planning unit and the location plan has been amended to include the entire site within the red line boundary. The description has been further updated to clarify the extent and nature of development proposed. A Planning Statement has also been submitted and updated during the application.

## 1.6 RELEVANT PLANNING HISTORY

DC/20/01126/FUL - VARIATION OF CONDITIONS 1 (approved plans) and 3 (materials) of application DC/18/01036/FUL (Construction of single storey extension to provide marriage and function room facilities, internal refurbishment and external alterations to existing building (AMENDED PLANS received 01/02/21 which remove the external seating area and amended 13/07/21). Planning permission granted 13.07.2022.

18/01036/DOC1 - Discharge of condition 11 (Coal mining SI report) of planning approval DC/18/01036/FUL. Approved 17.07.2020.

DC/18/01036/FUL - 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). Planning permission granted 08.04.2019.

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. Planning permission 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). Planning permission granted 28.05.1993.

675/87 - Layout of Childrens' play area on former car park and garden areas. Planning permission granted 06.08.1987.

## 2.0 Consultation Responses:

Northumbria Police          No objections

## 3.0 Representations:

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

3.2 An objection has been received from Councillor M Ord and Councillor Wallace which can be summarised as follows:

- The level of noise and music from the Woodmans Arms is causing nuisance to nearby homes. Whilst some noise is to be expected, residents have experienced a number of incidents resulting in visits by Officers
- The proposed hotel development could add to sound levels
- We do not wish to block legitimate development of the Woodmans Arms however the application should not be allowed until noise is controlled to the satisfaction of nearby residents

3.3 Letters of objection have been received from 7no. individuals (from 4no. households) together with a single objection on behalf of all the individuals which raise the following matters:

- Approving the application would result in further Statutory Public Noise Nuisances, contrary to the Environmental Protection Act 1990, and would substantially affect sleep, be prejudicial to health and be contrary to the Human Rights Act 1998 Article 1
- Approving the application would result in unpreventable and unmitigable noise nuisances from customers and music beyond 00:30am which would affect sleep and therefore health
- The creation of party hotel accommodation would extend and exacerbate the impact from existing noise nuisance sources
- There are other outstanding planning and enforcement matters on the site

3.4 Further periods of neighbour notification were undertaken following changes to the description and red line boundary and submission of a revised Planning Statement. 1no. letter of objection has been received in addition to 2no. joint objections from the 7no. individuals (from 4no. households) which raise the following additional matters:

- There are multiple legislative and policy reasons why the application should be refused
- The proposed development is not sustainable, the economic benefit is only to the owner and is not in the wider public interest and the benefit is outweighed by the social and environmental impacts on local residents
- It is unlikely that the hotel is essential for the continuance of the business
- The job numbers quoted in the application are higher than previously quoted, do not appear to be credible or economic and are likely to have been inflated
- There are existing hotels nearby, the proximity of which narrows justification for the application
- The 'semi-derelict' state of the existing flat is not material to the application

- Not enough is being done to discourage noise pollution
- Overnight visits to nearby properties will be routinely disturbed
- Concerns over cumulative noise impacts
- Noise nuisances and anti-social behaviour will arise and will affect the health, sleep and life quality of nearby residents
- The proposed measures stated in the Management Plan are unlikely to be enforceable and will not meet the 6 tests of planning conditions; there will be enforcement delays and residents will suffer
- The Management Plan is incoherent with previous advice regarding noise after 22:00pm
- The Management Plan will regularly fail
- It would be a leap of faith for the LPA to believe that the Management Plan would be any more successful than the existing Licensed Premises Noise Management Plan
- It would be unreasonable and unjust for the LPA to disregard precedent when assessing the likelihood of a further detrimental impact upon neighbouring residential homes from the proposed Hotel
- People are fallible, particularly young, inexperienced staff. Drunken behaviour is irrational and uncontrollable. Noise nuisance and antisocial behaviour will arise.
- The development will result in further damage to the health and quality of life of residents and result in sleep loss, stress and anxiety and noise nuisance will occur after 00:30am
- The creation of a hotel business would be incongruous with the residential area
- The application is not sympathetic to the surrounding built environment
- The application would be detrimental to amenity as it would cause a fear of anti-social behaviour and crime which would undermine quality of life and resilience
- Increase in noise pollution
- Where is the Night Porter's accommodation and what is their role?
- What would happen if the management changes?
- It is unclear why a Noise impact Assessment was not required
- Neighbours have no confidence that the LPA can set and enforce conditions. The LPA has an Enforcement backlog, which means that residents will suffer if there are complaints
- An alternative scheme for a single bridal suite plus family dressing area should be considered
- The intention of the venue to operate as a general hotel rather than for wedding guests is not described in the application and would increase occupancy and disturbance

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS5 Employment-Economic Growth Priorities

CS7 Retail and Centres

CS8 Leisure, Culture and Tourism

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS19 Green Belt

MSGP7 Retail and Leisure Impact Assessment

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

## **5.0 Assessment of the Proposal:**

5.1 The key matters to be taken into consideration in the assessment of this application are the principle of the development, Green Belt, visual amenity, residential amenity, highway safety and parking, CIL and any other matters.

### **5.2 THE PRINCIPLE OF THE DEVELOPMENT**

#### **5.3 Leisure and Tourism**

Paragraph 84 of the National Planning Policy Framework (NPPF) seeks to support a prosperous rural economy by enabling the sustainable growth and expansion of all types of businesses in rural areas and enabling sustainable rural tourism and leisure developments which respect the character of the countryside.

5.4 NPPF Paragraphs 87-88 state that Local Planning Authorities (LPAs) should apply a sequential test to main town centres uses which are not in an existing centre. NPPF Paragraph 89 however states that this sequential approach should not be applied to applications for small scale rural development; this is consistent with the aims and

objectives of Local Plan policy CS7. The development also falls below the threshold under which a leisure impact assessment is required in accordance with the NPPF and Local Plan policies CS7 and MSGP7.

- 5.5 Local Plan policy CS5(6) seeks to support the diversification and expansion of the rural economy by supporting growth in leisure, culture and tourism in rural areas. Local Plan policy CS8 also seeks to encourage development which improves the range and quality of leisure and tourism facilities by supporting visitor attraction and accommodation in rural areas which are in accessible locations and do not undermine the character of the area.
- 5.6 The application site is a large, established Public House premises with a wedding/function room facility. The application is seeking planning permission for the conversion of existing accommodation above the pub to create 5no. en-suite hotel rooms that would be ancillary to the pub. The application states that the development would enhance their current business model by introducing a new element to wedding packages which would allow guests to stay on site and create a 'one stop shop' wedding facility; the application also indicates that the hotel rooms would be available for use for overnight guests not specifically in connection with wedding events.
- 5.7 It is considered that the development, which proposes the expansion of the pub's existing business offer to include a small number of hotel rooms, would accord in principle with the NPPF and policies CS5(6) and CS8 of the Local Plan for Gateshead. It is further considered that the principle of the proposed development would respect and not be unsympathetic to the character of the area when having regard to the nature of the application site as a large and established public house and wedding venue together with the scale of the proposed development, alongside the presence of nearby small-scale guest accommodation at East Byermoor Guest House, approximately 400m south of the site.
- 5.8 Letters of objection received have stated that the proposed hotel accommodation would be detrimental to existing facilities including East Byermoor Guest House and hotels in Whickham and the MetroCentre and that this proximity narrows justification for the development. Having regard to the support given by both national and local planning policy to rural tourism and development which improves the range of leisure facilities it is considered that the existence of other accommodation does not affect the acceptability in principle of the proposed development or prevent the submission and consideration of this application; furthermore, business competition is not a material planning consideration.
- 5.9 The submitted Planning Statement states that the development would allow the Woodmans Arms to employ an additional 3no. full time and 3/4no. part-time staff and secure the jobs of 3no. Wedding Planners.

The objections received have suggested that the number of additional jobs proposed to be created by the application are unlikely to be credible or economic and appear to have been inflated. Officers however consider the proposed development to be acceptable in principle in leisure and tourism terms, and whilst the provision of jobs is encouraged, were a lesser number of jobs to result from the scheme it is considered that this would not render the development unacceptable in principle.

- 5.10 Housing Policy  
Local Plan policy CS9(4) seeks to ensure that existing communities are sustainable places of quality and choice by preventing the loss of family homes, through sub-division, change of use or redevelopment.
- 5.11 Paragraph 10.10 of the Local Plan for Gateshead (CSUCP) states that *"the Plan aims to retain and attract families to support economic growth. To achieve this, we need to ensure we prevent the loss of existing family homes which are attractive and popular. Therefore we will seek to resist conversions, sub-divisions, demolition and change of use proposals, where they would result in the loss of a family home"*.
- 5.12 Whilst the aims of Local Plan policy CS9(4) are noted, given that the living accommodation is integral to the public house (as demonstrated by red line boundary for the application) Officers do not consider this to be a 'family home' that is part of the general housing stock in the Borough and therefore its conversion to hotel accommodation would not be contrary to this policy CS9. Furthermore, policy CS9(4) does not mandate that all family homes are to be retained, rather their loss is to be prevented as a way of retaining and attracting families. It is considered that the conversion of the existing living accommodation would not be contrary to this overall aim, given the nature of the site.
- 5.13 It is therefore considered that the proposed development would be acceptable in housing policy terms and would not prejudice the aims and objectives of the NPPF or Local Plan policy CS9.
- 5.14 GREEN BELT  
The application site is located within the Green Belt.
- 5.15 NPPF paragraphs 147 - 148 state that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"* and require LPAs to attach substantial weight to any harm to the Green Belt when considering planning applications.
- 5.16 NPPF paragraph 149 states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt however sets out specific 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;*

- 5.17 NPPF paragraph 150 also states that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it, including:

*d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*

*e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*

- 5.18 It is considered that the proposed change of use of part of the building and associated internal alterations would fall within the above exceptions and would therefore not constitute inappropriate development in the Green Belt, in accordance with the NPPF and policy CS19 of the Local Plan for Gateshead.

5.19 VISUAL AMENITY

The application proposes physical alterations to the building to facilitate its conversion however these alterations would be internal and therefore there would be no impact upon the external appearance of the building. The development is therefore in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

5.20 RESIDENTIAL AMENITY

The application site is situated in a remote rural location with several residential properties nearby; the closest residential property is North Cottage which is approximately 75m (at its closest point) south west of The Woodmans Arms building, adjacent to which are Fairview and Fellside Bungalow, with Birdhill and Fellside Farm further to the south/south west (approx. 330m south of the site).

- 5.21 Objections have been received to the application from the 4no. closest residential properties regarding issues of noise and disturbance that would result from the proposed development and impacts upon sleep, life quality and health.

- 5.22 The representations received also make reference to ongoing complaints and other matters on this site and the potential for cumulative noise impacts to occur. The LPA are aware from objections received and complaints received by the Council's Environmental Health team that there are outstanding issues relating to the operation of the Woodmans Arms in terms of music and patrons causing noise and disturbance to nearby residents, which are exacerbated by the remoteness of the site and low background noise levels during sensitive hours.



- 5.23 As originally submitted, the Council's Environmental Health team raised concerns about the application as this did not include any information as to how the proposed hotel rooms would be managed to ensure that overnight guests would not cause disturbance to nearby residents. The application also did not clarify whether there would be any overnight staff at the premises or what procedures would be in place to prevent and mitigate any noise disturbance to residents. Concerns were also raised over the inclusion of a roof terrace area within the application and the potential for guests using this without restriction to cause disturbance to residents from voices or music. Further concerns were also raised over the potential for guests to gather in the pub's outdoor space at the front of the premises after staff had gone home.
- 5.24 The LPA have discussed the above concerns and liaised with the applicant and a Planning Statement including a Management Plan has been submitted which contains the following measures:
- Signs will be located on site stating that there will be no access to the garden areas after 10pm;
  - Staying guests would abide by current licensing agreements and would be managed and prevented from sitting/gathering after licensing times. As set out in the Management Plan, the premises licensing runs until midnight on Friday and Saturday and until 11pm on all other nights. There is currently no outside seating/gathering after 10pm on any night, customers must be indoors;
  - Guests will be advised of restrictions on arrival;
  - The outside terrace has been omitted from the application;
  - The accommodation will not accept stag/hen parties;
  - A Night Porter would be employed on site from 10pm to 10am who would be available to speak to guests and local residents if required and would ensure all guests are safety and quietly returned to their rooms;
  - The Night Porter would have a designated work mobile which local residents could call to report any issues; this number would also be on the Woodmans Arms website.
- 5.25 The Council's Environmental Health team have reviewed the proposed Management Plan and are satisfied with the measures proposed in relation to the control of noise from overnight guests. A recommendation has been made that residents must be notified of any changes to the Night Porter's telephone number and the website updated with immediate effect.
- 5.26 Paragraph 55 of the NPPF states that LPAs "*should consider whether otherwise unacceptable development could be made acceptable through the use of conditions...*". In addition, NPPG advises that "*when used properly, conditions can enhance the quality of*

*development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.”* (Paragraph: 001 Reference ID: 21a-001-20140306).

- 5.27 Having regard to the advice within the NPPF and NPPG and the comments from Environmental Health Officers, Officers consider that the potential adverse effects resulting from the operation of the proposed 5no. hotel rooms could reasonably be mitigated through the imposition of conditions to secure the proposed management and mitigation measures, in the absence of which the proposed development would otherwise be unacceptable. Whilst the belief of residents that the management measures will fail are noted, Officers are satisfied that these are acceptable in relation to the development for which planning permission is sought. Conditions are therefore recommended to be imposed requiring adherence to the submitted Management Plan (CONDITION 4) alongside separate conditions to require the submission of a protocol for the distribution of contact details for the Night Porter (CONDITIONS 5 AND 6) and to prevent access to the roof terrace (CONDITION 7).
- 5.28 Whilst concerns raised by residents regarding a potential future change of ownership and effects on the proposed management measures are noted, the conditions imposed by this application would apply to any subsequent operator and any changes to these would need to be formally approved by the LPA. Any failure to comply with the recommended conditions would be dealt with as a Planning Enforcement matter.
- 5.29 Council Officers recognise that there are ongoing issues regarding the impact of noise and disturbance upon neighbouring occupiers resulting from the operation of the Woodmans Arms and complaints regarding a failure to adhere to licensing requirements, and the concerns of residents that the proposed development could lead to further noise and disturbance impacts are acknowledged. The request of Councillors to withhold planning permission until ongoing noise issues are controlled is also noted.
- 5.30 Notwithstanding the above, Officers however consider that it would be unreasonable to refuse planning permission for the proposed development for the creation of 5no. hotel rooms subject to conditions on the grounds that this would result in a detrimental impact upon the amenity of neighbouring occupiers, as there is no evidence that the development for which planning permission is sought would result in such impacts. Ongoing issues of noise and disturbance relating to the operation of the pub and wedding/function room and adherence to licensing restrictions are separate to this application, and whilst they are recognised by Officers, these matters do not represent a reasonable basis upon which to refuse planning permission for this

application. This application for 5no. hotel rooms must be considered and determined on its merits.

- 5.31 Having due regard for the representations received it is considered that, subject to the conditions recommended above, that the proposed development would not have an unacceptable impact upon the amenity of neighbouring occupiers and would therefore comply with the aims and objectives of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.32 **HIGHWAY SAFETY AND PARKING**  
It is considered that the proposed change of use would not have a significant impact on car parking at the site or upon the surrounding highway network. The proposed development may generate some additional parking over that generated by the existing living accommodation however this would be negligible given the scale of the proposed development and the size of the existing carpark; furthermore it is likely that guests of the proposed hotel would already be attending the premises.
- 5.33 The proposed development is considered to be acceptable in terms of highway safety and parking and accords with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.34 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**  
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 is not CIL chargeable development as it is not for qualifying housing or retail.
- 5.35 **ANY OTHER MATTERS**  
The letters of objection received on behalf of 4no. residential properties raises other planning and enforcement matters on this site. Whilst Officers acknowledge these matters it is considered that they do not preclude the determination of this application or represent grounds to refuse planning permission.
- 5.36 In response to comments raised in letters of objection, a Noise Assessment was not required to accompany this application for hotel accommodation as this is not noise-generating development.
- 5.37 The letter of objection received puts forward an alternative suggestion for the proposed development for a single hotel room and family dressing area. The matter for consideration here is however the development proposed by the application; it is not within the remit of the LPA or other parties to suggest alternative schemes.
- 5.38 In response to comments raised in letters of objection, there is no evidence that the proposed development would result in anti-social

behaviour or crime that would detrimentally impact upon the amenity of nearby residents.

## **6.0 CONCLUSION**

6.1 Taking all the relevant issues into account and having regard for the representations received it is considered that the proposed development is acceptable and would comply with the aims and objectives of the NPPF and relevant Local Plan policies, subject to the imposition of conditions.

6.2 It is therefore recommended that planning permission be granted, subject to the below conditions.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport 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 -

Location Plan (P01)

As Existing Drawings (Dwg. No. 1010 Rev. P04)

Proposed First Floor Layout & Demo Plan (Dwg. No. 1110 Rev. P04)

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 approved relates to the change of use of ancillary first floor accommodation and provision of 5no. hotel bedrooms only.

Reason

To define and clarify the nature of the use granted by this permission for the avoidance of doubt.

4

The development hereby approved shall be operated in full accordance with the measures detailed at '3.0 Management Plan' of the 'Nicholson Nairn Planning Statement Rev. P04' dated April 2022 for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the development would not result in an unacceptable level of noise or disturbance to neighbouring properties, in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

5

Notwithstanding the approved Management Plan, prior to first use of the development hereby approved a protocol for the distribution of the contact details for the Night Porter including residential properties to which the contact number would be circulated and measures to be undertaken in the event of any changes to the contact details and a timetable for such measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development would not result in an unacceptable level of noise or disturbance to neighbouring properties, in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

6

The protocol and measures approved under condition 5 shall be implemented prior to first use of the development hereby approved.

Any approved measures to be undertaken in the event of any changes to the contact details shall be implemented in accordance with the agreed timetable.

Reason

To ensure that the development would not result in an unacceptable level of noise or disturbance to neighbouring properties, in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

7

In accordance with the measures detailed at '3.0 Management Plan' of the 'Nicholson Nairn Planning Statement Rev. P04' dated April 2022' there shall be no access by guests to the first floor roof terrace at any time, as shown by the hatched area on 'Proposed First Floor Plan' on 'Proposed First Floor Layout & Demo Plan (Dwg. No. 1110 Rev. P04)'.

#### Reason

To ensure that the development would not result in an unacceptable level of noise or disturbance to neighbouring properties, in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.



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