



V/2023/0090

Scale: 1 to 1,250



**COMMITTEE DATE** 14/06/2023                      **WARD** Westwood and Jacksdale

**APP REF** V/2023/0090

**APPLICANT** D Byrne

**PROPOSAL** Change of Use of Agricultural Land to Car Park, Extension to Existing Beer Garden and Erection of Play Equipment

**LOCATION** The Royal Oak, 29 Palmerston Street, Westwood, Notts, NG16 5HY

**WEB-LINK** <https://www.google.com/maps/@53.0586614,-1.3243393,18.54z?entry=ttu>

**BACKGROUND PAPERS** A, B, C, D, E, K

**App Registered:** 07/03/2023

**Expiry Date:** 01/05/2023

***Consideration has been given to the Equalities Act 2010 in processing this application.***

***This application has been referred to Planning Committee by Councillor Hankin. The development scheme is also a departure to the local development plan.***

### **The Application**

This is an application which seeks full planning permission for the change of use of land located to the rear of The Royal Oak Public House in Westwood from agriculture to a car park to service the public house for customers. An extension to the existing beer garden is also proposed, alongside the siting and erection of children's play equipment.

The proposal is to change the use of the eastern part of the fenced off field for a depth of approximately 20m to be converted into a car park for customers of the public house. Amendments have been made to the proposed car parking area to improve the layout from that originally submitted with the first few metres of the car park being hard surfaced immediately off Palmerston Street. The car park would break through the existing fenced off area to open out to the agricultural field. An access would be provided to the larger field, owned by the applicant at the southern end of the car park to access the field for maintenance purposes.

The car parking would wrap behind the existing housing on Palmerston Street with a central access and two rows of parking. It would create approximately 26 additional

spaces. Landscaping is proposed along the sites northern, eastern and western boundaries, whilst a fence is proposed along the southern boundary to delineate the proposed car park from the beer garden.

An extension to the existing beer garden is proposed along the fields southern edge for a depth of approximately 10m, with a children's play area sited a further 13m to the west of the extended beer garden. The proposed fence will continue around the extended beer garden and play equipment to again delineate from the field beyond.

### **Consultations**

Site Notices have been posted together with individual notification to surrounding residents.

#### **ADC Environmental Health (Contamination):**

Have no comments to make with regard to contaminated land.

#### **ADC Environmental Health (Pollution):**

There could be impacts from car headlights, noise from customers, and general movements in and out of cars. These impacts are generally short lived. It is inevitable that there would be some short term noise impacts from the use of the field as a car park, however it would not be reasonable to request a noise impact assessment.

#### **Natural England:**

No comments to make.

#### **Selston Parish Council:**

No response at the time of writing the report.

#### **NCC Highways:**

Pre-application advice was provided where additional information was requested regarding understanding the extant of the parking issues, and how expansion plans would impact on the business and safe operation of the highway network. It was stated that this best be provided in the form of a Transport Statement. Little information was initially provided, and more was requested. This was provided along with additional photographic evidence.

It is clear that the existing car park is no longer fit for purpose. There is frequent double parking in the pub car park, and parking on the footway in Palmerston Street. The proposal for bound surfacing to the rear of the highway boundary is welcomed. It is concluded that the proposals would result in fewer vehicles being positioned on the highway and would result in improvements to highway safety on Palmerston Street. There are therefore no highway objections to the proposal. The pedestrian access from the car park should be wide enough for a pram/buggy to fit through.

### **Local Community:**

105 Representations have been received in support of the proposal following two rounds of consultation at the time of writing. These can be summarised as follows:-

- This can only be good for Palmerston Street to help keep the traffic flowing. The pub is busy with good food. Unloading customers on the street can be risky.
- Additional parking would improve road safety.
- Additional disabled parking is welcomed.
- This will improve the business and help the economy. It is the only pub left in the village.
- Noise from the proposal will not impact too much on nearby residents.
- The business provides a social space for local residents.
- Although the proposal would result in the loss of the green space, it would be better to improve the parking situation for existing residents as the road is very busy when the pub is operating, particularly at weekends.

4 Representations has been received to object to the proposal at the time of writing. This can be summarised as follows:-

- Object to the proposed location of the car park. The proposal will impact on the houses adjacent to the pub as cars will be parked at the bottom of gardens. Hedges will be planted but these will take a long time to establish privacy and protection. The parking could be turned round 90 degrees to not impact residents, or moved to be behind the pub.
- There is concern about any outdoor events taking place in the land owned by the applicant. The car park will increase noise and make extra traffic. There is no concern with making the car park itself, as this will relieve the parking problem on Palmerston Street. If the application is passed, it should be used just as a car park and not to stage noisy outdoor events to create noise nuisance.

### **Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

#### **Ashfield Local Plan Review (ALPR) (2002):**

- ST1 – Development.
- ST4 – The Remainder of the District.
- EV1 – Green Belt.
- EV2 – Countryside.

#### **JUS-t Neighbourhood Plan (2017):**

- NP1 – Sustainable Development
- NP2 – Design Principles

NP9 – Supporting Local Businesses

**National Planning Policy Framework (NPPF) (2021):**

Part 6 – Building a Strong, Competitive Economy

Part 11 – Making Effective Use of Land.

Part 12 – Achieving Well Designed Places.

Part 13 – Protecting Green Belt land.

Part 15 – Conserving and Enhancing the Natural Environment.

**Relevant Planning History**

**V/2021/0248**

Details: Erection of Pergola in Rear Beer Garden

Decision: Conditional Consent

**V/2018/0443**

Details: Single Storey Extension to Rear and Side

Decision: Conditional Consent

**Comment:**

The site is located outside of the District's main urban areas and named settlements, in an area designated within the Nottinghamshire Green Belt, as identified by policies ST4 and EV1 of the ALPR 2002.

The site has historically been used as part of the wider agricultural field, which is situated between Jacksdale and the rear of houses in Palmerston Street and Rutland Road to the north and the farms to the south off Main Road. In recent times possibly due to land ownership changes, the eastern section has been fenced off, used as pasture and is a large open green field area. Horses graze the land to the north between the application site and Cumberland Close. There is some equestrian type use of land to the south of the hedgerow, which runs east to west from the south side of the Public House. The removal of the previous fence line which ran from the western corner of number 27 Palmerston Street towards the corner of the rear of number 37 Palmerston Street has also taken place, with the beer garden currently spilling marginally into the field beyond.

There is a physical boundary between the end of the loose surfaced car park of the pub at its northern side and the field beyond. Pedestrian access to the rear garden is generally through the public house. The existing car park can currently accommodate approximately 10 cars parked at a 90 degree angle to the pub and at the side of the property to the north at 37 Palmerston Street.

**Principle of Development:**

The application site is located within the Nottinghamshire Green Belt, and as such Policy EV1 of the ALPR 2002 and Part 13 – Protecting Green Belt land of the NPPF are applicable.

Policy EV1 of the ALPR identifies that permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances, and identifies various forms of ‘appropriate’ development. All development must be located and designed so as not to adversely affect the purposes of the Green Belt, its openness, and the purposes of including land within it. Openness has a spatial aspect as well as a visual aspect.

Part 13 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances (paragraph 147). Paragraph 150 of the NPPF, amongst other matters, states that the material changes in the use of land is not inappropriate, provided it preserves its openness and does not conflict with the purpose of including land within it.

Paragraph 148 of the NPPF states that “substantial weight” should be given to any harm to the Green Belt, and that ‘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. A judgement is required to be made based on the benefits of the proposal, as opposed to the detrimental impact on the Green Belt, and whether there are such ‘very special circumstances’ as to allow the release of this land.

The development comprises of an extension to the existing public house car park and is to provide approximately 26 spaces. The car park is proposed to be constructed from grasscrete. Landscaping is proposed to be planted along the car parks northern, eastern and western boundaries, whilst a post and rail fence is proposed along the southern boundary of the car park, adjacent to the rear beer garden.

The provision of outdoor seating along the southern boundary is proposed to be expanded with an extension to the beer garden proposed. The beer garden will extend approximately a further 10m beyond its current location. New wooden benches will be located in this space. Beyond the beer garden, new children’s play equipment is proposed. Details submitted indicate that the children’s play equipment will likely be of a wooden construction, measuring approximately 7.5m in length, 5.5m in width and would have a total height of approximately 4m.

The applicant has taken the opportunity to submit a number of comments supporting the proposed development in this Green Belt location. This however needs to be considered within the planning balance.

Details supplied by the applicant indicates that whilst the public house has always proven popular with local residents, the premises has seen a large increase in patrons following significant investment into the business by the owner. Such works include the extension and refurbishment of the restaurant area to enable the sale of food and the construction of an enclosed pergola to the rear of the premises to benefit patrons using the beer garden. The works carried out has helped to sustain and improve the economic viability of the business, allowing the public house to continue operating and retaining a well valued community asset within the village. Information submitted also indicates that the premises is often visited by families and local community groups as a place to socialise and is also regularly used throughout the year to host multiple events and functions – both public and private – for the local community.

The business currently employs 10 members of staff – all from the local area – with scope to employ more staff in the future should footfall increase as a result of the proposed works.

The applicant has advised that the public house has been nominated for a series of awards over the last couple of years, which has helped to increase footfall to the business. The car park, as previously mentioned, is very small in size, accommodating approximately 10 cars. Given the rural village location of the site, any visitors to the premises from outside Westwood are highly likely to arrive via car, and in turn, require parking.

The Royal Oak is located at the southern end of Palmerston Street, where the road is narrow and is lined by terraced properties to the west; few of which benefit from any off-street parking provision. The highway outside the public house is subject to traffic regulation orders (TRO's) in the form of double yellow lines on both sides of the highway. There are limited areas along the highway where the TRO's do not exist; therefore, any patrons visiting the premises are forced to park on the highway in competition with local residents, resulting in frustration amongst both residents and visitors and illegal parking within the vicinity of the site.

It is acknowledged that the parking of vehicles on the site and the small expansion of the beer garden and subsequent sitting of tables, chairs and play equipment where currently no development exists would cause harm to the character and appearance of the area, reducing its openness to a certain degree, and thereby failing to assist in adequately safeguarding the countryside from the encroachment of this urban development in an open field previously used for agricultural purposes.

The Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, their essence being openness and permanence. The proposed changes would effectively become permanent once changed to a car park. The visual appearance of the car park, beer garden and play equipment would become urbanised and introduce features not normally part of a countryside location or feel. The visual openness of the Green Belt would be

materially considered to have changed and whilst there would no proposed buildings in this part of the application site, the car park, beer garden extension and introduction of play equipment into the field would not preserve the openness of the Green Belt. On this basis, it is reasonable to conclude that there would be at least a modest level of harm to the openness of the Green Belt.

In its favour, the site is reasonably well enclosed on its eastern and northern side, and there is a rise to the topography of the land with the crest of a hill to the western end of this spur of land, meaning that there would be limited medium to long distance views of the car park and beer garden. The land owned by the applicant outside the area of the car park and beer garden would remain in agricultural use unless a further request is made to change its use.

Policy NP9 of the JUS-t Neighbourhood Plan 2017 seeks to support local businesses, where possible and appropriate, by their setting, by encouraging the expansion of existing businesses. No response has been received from the local Parish Council at the time of writing.

Whilst the harm to the Green Belt in both spatial and visual terms is recognised, on this occasion the social and economic benefits of the scheme weigh heavily in favour of the proposal and therefore are considered to amount to 'very special circumstances', which outweigh the harmful impact arising from the development on the Green Belt.

### **Design and Appearance:**

Practical improvements have been made to the car parking layout in terms of allowing spaces for some additional landscape planting belts and opportunities to provide trees in a location where there are currently none, apart from the hedgerows which surround the equestrian uses to the north and south of the proposed site. This would help in reducing some of the visual impact of the car park on the land. There are few public views of the proposed car park, beer garden and play equipment. There would possibly be some views from the public footpath running along Church Hill to the north and northwest of the site, looking back towards the car park and the houses in Palmerston Street. The car park, beer garden and play equipment would be more prominent but seen in the context of the backdrop of the public house and the two storey houses.

Some additional planting can also help screen the car park from the adjacent rear gardens of the houses in Palmerston Street, along with any new fencing to be erected along the rear boundary. Fencing between the car park, beer garden and play equipment and the rest of the open field beyond is proposed in the form of a wooden post and rail type fence, rather than a solid timber fence, helping to reduce the urbanising impact of the proposed development.

The proposed surfacing materials for the car park is grasscrete; plastic type grids with grass growing between them, with the spaces to be denoted with white gravel.



The first section of car parking adjacent to the highway would be constructed with a bound material to prevent materials being taken onto the public highway. There would also be a section of Cellweb matting adjacent to the public house.

New wooden benches will be located on the extended outdoor seating area which is typical paraphernalia found within a beer garden setting. The proposed children's play equipment is also to be of a wooden construction, which is considered to be sympathetic to the semi-rural nature of the site. The play equipment is considered modest in size, measuring approximately 7.5m in length, 5.5m in width and would have a total height of 4m.

In terms of the treatment of the car park and the layout, in addition to the proposed size of the beer garden and children's play equipment, it is considered that the scheme has been made as sensitive as possible to the site characteristics, and on this basis, it is considered that the proposals would be capable of complying with policy EV2 of the ALPR 2002 and paragraph 130 of the NPPF.

### **Residential Amenity:**

The resultant changes brought about by the development and changes to the character and function of the site, including boundary amendments, would result in visual changes to the area, which are considered to be localised in impact.

Additional landscaping is proposed along the car parks northern, eastern and western boundaries, reducing some visual harm to the appearance of the car park within the Green Belt. The specific details of this could be conditioned. This would reduce the impact to a certain degree for residents to the east of the site in Palmerston Street, who would be subject to coming and goings of vehicles during the day and into the late evenings, but may also impact on their residential amenity in terms of increased noise and disturbance from car doors banging, engines revving and general chitter chatter and noise. A judgement is also required as to whether this level of disruption would be acceptable so close to their rear boundaries and disrupt the enjoyment of their rear private garden areas when sitting out.

The Council's Environmental Health Officer considers that there would likely be some increase in disturbance to local residents from the increase in the use of the car park. These are likely to be short term disturbance during the coming and goings of the customers getting in and out of their cars, and from engine noises.

Some additional noise may also be generated by an increase in tables and chairs within the extended beer garden area, in addition to the provision of new play equipment. The existing beer garden and limited play equipment is sited directly adjacent to the garden space of the adjacent neighbouring property at 27 Palmerston Street. The extension to the beer garden is proposed to extend beyond the neighbours garden space, adjacent to a paddock where there is no existing development. The new play equipment would also be sited adjacent to the paddock, approximately 25m from the nearest residential garden, reducing the likelihood of

any significant noise disturbance or overlooking arising from the use of the equipment.

Therefore whilst it is acknowledged that there may be some limited disturbance to nearby residents arising from the proposals, it is considered that this would be limited to the opening hours of the public house, controlled through the premises licence. It is further considered that this normal level of disturbance would not be such that the application for the creation of the car park and extension to the beer garden should be refused. The requirement of a noise survey to be undertaken was considered to be unreasonable taking into account the details of the proposal.

Moreover, the addition of fencing and some planting within the car park should result in some reduction of disturbance from noise and car lights to neighbours between 37 and 51 Palmerston Street once established. It is therefore concluded that the proposal would provide an acceptable level of residential amenity for existing occupiers.

### **Highways:**

The proposal has been assessed by the Highway Authority. The existing problems in relation to the size of car parking available for the business, and the impacts, particularly on parking in Palmerston Street has been acknowledged. The proposals would result in some benefits taking vehicles off the highway. Although there are TRO's in place, which can be enforced by Police in cases of obstruction, the overall impacts would be beneficial to highway safety. On this basis, there are no highway objections to the proposal. The proposal thereby complies with paragraphs 110 and 111 of the NPPF.

### **Planning Balance and Conclusion:**

The proposal would result in significant benefits to the business and residents within the Palmerston Street area through the provision of additional parking space to the rear of the Public House. Whilst there is no guarantee that future customers would use the proposed car park, it is considered that customers are likely to be more inclined to use a parking space within the proposed car park to the rear of the premises, rather than try and find parking spaces within the street. Nevertheless, the proposed car park is likely to provide benefit and relief for residents of Palmerston Street, particularly those on the western side of the street.

In terms of impact on the Green Belt it is noted that inappropriate development is by definition harmful to the Green Belt. Substantial weight should be given to any harm to the Green Belt and 'very special circumstances' need to apply to allow this harm to be outweighed in accordance with the requirements of paragraph 147 and 148 of the NPPF.

The proposal would continue to provide benefits to the local economy through employment at the pub, and as a continued presence in the community as an asset

providing social support and integrating with the local community which are afforded considerable weight in the planning balance.

Overall, whilst it is acknowledged that the proposed development conflicts with policies contained within the ALPR and NPPF in respect of the Green Belt, it is considered that in this instance 'very special circumstances' exist both economically and socially, which outweigh the harmful impact identified arising from the development in the Green Belt. On this occasion, the proposed development is considered acceptable in planning terms and therefore it is recommended that this application be granted, subject to the conditions outlined below.

**Recommendation: Full Application – Conditional Consent**

**CONDITIONS**

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: Site Location Plan Scale 1:1250, Received 06/03/23; Proposed Site Layout Plan, Drawing No. LW/0323/02 Rev C Received 18/07/23; Proposed Play Equipment, Received 18/07/23. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. Prior to the commencement of the hereby permitted development, the area shown for car parking on the approved plan shall be surfaced with grasscrete and retained as such in perpetuity. The area shall not thereafter be used for any purpose other than the parking of vehicles.**
- 4. Prior to the implementation of the hereby permitted development, a scheme of hard and soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

## **REASONS**

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**
- 3. To ensure the satisfactory overall appearance of the completed development, to help assimilate the new development into its surroundings and in the interests of residential amenity.**
- 4. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.**

## **INFORMATIVES**

- 1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).**