

LOCATION: THE BRICKMAKERS ARMS, CHERTSEY ROAD,
WINDLESHAM, GU20 6HT

PROPOSAL: Erection of a detached building and ancillary storage shed to provide additional accommodation to the existing public house and the extension of the car park with associated landscape alterations (retrospective). (Additional info rec'd 01/12/14).

TYPE: Full Planning Application

APPLICANT: Mr & Mrs Coveney

OFFICER: Michelle Fielder

RECOMMENDATION: GRANT subject to conditions

Update

This application was presented to the Planning Applications Committee on 17 November 2014 with a Recommendation to refuse planning permission. This recommendation was based on the assessment that as new development not falling within any of the exceptions outlined in paragraph 89 of the NPPF the erection of two buildings and the extension of the car park at the site was inappropriate development in the Green Belt. Such development is by definition harmful to Green Belt openness. Further harm to the rural and open character of the Green Belt was cited as arising from the spread of development across the site into a previously undeveloped area.

The Planning Applications Committee resolved to defer the application from that meeting to allow the applicant to submit details of 'very special circumstances'. Officers requested this additional information by email, to the agent, on 18th November 2014.

On the 1st December a statement entitled 'Very Special Circumstances' was submitted to the Council (Annex 1).

Re-consultations

Neighbours, interested persons, the Parish Council and the Environmental Health Officer were notified of the receipt of the information and invited to comment on 3rd December 2014. There has been no response to this additional consultation at this time of writing. However the Council has received various emails from two objectors to the proposal and officers have had sight of communication between one of these and the Rt.Hon Michael Gove MP.

By letter dated 23 November The Rt.Hon Michael Gove MP has asked that the LPA give full consideration to his constituents concerns that there is no case of very special circumstance to outweigh green belt considerations and that the proposal puts users of the public highway and footpath at risk.

Summary of the Very Special Circumstances presented

A copy of the full statement submitted is attached, however, in summary the headline statements contained within section 4 (which deals with the matter of VSC) are considered to be:

1. The Brickmakers is a significant local employer (employing 35 staff (the majority of which are from the local area)) (para 4.1)
2. The buildings and site improvements follow renovations to the public house and menu improvements, all of which are based on sound economical basis (para 4.2)
3. The community building has both an economic benefit to the Brickmakers and wider community benefits, serving a wider range of local needs (para 4.3)
4. The community building is hired out for a modest hourly rate (and in some instances for free) (para 4.4)
5. There are some linked trips with users of the building sometimes making use of the pub / restaurant and this supports the Brickmakers (para 4.5)
6. Letters of support have been submitted by local groups who have used the building (para 4.6)
7. The space can be hired at affordable rates, and the building is of strong benefit to the local community. The primary purposes behind the facility is the fostering of community spirit (para 4.7)
8. Tidying the rear section of land has improved the appearance of the site and makes it more appealing to customers and therefore helps retain, and attract, new customers (para 4.8)
9. The provision of 10 additional parking spaces helps address overspill parking (from the site onto Chertsey Road) (para 4.9)

Section 5 of the VSC statement seeks to address officer and member comments concerning the use of the building and whether, in the event that planning permission is granted, it should be conditioned in any way.

At section 5.1 of the statement the applicant states that while serving a community function it is important that the building retains the ability to adapt to changing circumstances and, as a consequence, it needs to be able to function as an ancillary building to the public house.

At para's 5.2 and 5.3 of the statement the applicant sets out the public house opening times and those proposed for the outbuilding (9am-11pm Monday to Saturday (the public house is open until midnight) and 9am to 10pm on Sunday (the public house is open until 10.30pm).

Assessment of the information submitted

The case submitted by the applicant is lacking in any substantive detail, and it is not known for instance, if the unauthorised development in itself generates any employment and what the effect removing the building from the site would have upon that employment generation. The submitted details also fail to demonstrate that development is vital to the long term viability of the site.

Of the matters listed as being very special circumstances by the applicant, in the officer's opinion the provision of a building to meet a local need for community facilities (as evidenced by the letters of support submitted by such groups) weighs in favour of the

proposal. In addition, whilst officers have raised concern regarding the spread of development across the site, it is noted that the unauthorised development has not extended beyond the confines of the site and does not result in countryside encroachment. Moreover, the scale of the development is relatively modest. These factors mean that any additional harm (that is harm beyond the 'by definition' harm which arises from the fact the development is inappropriate in the Green Belt) is relatively limited.

It is also noted that the NPPF seeks to promote the three threads of sustainable development and in doing so any social and economic benefits arising from a development proposal must be given weight. In this case, given the limited scale of the proposal and its limited impact on the Green Belt, it is considered that the community benefits associated with the development outweigh the harm. It is therefore recommended that planning permission be granted.

Recommendation

GRANT subject to the conditions below:

1. The storage building hereby approved shall only be used for storage purposes ancillary to the function of the wider site as a public house.

With the exception of the use of the multi-purpose function building for private meetings, private conferences or by use by community clubs or groups it shall only be used for purposes ancillary to the function and use of the wider the site as a public house.

Reason: To ensure the use of the buildings is appropriate to its location and in the interests of residential amenity, and to comply with the aims and objectives of Policy DM9 of the Core Strategy and Development Management Policies 2012 and the NPPF.

2. The multi-purpose function building shall only be used during the hours of 0900 to 2300hrs Monday to Saturday and 0900 to 2200 hrs on Sundays. In addition there shall be no recorded or live music played from the building.

Reason: In the interests of residential amenity, and to comply with the aims and objectives of Policy DM9 of the Core Strategy and Development Management Policies 2012 and the NPPF.

Officer note: Condition 1 as proposed prohibits exercise classes being held in the multi-function building, however this is because these often involve the use of background music which as contained within para 7.5.1 of the original committee report, may, as a result of the method of construction and materials used, not be appropriate. This concern is also reflected in condition 2 as proposed.

PREVIOUS COMMITTEE REPORT PRESENTED THE PLANNING APPLICATIONS COMMITTEE ON 17 NOVEMBER 2014.

This application would normally be determined under the Council's Scheme of Delegation, however, at the request of a local ward councillor it has been called in for determination by the Planning Applications Committee.

RECOMMENDATION: REFUSE

1.0 SUMMARY

1.0 The application site lies in the Green Belt wherein there is a policy of restraint on development except in certain circumstances. The development does not fall within any of exceptions set out in the NPPF and is therefore, by definition, inappropriate development in the Green Belt. No case of very special circumstances has been presented to justify a grant of planning permission. The application is therefore recommended for refusal.

2.0 SITE DESCRIPTION

2.1 The application site is located on the north side of Chertsey Road and comprises a public house with associated parking, garden and seating areas. The site is within a rural area although there are a number of dwellings located to the north and the west of the site. Access to the site is from Chertsey Road.

2.2 The public house building is Locally Listed.

3.0 RELEVANT HISTORY

3.1 There is no planning history relevant to the current application.

4.0 THE PROPOSAL

4.1 This retrospective application concerns a single storey detached function room building and a shed used for storage. The function room has a floor area of approximately 30m² and is timber with a flat roof to a height of 2.5m. The shed has a floor area of approximately 10m² and is also approximately 2.5m high with a pitched roof. The application also includes the extension of the car park and the landscaping of the area around the new buildings.

4.2 The use of the function room is described as being 'multi use community' and the information submitted with the application states the building is primarily let out to various community groups. The agent acting for the applicant is of the view that this falls within the lawful A4 drinking establishment's use.

5.0 CONSULTATION RESPONSES

5.1 County Highway Authority No comments to make in respect of the proposed development.

5.2 Windlesham Parish Council No objection to the development proposed.

5.3 Environmental Health Officer No objection subject to conditions.

6.0 REPRESENTATION

6.1 At the time of preparation of this report 4 letters of objection had been received which raise the following issues:

- Increased noise and disturbance [see para.7.5]
- Lack of parking / impact on highway safety [see para.7.6]
- Impact on Green Belt [see para 7.3]
- Increased risk of crime [Officer's comment: Given the nature of the lawful use of the site this is not material to this application]
- Impact on privacy [see para. 7.5]

6.2 There have also been 4 letters of general support received.

7.0 PLANNING CONSIDERATION

7.1 The application site is located within Green Belt as identified by the Proposals Map and is within the curtilage of a Listed Building. Accordingly policies DM9 and DM17 of the Core Strategy and Development Management Policies 2012 are relevant to the consideration of this application. The National Planning Policy Framework and the National Planning Practice Guidance are also material considerations.

7.2 Having regard to the above it is considered that the main issues to be addressed are:

- Whether the development is appropriate in the Green Belt;
- The impact of the development on the Locally Listed Building and wider character; and,
- The impact of the development on residential amenities.

7.3 Whether the development is appropriate in the Green Belt

7.3.1 Para 89 of the National Planning Policy Framework advises that the erection of new buildings in the Green Belt is inappropriate except in a limited range of circumstances. This includes the provision of agriculture and forestry facilities for outdoor sport and recreation, the replacement of buildings in the same use, limited infilling and limited affordable housing, and the partial or complete redevelopment of previously developed sites.

7.3.2 The applicant advises that the buildings are replacements for storage buildings which previously occupied this part of site and therefore contends that they are an appropriate form of development in the Green Belt. There is, however, no record of these buildings in the planning history of the site and the applicant has not provided any detailed information supporting the claim that the buildings are 'replacements'. In the absence of further information to show that these buildings existed and were lawful the development should not be considered as a replacement building and should be considered as the erection of a new building.

7.3.3 The buildings do not fall within any of the categories of new build cited in the NPPF as being appropriate and it is therefore inappropriate by definition. It is also considered that the buildings harm the openness of the Green Belt, by virtue of their siting and total size, and in combination with the car parking has encroached into a part of the site which was previously open and undeveloped.

7.3.4 Ordinarily an application of this nature would be supported by a case of very special circumstances in which the applicant would seek to demonstrate that the accommodation to be provided were vital to the vitality or viability of their business; or perhaps that additional accommodation were needed to meet some regulatory requirement, (or any other matters that the applicant considered gave rise to a case of very special circumstances in support of the application). The application is, however, silent on a case of very special circumstances. This information was requested by the case officer who indicated that the application was considered to be inappropriate development in the Green Belt and that a case of very special circumstances needed to be presented if the application were to be supported by officers. The submission of this information would also have enabled officers to assess the application's compliance with Policy DM1 of the Core Strategy. In the absence of this information, officers can only conclude that the proposal (that is the buildings and the extension of the carpark) is inappropriate development in the Green Belt and that the benefits arising to the rural economy are limited.

7.4 The impact the character of the area and the Locally Listed Building and wider character

7.4.1 The development is located to the rear of the site and while the additional parking area is partially visible, the function room is entirely screened by the existing public house. The development would therefore not materially impact on the character or the appearance of the wider area. Moreover, the development would not materially impact on the setting of the Locally Listed building or its historical and architectural significance. Accordingly the development is considered to meet the relevant objectives policies DM9 and DM17 of the Core Strategy and Development Management Policies 2012.

7.5 The impact of the development on residential amenities

7.5.1 Given the wider use of the site as a public house, it is not considered the erection of the buildings and their use for ancillary purposes to the lawful use are unduly harmful to the residential amenities of the area. However, given the wooden construction of the buildings it may be appropriate to condition the hours it can be used along with the nature of activities which could be undertaken (perhaps to ensure no live or recorded music is played from it). Subject to a suitably worded condition (as proposed in the EHO's consultation response) no objection is raised on this ground.

7.5.2 The EHO has also considered noise from the extended car parking area and concludes that an objection could not be sustained on this reason. Officers concur with this assessment and also note that there is high level screening present to this boundary. In light of these observations it is considered the proposal would not be significantly harmful to the amenities of adjoining properties as to warrant refusal of the application.

7.6 The level of parking and the impact on highway safety

7.6.1 County Highways have no comments on the proposal and given the established use of the premises and access arrangements it is considered that a highways objection could not be sustained.

8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT)

ORDER 20

- 8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
 - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

9.0 CONCLUSION

- 9.1 The application is inappropriate and harmful development in the Green Belt. No case of very special circumstances to justify a grant of planning permission has been presented. In the absence of this the NPPF is very clear that planning permission should not be granted, accordingly the application is recommended for refusal.

10.0 RECOMMENDATION

Refuse for the following reason(s)

1. The storage and function buildings erected are new buildings in the Green Belt and therefore represent inappropriate development which is, by definition, harmful to the Green Belt. The development causes further harm to the openness of the Green Belt; by virtue of the combined size and siting of the buildings and, in conjunction with the extended car park, by spreading development in an area of previously undeveloped land. In the absence of a case of very special circumstances being demonstrated the application is therefore contrary to the aims and objectives of the National Planning Policy Framework 2012.