

**Committee Report**

<b>Application No:</b>	<b>DC/21/00069/FUL</b>
<b>Case Officer</b>	<b>Josh Woollard</b>
<b>Date Application Valid</b>	<b>26 January 2021</b>
<b>Applicant</b>	<b>Mr Simon Malhotra</b>
<b>Site:</b>	<b>The Runhead Holburn Lane Ryton Central Ryton NE40 3HJ</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Proposed erection of tipi within beer garden, 1no. timber clad container, and associated decked area (description amended 22.03.21)</b>
<b>Recommendation:</b>	<b>GRANT TEMPORARY PERMISSION</b>
<b>Application Type</b>	<b>Full Application</b>

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

The site is broadly triangular in shape. The Runhead public house building occupies much of the site and is predominantly single-storey with the exception of a two-storey structure. In terms of external finish, white render has been used across the external elevations, along with roof tiles for the roof at single-storey level and a light green pitched roof to complete the two-storey building. Also making up the site is an external area for patrons running along the western boundary of the site and a car park and servicing area within the northern portion of the site.

1.2 Vehicular access into the site is from Holburn Lane which runs along the eastern boundary. Along the southern boundary of the site runs the B6317. Immediately adjacent to the western boundary are the rear gardens of residential properties along The Meadows. To the north, the gable elevations of properties along Holburn Lane bound the site.

**1.3 DESCRIPTION OF THE APPLICATION**

The application proposes the creation of an area of timber decking within the external drinking area to the west of the pub building, with a tipi erected on top of the decking, alongside a timber clad container.

1.4 The tipi would be formed from a light beige/brown canvas and would have two peaks with a maximum height of approximately 7.4m which would taper down to a central covered area. The tipi would be approximately 22.3m long. Within the tipi would be a seating area for patrons of the pub and a bar. The capacity of the tipi would be circa 50 people.

1.5 The application also proposes the siting of a container against the southern boundary of the site. The container would be approximately 2.6m in height,

2.4m deep and would be 12.1m in length. In terms of external finish, the container would be clad in timber. Whilst the container would be used primarily for storage of garden furniture and goods used within the tipi, on rare occasions such as private events, e.g. weddings, alcohol could be served from the container, although this is subject to licensing.

1.6 The decked area would be approximately 18cm in height and cover an area of approx. 230msq.

1.7 RELEVANT PLANNING HISTORY:

253/89 - Erection of conservatory and provision of new entrance at rear of public house, alterations to front elevation incorporating new fascia boarding, window detailing and timber cladding plus additional car parking area to the rear - Granted 15.05.1989

521/01 - Construction of childrens play area within courtyard of public house (retrospective application) - Granted 28.06.2001

DC/07/00245/FUL - Refurbishment of public house including construction of pitched roof at rear, construction of ramp at rear, new facade to front, construction of canopies at rear and sides and formation of external seating area at front and car parking to the north-east of the site. Retrospective application - Granted 05.07.2007

DC/20/00161/FUL -Proposed erection of tipi within beer garden and 1no. timber clad storage container (additional info 05.11.20, 19.11.20, description amended 10.11.20) - Granted Temporary Permission 17.12.2020

**2.0 Consultations**

No consultations have been 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 6 letters of representation have been received which object to the proposed development.

3.3 The objections are summarised below:

- Increase in customer numbers and noise/disturbance
- Increase in traffic
- Tipi to be located within a designated buffer zone between pub and houses. A high earth bank and laurel bushes were removed some years ago from buffer zone

- Measurement of sound by ear as part of Noise Management Plan is subjective
- Out of character with street scene

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

MSGP36 Woodland, Trees and Hedgerows

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

- 5.1 The key issues to be considered in the determination of this planning application are considered to visual amenity, residential amenity, and highway safety.
- 5.2 **VISUAL AMENITY**  
The proposed tipi would be set within the curtilage of the pub. In terms of the design of the tipi, it would be of a traditional design, with fabric stretched over a frame to create two peaks which resemble a pyramid shape, with a central covered area, lower in height. The open face of the tipi would front the pub. Internally, a bar would be installed, with furniture for patrons.
- 5.3 A hedge runs along the southern boundary of the site whilst the south-west and western boundary is characterised by mature tree coverage. As a result, the tipi would benefit from some screening but would still be visible.
- 5.4 In terms of materials and appearance, the tipi canvas would be a light beige/brown colour which is considered to be sympathetic to the tree coverage on site and the white render used to finish the two-storey element of the pub building.
- 5.5 The application also proposes the siting of a container against the southern boundary. The container would be approximately 2.6m in height and would

benefit from screening by the hedge which runs along the southern boundary. Notwithstanding the screening, the container would be clad in timber which is considered to both soften its appearance and complement the tree coverage on site.

5.6 With regard to the decking, it would be approximately 18cm in height and would therefore not be widely visible from outside of the site due to the level of screening provided by the hedgerow along the southern boundary, the tree line along the western boundary, and the massing of the existing pub to the east.

5.7 As such, it is considered that the proposal would be acceptable and would comply with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

#### 5.8 RESIDENTIAL AMENITY

Objections received in relation to this application raise concerns with regard to increased noise and disturbance resulting from patrons congregating outside, music being played, and events being held.

5.9 With regard to patrons congregating outdoors and within the tipi, the external area is already available for use by patrons and this is demonstrated by the presence of approximately seven tables, two of which are situated on the western boundary. It is acknowledged that through the erection of a tipi and the subsequent creation of a covered external seating area and the installation of a bar that it is more likely to encourage patrons to congregate outdoors and therefore appropriate mitigation must be in place.

5.10 Paragraph 010 (Reference ID: 30-010-20190722) of the NPPG states:

"In general, for developments that are likely to generate noise, there are 4 broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building."

5.11 With regard to engineering measures, intrusive grounds works would be limited to fixing the frame of the tipi into the ground and uplifting an area of grass to provide beer lines. The mature tree line along the western boundary will be retained which would provide some barrier for the residential properties

to the west. In terms of the external decked area, it would be limited to a height of 18cm and it not therefore considered that it would result in an unacceptable loss of privacy or opportunities for overlooking.

- 5.12 With regard to layout, there is no other location within the site where the tipi could be located. As submitted, the tipi would be located between 3.8-5m from the western boundary of the site. The rear elevation of properties along The Meadows are located a further 10-15m from the boundary. The entrance to the tipi would face the pub with the fabric of the tipi tapering down towards the western boundary which would provide some reduction in noise.
- 5.13 With regard to the use of the container for serving alcohol, a single bar would be installed to serve customers. The serving area for the container would be oriented in a way so customers would not be queuing behind the tipi to the west. There would therefore be the structure of the tipi between the queue and sensitive residential receptors to the west which would provide some reduction in noise.
- 5.14 In terms of planning conditions, officers recommend that the development is not be used by the public between the hours of 22:00 and 08:00 (condition 6), that no live entertainment, amplified sound system or similar equipment shall be used or installed within the tipi or container (condition 10), and that the development be managed in complete accordance with the submitted Noise Management Plan (condition 7).
- 5.15 Further to the above, paragraph 014 (Reference ID: 21a-014-20140306) of the NPPG states:
- "Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only...
- Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area..."
- 5.16 It is recommended that planning permission be granted for a temporary period of 1 year in order to assess the effect of the development on neighbouring residential properties and in particular those to the north and west.
- 5.17 Paragraph 014 (Reference ID: 21a-014-20140306) of the NPPG goes on to state:
- "It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities)"
- 5.18 If members elected to grant a temporary planning permission, this would be the second temporary permission for the proposal. The application is largely a resubmission of the previously approved scheme. Given changing

circumstances with regard to the COVID-19 pandemic and specifically the inability for the development to have been used for any extended period of time, it is considered be reasonable and justifiable to grant a further temporary 1 year permission. Officers recommend that the 1 year period commences on the date of the first use of the container/tipi by a member of the public, as opposed to from the date of the decision to give the applicant the opportunity to open for a full period of 1 year. In turn, this will allow the Council to form a better assessment on how the development integrates with the adjacent sensitive receptors.

5.19 Based on the above assessment, it is considered that, subject to a temporary 1 year permission and the suggested planning conditions, the proposed development would be acceptable and would comply with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

#### 5.20 HIGHWAY SAFETY

The application proposes no changes to the existing access or parking layout.

5.21 The capacity of the tipi would be circa 50 patrons. However, it is considered that the proposed development would not result in an additional 50 trips to the pub as it could be assumed that some existing customers of the pub would use the tipi. Furthermore, the application site is considered to be located within a sustainable area, circa 350m from Ryton local centre to the west, and close to a large residential catchment area where it could also be assumed that patrons of the pub could walk to. As such, it is not considered that the proposal would result in a significant intensification of the use and that the existing parking arrangement would be suitable to support the proposal.

5.22 Based on the above, it is considered that the proposed development would be acceptable and would comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

#### 5.23 OTHER MATTERS

One objection states that an earth bank and laurel bushes have been removed which constituted a designated buffer zone between the pub and the houses to the west.

5.24 A built-up mound with vegetation did exist on the site of the proposed tipi and extended to the north of the site. However, as part of the refurbishment of the pub in 2007 this area was removed. To the north of the proposed tipi, the mound was removed to relocate the parking area closer to the western boundary. On the site of the proposed tipi, the approved plans state 'all low level vegetation to be removed, ground levelled where necessary and new lawn laid'. As such, the tipi would not be located within a designated buffer zone and would not breach a planning condition associated with a previous approval.

5.25 One further objection raises concerns with regard to deliveries.

5.26 There would be no change to the existing delivery arrangements.

## **6.0 CONCLUSION**

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted for a temporary period of 1 year, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

## **7.0 Recommendation:**

That temporary permission be GRANTED subject to the following condition(s) and that the Service Director 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 -

Location Plan  
Existing Site Plan  
300/P3 Proposed Elevations  
102/P3 Proposed Site 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 consent hereby granted shall be for a limited period only of 1 year from the date of the first use of the tipi, or of the container, whichever is first. On the expiration of this period, the use of the tipi and container shall cease. The tipi, container and decking shall be removed and the site returned to its former condition within three months of the date of expiry. The Local Planning Authority shall be notified of the first use of

the tipi or container, whichever is first, in writing, no less than one week prior to its first use.

If the tipi or container is/are brought into use, without the date of first use having been notified to the Local Planning Authority, the date of first use shall be taken as being the date of this decision.

Reason

The development is not considered to be suitable for a permanent permission and to ensure that site is restored to its former condition in the interests of residential and visual amenity in accordance with NPPF and policies CS14, CS15, MSGP18 and MSGP24 of the Local Plan for Gateshead.

4

The development hereby permitted shall be constructed entirely of the materials detailed on the submitted Application Form and the container shall be clad in timber prior to first use of the development hereby permitted.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

5

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

6

The development hereby approved shall not be used by the public between the hours of 22:00 and 08:00.

Reason

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

7



The development hereby approved shall be managed in complete accordance with the submitted Noise Management Plan Revision C.

Reason

To ensure that measures and operating policies are in place to protect the residential amenity of nearby properties in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

8

Prior to the installation of any lighting related to the use of the tipi or container, including illumination of the route to and from the tipi and/or container, security and decorative lighting (except for any lights to be installed inside the tipi and container), full details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include sufficient information to demonstrate that there would be no light spillage beyond the site boundaries

Reason

In the interest of residential amenity to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

9

The new lighting approved under condition 8 shall be installed in accordance with the approved details.

Reason

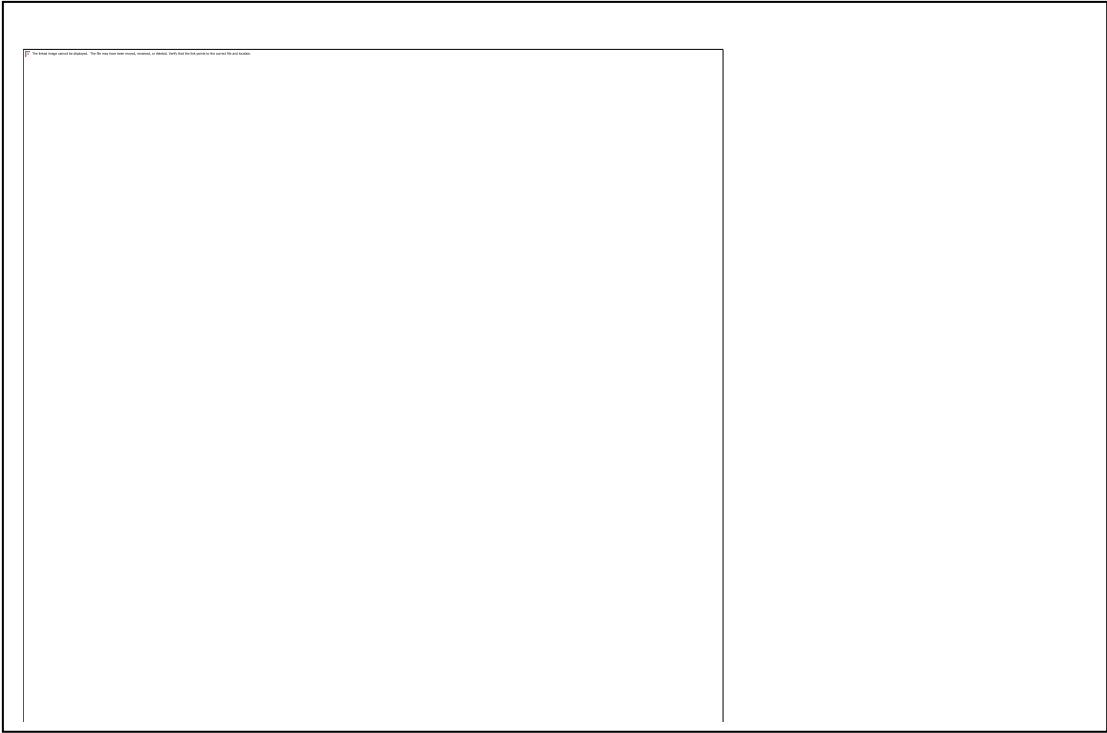
In the interest of residential amenity to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

10

No live entertainment, amplified sound system or similar equipment associated with the development hereby approved shall be installed or used within the tipi or container at any time.

Reason

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



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