

**Committee Report**

<b>Application No:</b>	<b>DC/22/00182/FUL</b>
<b>Case Officer</b>	<b>Josh Kenolty</b>
<b>Date Application Valid</b>	<b>18 February 2022</b>
<b>Applicant</b>	<b>Malhotra Group Plc</b>
<b>Site:</b>	<b>The Runhead Holburn Lane Ryton NE40 3HJ</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Retention of tipi within beer garden, 1no. timber clad container and associated decked area on a permanent basis (previous approval reference: DC/21/00069/FUL). (Amended plans and additional information received on 19/07/22 and 04/08/22)</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 application site is broadly triangular in shape. The Runhead public house building occupies much of the site and is predominantly single-storey, with a two-storey element. A car park and servicing area make up the northern portion of the site. External seating for patrons is found along the west and south elevations of the premises.

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**

A temporary planning consent was granted by Planning Committee in April 2021 for the erection of a tipi within the external drinking area to the west of the pub building and the siting of a timber clad container. An external decked area was also granted permission to be installed around the tipi. The permission was implemented, and this application seeks to retain the development on a permanent basis.

1.4 The tipi is a light beige/brown canvas construction and has two peaks with a maximum height of approximately 7.4m, which tapers down to a central covered area. The tipi is approximately 22.3m long. Within the tipi is a seating area for patrons of the pub and a bar. The capacity of the tipi is

50 people. The timber decked area around the tipi measures to approximately 18cm in height.

1.5 The associated container is sited against the southern boundary of the site. The container is clad in timber and is approximately 2.6m in height, 2.4m deep and 12.1m in length. In terms of external finish, the container would be clad in timber. It is used primarily for the storage of garden furniture and goods used within the tipi.

1.6 Following Officer feedback in relation residential amenity impacts amended plans and additional information were received from the applicant on 19 July 2022 and 4 August 2022. The amended proposed reduce the amount of external festoon lighting used in connection with the tipi and altering the method of heating to mains powered, silent operation patio heaters.

### 1.7 PLANNING HISTORY

As highlighted in the above section, planning permission was previously granted for a 12-month temporary consent by planning committee in April 2021, under application reference: DC/21/00069/FUL, for the proposed erection of a tipi within the beer garden of the public house, the installation of 1no. timber clad container, and an associated decked area. As detailed within the minutes of the committee meeting, The Vice Chair requested that if a future application is made to renew this temporary consent, that it would be determined by Planning and Development Committee and not under powers delegated to officers. This was agreed by Members.

1.8 Prior to this, planning permission was granted on a 12-month temporary basis by Planning Committee in December 2020, under application reference: DC/20/00161/FUL, for the same development, comprising the proposed erection of a tipi within the beer garden of the public house, the installation of 1no. timber clad container, and an associated decked area. However, due to Covid-19 restrictions in place around this time, the permission was never fully implemented.

## 2.0 Consultation Responses:

No external consultees consulted.

## 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.

3.2 A total of 7no. letters of objection have been received which are summarised below:

- Frequent breaches of the Noise Management Plan with regards to live and recorded music being played in the tipis.

- Negative impact on physical and mental health due to the noise from these tipis.
- Sometimes unable to sit comfortably in house or enjoy gardens.
- Lack of privacy.
- Anti-social behaviour witnessed since the temporary extensions.
- Noise concerns. There is often shouting, screaming, loud clapping, banging and cheering.
- Excessive noise from revving cars and motorbikes when patrons are leaving.
- Another problem is the two industrial type heaters outside the tipi, which produce a constant droning for hours on end for residents.
- Light pollution from strings of very bright festoon bulbs light at night, these are on from early until very late sometimes, unwarranted due to the adequate lighting in the car park and round the main building itself.
- Inadequate car parking, the main road Holburn Lane congested with parking on pavements etc. Too many people.
- Traffic double parking, parking on footpaths, even parking in road junctions
- The structure is an eyesore and has been getting dirty which makes it worse.
- The tipis are out of scale and out of character, and overbearing in terms of their appearance, compared to existing developments in the vicinity and they block view and outlook.
- Over the past year the pub has not been running at full capacity, so to be given permanent permission I feel this is wrong. Could we not give another temporary year running at full capacity?
- As the tipi has been running in covid times I would prefer to see a more normal year and numbers before we accept them as a permanent feature.
- I would like to see another year of temporary status to see if the pub does keep with crowd control outside and proper monitoring of sound levels.

#### **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 assessed in the determination of this planning application are considered to be visual amenity and residential amenity impacts, and highway safety.

### **5.2 VISUAL AMENITY**

Local Plan Policy MSGP24 (Design Quality) makes clear that the design quality of proposals will be assessed with regard to the following criteria:

- a) The proposal's compatibility with local character including relationship to existing townscape and frontages, scale, height, massing, proportions and form;
- b) Layout and access;
- c) Space between buildings and relationship to the public realm;
- d) Detailing and materials, and;
- e) The use of a high-quality landscaping scheme, structural landscaping and boundary treatment to enhance the setting of any development

5.3 The tipi is set within the curtilage of the pub. In terms of the design of the tipi, it comprises fabric stretched over a frame to create two peaks which resemble a pyramid shape, along with a central covered area which is lower in height. The open face of the tipi fronts the side elevation of the pub. Internally, it benefits from a bar, as well as furniture for patrons.

5.4 A hedge runs along the southern boundary of the pub site, whilst the south-west and western boundary is characterised by mature tree coverage. As a result, the tipi benefits from screening which reduces its prominence, but is still visible from the public road.

5.5 In terms of materials and appearance, the tipi canvas is 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.

5.6 The associated storage container is sited against the southern boundary of the site. The container is approximately 2.6m in height and benefits from screening by the hedge which runs along the southern boundary. Notwithstanding the screening, the container is clad in timber which is considered to both soften its appearance and complement the tree coverage on site.

5.7 With regards to the timber decking, due to its position and low height, it is not widely visible from outside of the site. This is also taking into account 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. As such, the decking is considered to be acceptable in terms of visual amenity impact.

5.8 Taking the above into account, Officers consider that the development complies with the aims and objectives of the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

#### 5.9 RESIDENTIAL AMENITY

Policy MSGP 17 (Residential amenity) of the Local Plan makes clear that development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. In connection with this, Policy MSGP 18 (Noise) advises that noise-sensitive development will be assessed for its compatibility with existing land uses and activities.

5.10 Objections received in relation to this application raise concerns with regard to increased noise and disturbance resulting from the activities of patrons, music being played, events being held and the method of heating the tipi, as well as light pollution. Concerns have also been raised in relation to privacy impacts.

5.11 As constructed, the tipi is located between 4-5m from the western boundary of the site. The rear elevations of nearest properties along The Meadows are located a further 10-15m back from this boundary. The entrance to the tipi faces the pub rather than these dwellings, with the fabric canopy of the tipi also tapering down towards the western boundary, providing some reduction in noise for residents.

5.12 In terms of the external decked area, based on its limited height above ground level and position within the site, it has not resulted in an unacceptable loss of privacy for the occupiers of the nearest residential dwellings, or provided increased opportunities for overlooking.

5.13 It is proposed by this planning application to change the method of heating the tipi. The external 'fan' style heaters are to be removed from the site and new internal patio style heaters are proposed to be installed (as shown on the proposed site plan), which are silent in operation. Officers are satisfied that this method of heating would be acceptable and would reduce the level of noise generated by the development. A planning condition is proposed restricting the method of heating to that shown on the proposed plans; and requiring the removal of the existing external heaters no later than one month from the date of any permission.

5.14 In addition, amended plans have been submitted as part of this planning application reducing the amount of festoon lighting used in connection with the tipi, with the lighting now reduced to the area between the tipi and the side elevation of the pub building. Officers consider that this new

layout should satisfactorily reduce the impact of the external lighting of the development on the occupiers of neighbouring dwellings.

- 5.15 In order to prevent unacceptable disturbance to the occupiers of the nearest residential properties through glare or light spillage from the operation of the tipi, a planning condition is proposing requiring the revised external lighting layout to be installed no later than one month from the date of any permission; and maintained as such thereafter for the duration of the development.
- 5.16 Furthermore, in the interests of preserving the amenity of neighbouring residents from unacceptable noise and disturbance (particularly during quieter early morning or evening times), a condition is recommended to prevent the tipi being used by the public between the hours of 22:00 and 08:00; and a condition is proposed requiring the development to be managed in full accordance with the updated Noise Management Plan submitted to accompany this planning application.
- 5.17 Having regard to the proximity of the closest residential dwellings to the site, a condition is recommended preventing any live entertainment, or amplified sound system or similar equipment being installed or used within the tipi (or associated container) at any time, in order to protect the amenity of occupiers from unacceptable levels of noise or disturbance.
- 5.18 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. The Government's National Planning Practice Guidance (NPPG) makes clear that 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. The NPPG does advise that it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale).
- 5.19 To allow the Local Planning Authority to fully assess whether the amended plans and proposed conditions adequately prevent unacceptable noise generation, light spillage and general disturbance for local residents while the tipi is in operation, particularly those properties to the north and west of the application site, it is considered necessary to impose a 12-month temporary consent for the development. This is also having regard to the objections received against the tipi, including the complaints made against its current operation.
- 5.20 It is acknowledged that this would represent an additional temporary consent for the development. However, while the application is a resubmission of the previously approved scheme, changes have been made to the lighting layout and heating method to address residential amenity impacts. Furthermore, given changing circumstances with regard to the COVID-19 pandemic and specifically the inability for the development to have been used for the entirety of the previous

permission, it is considered be reasonable and justifiable to grant a further temporary 1-year permission in this instance.

5.21 Subject to the imposition of the above conditions to limit the operation of the tipi, including the imposition of a 12-month temporary consent, it is considered that the development is acceptable in terms of its impact upon residential amenity, and would accord with the aims and objectives of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

#### 5.22 HIGHWAY SAFETY

Local Plan Policy MSGP15 of the Local Plan states that development will be required to not have an unacceptable impact on the safe operation of the transport network, or a severe residual cumulative impact on the efficient operation of the road network, or levels of congestion.

5.23 The application proposes no changes to the existing access or parking layout of the pub, while no change is proposed to waste storage arrangements at the site.

5.23 As detailed within the submitted Noise Management Plan, the capacity of the tipi is limited to 50 patrons. However, it is considered that the development would not result in an additional 50 trips to the pub at any one time, as it could reasonably be assumed that some existing customers of the pub use the tipi.

5.24 Furthermore, the application site is considered to be located within a sustainable area, approximately 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.

5.25 Notwithstanding the above, concerns have been raised by local residents regarding traffic and parking impacts on the surrounding streets, as a result of customers using the Runhead. Officers have liaised with the council's Network Management Team and they have not been made aware of any car parking issues, specifically as a result of the tipi. However, it is acknowledged by Officers that that during the previous 12-month permission, Covid-19 restrictions may have affected the popularity and use of the tipi and the pub.

5.26 It is therefore considered that a temporary 12-month permission would also allow Officers to assess the impact of the development (when in full operation) on parking levels within the surrounding area, in order to demonstrate that the development does not result in an unacceptable impact on highway capacity or highway safety, in order to comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

## 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be granted on a temporary 12-month basis, subject to suitable conditions. It is considered that the development complies 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 permission be granted subject to the following condition(s) and that the Strategic 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 -

- Drawing Number 100 Site Location Plan
- Drawing Number 102/P6 Proposed Site Plan
- Drawing Number 300/P5 Proposed Elevations

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 consent hereby granted shall be for a limited period only of 1 year from the date of the decision. 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.

**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.

3

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

'Document reference number: NMP01/8673.1F Revision: F', dated: 1 August 2022.

If at any time the Noise Management Plan cannot be complied with, the use of the whole development hereby approved shall cease immediately, and the use shall not recommence until compliance with the Noise Management Plan is possible.

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.

4

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.

5

The existing fan heaters used in connection with the operation of the development shall be removed from the site no later than one calendar month from the date of this permission and the method of heating the tipi and container shall be restricted to the internal silent operation patio heaters only as detailed on the approved plan reference 'Drawing Number 102/P6 Proposed Site Plan', and maintained as such for the duration of the development following their installation.

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.

6

The external lighting layout related to the use of the tipi and 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), shall be installed in accordance with the layout as detailed on the approved plan 'Drawing Number 102/P6 Proposed Site Plan', no later than one calendar month from the date of this permission and maintained as such for the duration of the development.

Reason

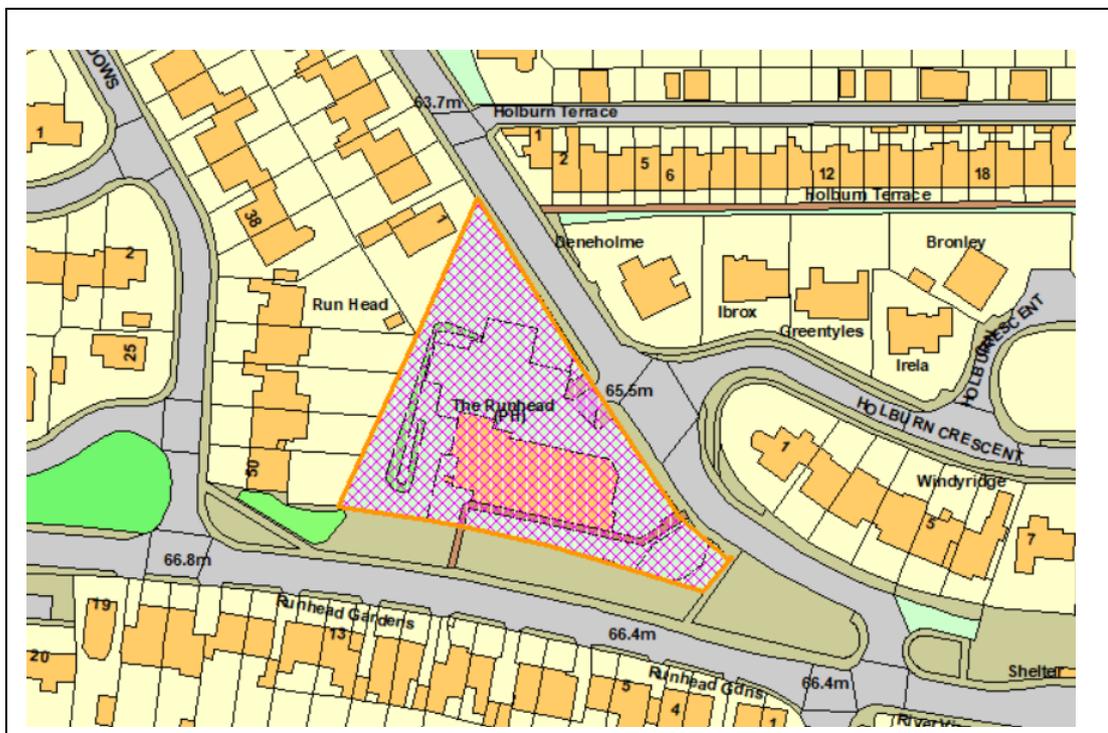
In the interest of residential amenity to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

7

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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