

**Committee Report**

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<b>Application No:</b>	<b>DC/23/00454/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>3 July 2023</b>
<b>Applicant</b>	<b>Mr Peter Rodgers</b>
<b>Site:</b>	<b>Open Space At Junction Of Woodside Lane And Ryton Main Road B6317</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Creation of Heritage Garden including Monument to the reign of Queen Elizabeth II, hard landscaped seating area with 3 bench seats, flower bed, replacement tree following removal of diseased tree and 3 information boards (amended plans received 5 Sept and 1 Oct 2023).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

1.2 The application site is a triangular area of sloping green space, at the junction of Main Road and Woodside Lane in the centre of Ryton. The site is grassed with some ornamental planted flower beds and is enclosed by a low metal bow top railing, painted black. The site contains 3 trees, two cherry trees and one evergreen conifer tree. Currently there is no public access to the site. The land levels fall away from Main Road, from the north of the site, towards Woodside Lane to the south of the site.

1.3 There are a row of recycling bins and a bus stop with a bus shelter immediately to the north of the site, adjacent to Main Road. The site is surrounded by a range of buildings. To the north of the site is a sandstone cottage, to the east Ryton Methodist Church. To the south are two storey residential properties and to the west are single storey flat roofed commercial units.

1.4 The site is outside of but immediately adjacent to (and to the west of) Ryton Conservation Area. It is understood that the site is owned by the Council, but the land is maintained by a charity – Brighten Ryton Local Environment Group.

**1.5 DESCRIPTION OF APPLICATION**

1.6 This planning application proposes to create a heritage garden at the site, with a monument to the reign of Queen Elizabeth II, which would be open to the public to access.

1.7 The proposal includes:

- The creation of a heritage garden
- Regrading/levelling of a small area of the site to create a seating area
- bench style seats on the seating area
- A monument to Queen Elizabeth II
- A circular flower bed in the centre of the site
- information boards
- A ground level planting bed at the apex of the site at the road junction
- The existing perimeter fencing is to be retained

1.8 In terms of the proposed monument of Queen Elizabeth II, the final details of what the monument will look like, is not known at this stage. Information has been submitted detailing location and maximum size of the monument. The drawings show the monument would be positioned within the circular flower bed in the centre of the site. The monument would be no larger than 3 metres high from the ground level in the sitting area and have a footprint of no more than 2 m<sup>2</sup>.

1.9 As the exact details of the monument are not known at this stage, a planning condition is necessary requiring the final details of the monument to be submitted and approved. This is in the interests of good design and if planning permission is granted for the proposal.

1.10 The application has been submitted with the following information:

- Application form / CIL form
- Scaled drawings
- Heritage Statement
- Design and Access Statement
- Arboricultural Impact Assessment (AIA)
- Results from public consultation by the applicant
- Artist Brief for the monument
- Photo of Greenside Community Garden

1.11 The Heritage Statement submitted by the applicant states that the proposed heritage garden will enhance the site by adding more flora, making it more accessible to residents to meet and relax, to get closer to the flowers on display and from the information boards learn of the history and heritage of Ryton. The Heritage Statement also explains that it is intended that the site will continue to be maintained by Brighten Ryton Local Environment Group.

1.12 AMENDED PLANS

1.13 Amended plans have been submitted on 5<sup>th</sup> September and 1<sup>st</sup> October 2023. The amended plans remove the raised flower bed and replace it with ground level planting, as well as removing the information board, at the apex of the site at the junction of Main Road and Woodside Road. The amendments are to ensure and maintain visibility at this road junction. A colour copy of the tree protection plan was also submitted.

#### 1.14 RELEVANT PLANNING HISTORY

1.15 None

### 2.0 Consultation Responses:

Northumbria Police No objection from a crime prevention perspective

### 3.0 Representations:

3.1 The Council sent neighbour notification letters to 16 surrounding properties on 12th and 20<sup>th</sup> July 2023, as well as displaying 3 site notices around the site on 26 July 2023. A notice also appeared in the Newcastle Journal on 19 July 2023.

3.2 20 representations have been received (13 letters of objection and 7 letters of support, including from Councillor Chris Buckley).

#### 3.3 OBJECTIONS

3.4 13 letters of objection have been received from local residents on the following grounds :

- Out of character with the street scene
- Overbearing
- Over development
- Will be less green space
- Loss of trees
- The proposal including the seating may attract anti social behaviour
- Will increase litter
- Loss of privacy
- Additional noise
- Disturbance early mornings / late evening
- Disruption from building works
- Inadequate car parking
- The proposal is not needed
- The cost involved in production and maintenance of the area
- Objection to the theme, a tribute to a controversial figure such as Queen Elizabeth is inappropriate

#### 3.5 SUPPORT

3.6 7 letters of support have been received from 6 local residents. Councillor Chris Buckley also supports the proposal.

#### 3.7 Local Residents

6 local residents have written in support of the proposal on the following grounds :

- This development will enhance the public realm and the centre of Ryton
- It will be visually more interesting and attractive
- It will provide an improved, more attractive amenity for residents
- It will make good use of a space at the heart of the village which is currently under utilised
- It will give a focal point for Christmas festivities and memorials to the late Queen
- It will provide a central information source of the villages history and heritage
- The seating will enhance the site by allowing people to rest, gather and catch up
- It will bring Ryton in line with other local settlements
- Brighten Ryton do a great job maintaining planting and other amenities in the village
- It is in full view of passing traffic in all sides so the opportunity for ASB is negligible
- Whilst the royal family is a divisive topic, a monument to the Queens reign is different to a statue of the Queen

### 3.8 Local Councillor

Councillor Chris Buckley has made a representation in support of the proposal. The comments made in the representation of support are briefly summarised below:

- Over the years Brighten Ryton have carried out significant work within the ward to improve the local environment
- Brighten Ryton have a track record of delivering complex projects
- The heritage garden will become a significant asset to the ward
- Anti social behaviour (ASB) is a significant concern to residents, so I would welcome the input of the Designing out Crime Officer and would ask that any improvements suggested are incorporated into the final design
- I note and welcome the reduction in the area of hard standing from the original proposals and are pleased to see that the same number of trees will be retained
- I am also pleased to see the current proposals increase the area covered by flowers building on the excellent work of the Flower Bed Buddies in the ward.

### 4.0 **Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

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

- 5.1 The main planning issues are considered to be the impact of the proposal on the setting of the conservation area adjacent to the site, the impact on the existing trees on the site, the impact on the amenity of adjacent properties and if the proposal raises any highway safety issues.
- 5.2 HERITAGE / VISUAL IMPACT
- 5.3 The site is outside of but adjacent to Ryton Conservation Area, which is a designated heritage asset. A Character Statement for the Conservation Area was approved by the Council on 27 August 1997. The conservation area embraces an old agricultural village, Victorian suburban extensions and wooded slopes to the River Tyne. The plot is located in the area described as: Victorian and Edwardian development.
- 5.4 The junction area, where the application site is situated is located at a crossroads between Main Road, Lane Head/Whitewell Lane, Woodside Lane, Hexham Old Road, and Grange Road is dominated by road surfacing, areas of paving and footpaths, with small, planted beds of various constructions. It also contains a number of mature large trees and a young tree of the same species, and there are further mature trees walled grounds to the north. The application site is on the edge of the conservation area, where urban features such as bus stops, litter bins are found in the streetscape and in the view out of the conservation area.
- 5.5 The proposed development includes re-grading and paving part of the grass at the site, the introduction of 3 benches and information boards, the provision of a raised planting bed and ground level planting bed and a monument. The Council's Heritage Officer advises that the introduction of new mixed features and hard surfacing would increase the mismatched elements in this core

location in the village where the unity of a green backdrop and simplicity is more appropriate. Council officers are therefore of the opinion that the proposal is likely to result in less than substantial harm to the setting of the adjacent Ryton Conservation Area – a designated heritage asset.

- 5.6 Paragraph 202 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is therefore necessary in accordance with paragraph 202 of the NPPF to balance the harm against any public benefits from the proposal.
- 5.7 The proposal would result in some public benefits including enhancing the site by adding more flora in a central location in the village, making the site accessible to the local residents, as well as providing information boards learn of the history and heritage of Ryton. Council planning officers are therefore of the opinion that the less than substantial harm from the proposal to the setting of Ryton Conservation Area would be outweighed by the public benefits of the scheme.
- 5.8 In addition Council planning officers are of the opinion that the proposal would not look out of context visually in the street scene, in this area which already has street furniture including bus stops, bus shelters and litter bins. Planning conditions have also been recommended to approve the final details of the monument, seating, information boards and hard landscaping to ensure that these features are appropriate in the interest of good design.
- 5.9 It is therefore considered that the proposal is acceptable from a heritage and visual amenity point of view and accords with the aims and objectives of the NPPF and policies CS15, MSGP24 and MSGP25 of the Council's Local Plan.
- 5.10 TREES
- 5.11 There are currently 3 trees on the site (2 cherry trees and a mature evergreen conifer tree). The trees are not within a Conservation Area and are not covered by a Tree Preservation Order (TPO). An Arboricultural Impact Assessment (AIA) has been submitted as part of this planning application, identifying the three trees on the site as T1, T2 and T3.
- 5.12 The AIA concludes that the smaller cherry tree (tree T2) which is situated towards the east of the site, is diseased and should be removed. This planning application includes the remove of this cherry tree (tree T2) but also proposes to plant a replacement tree to maintain the tree numbers.
- 5.13 The existing trees on the site that are to be retained (tree T1 conifer and tree T3 larger cherry tree) will be protected whilst construction works take place. A detailed tree protection plan has been submitted as part of the planning application supporting information. While local objection is noted regarding the impact on trees, the Council's tree officer has assessed the submitted AIA and agrees with its conclusions and the proposed tree protection plan.

5.14 The proposal is therefore considered to be acceptable in terms of impact on existing trees, subject to planning conditions, which require the provision of the tree protection plan and that details of the replacement tree (its species, size and location) to be approved. Subject to these planning conditions it is considered that the proposal accords with the aims and objectives of the NPPF and policies CS18 and MSGP36 of the Council's Local Plan.

#### 5.15 AMENITY

5.16 Council officers are of the opinion that the proposal will not result in any harm to the living conditions of adjacent residents in terms of loss of light, overshadowing, loss or privacy or overlooking, given the distance from the site to the adjacent houses.

5.17 Concerns have been raised by some residents that they may be disturbance during the construction process. To limit any disturbance from the construction, a planning condition has been recommended which would control the days and times of the construction works.

5.18 Some raised have raised concerns regarding how the proposal may result in antisocial behaviour in the area. Northumbria Police have been consulted about the planning application and they have confirmed that they have reviewed the application and have no objection from a crime prevention perspective.

5.19 The proposal is therefore considered to be acceptable from a residential amenity point of view, subject to the planning condition relating to construction hours. Subject to this planning condition it is considered that the proposal accords with the aims and objectives of the NPPF and policies CS14 and MSGP17 of the Council's Local Plan.

#### 5.20 TRANSPORT

5.21 There is an existing lockable gate at the southwest corner of the site. The proposed access to the heritage garden would be located directly opposite the raised flowerbed onto the footpath along Woodside Lane, along the eastern boundary of the site.

5.22 Visibility splays at the adjacent junction of Main Road and Woodside Lane have been reviewed against the proposals and officers are satisfied there will be no impact on highways safety. Nevertheless, a planning condition is recommended requiring the visibility splay to be kept clear of obstruction for the life of the development.

5.23 Given that the site is surrounded on all side by highways (roads to the north, east and south, as well as a pedestrian path to the west), a planning condition has been recommended to agree a construction management plan (CMP). This plan would set out how the development would be constructed in terms of highway access, to ensure that the construction process is appropriate from a highway safety point of view.

5.24 Subject to this planning condition the proposal is considered acceptable from a transport point of view and accords with the aims and objectives of the NPPF and policies CS13 and MSGP15 of the Council's Local Plan.

#### 5.25 OTHER ISSUES

5.26 A number of other issues have been raised from local residents, however these are not considered to be material planning considerations.

#### 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, including all the comments made in support and objecting to the proposal, it is considered on balance that the proposal is acceptable from a planning point of view, subject to planning conditions.

6.2 It is therefore recommended that planning permission be granted subject to the planning conditions below. Subject to these planning conditions, the proposal is considered to accord with the aims and objectives of both national and local planning policies.

#### 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 –

Site location plan	1:1250 dated 26 May 2023
Drawing No 02 Rev 1A	proposed site plan
Drawing No 03 Rev 1	cross sections

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.



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

No development shall commence on site until the tree protective fencing as shown by a blue line in Appendix 5 – Tree Protection Plan in the Arboricultural Impact Assessment by Andrew Hampton dated September 2023 has been installed in accordance with the details in the Arboricultural Impact Assessment.

The tree protective fencing shall be retained intact for the full duration of the construction works and there shall be no access or storage within the tree protective fenced area.

Reason

To ensure the satisfactory protection of the retained trees in accordance with the NPPF and policies CS18 and MSGP36 of the Local Plan for Gateshead.

4

All works and operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to minimise disturbance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

5

No development shall commence on site (except for the installation of tree protection measures) until a Construction Management Plan (CMP) which details how access to the site will be made during the construction process has been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure a safe access to the site during the construction process in the interest of highway safety and in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

#### Reason For Pre Commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the construction of the development can be carried out in a manner which is appropriate from a highway safety point of view. This information is fundamental to the development and requires approval prior to development starting on the site as it relates to the construction stage of the development.

6

The development shall be carried out in accordance with the Construction Management Plan approved at condition 5.

#### Reason

In order to ensure a safe access to the site during the construction process in the interest of highway safety and in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

7

Prior to the development being brought into use, details of the replacement tree to replace tree T2 including the species, size, location and timetable for planting of the tree has been submitted to and approved in writing by the Local Planning Authority.

#### Reason

In the interest of the visual amenity of the area in accordance with the NPPF and policies CS15 and MSGP24 of the Council's Local Plan.

8

The replacement tree approved at condition 7 shall be provided in accordance with the approved details.

#### Reason

In the interest of the visual amenity of the area in accordance with the NPPF and policies CS15 and MSGP24 of the Council's Local Plan.

9

Notwithstanding the submitted information the final details (size, design, location, colour and finish) of the following items shall be submitted to and approved in writing by the Local Planning Authority prior to the individual items being provided on site :

- (a) the monument
- (b) the seating
- (c) the information boards
- (d) the hard landscaping / paved area in the centre of the site

The monument under item (a) shall not exceed a height of 3 metres from the ground level in the sitting area and shall have a footprint no more than 2 m2.

**Reason**

In the interest of the visual amenity of the area and in accordance with the NPPF and policies CS15 and MSGP24 of the Council's Local Plan.

10

The monument, seating, information boards and hard landscaping shall be provided in accordance with the details approved under condition 9.

**Reason**

In the interest of the visual amenity of the area and in accordance with the NPPF and policies CS15 and MSGP24 of the Council's Local Plan.

11

The existing visibility splays at the junction of Main Road and Woodside Lane shall be kept clear of obstruction.

**Reason**

In the interest of highway safety in accordance with the aims and objectives of the NPPF and policies CS13 and MSGP15 of the Council's Local Plan.

