

Committee Report

Application No:	DC/23/00757/FUL
Case Officer	Josh Kenolty
Date Application Valid	13 September 2023
Applicant	Malhotra Group Plc
Site:	The Runhead Holburn Lane Ryton NE40 3HJ
Ward:	Ryton Crookhill and Stella
Proposal:	Extension of current temporary approval (ref. DC/22/00182/FUL) for 1 year for the retention of Tipi within the beer garden, 1no. timber clad container and associated decked area.
Recommendation:	Grant Temporary Permission
Application Type	Full Application

1. 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. 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. 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 APPLICATION

A temporary planning consent was granted by Planning Committee in August 2022 for the retention of a tipi, including a timber decked area, within the external drinking area to the west of the pub building and the continued siting of a timber clad container. The permission was implemented, and this application seeks to retain the development on a further 12-month temporary basis. No changes are proposed to the layout, as approved.

- 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 PLANNING HISTORY

Planning permission was granted for a 12-month temporary consent by Planning Committee in August 2022 under application reference DC/22/00182/FUL for the retention of the tipi within the beer garden, including 1no. timber clad container and associated decked area. The application included amended details of external lighting and the heating method for the tipi, in order to better protect residential amenity.

- 1.7 Prior to this, 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 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. Consultation Responses

Northumbria Police: No comments received.

3. 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, which included the display of a site notice.
- 3.2 A representation of objection to the application has been made by Ward Councillor Buckley, which raises the following matters:

- It is highly unusual for a planning application to be granted repeated temporary permissions. I see no reason why this should be an exception.
- The rationale behind these tipis being installed was the COVID pandemic, all legal restrictions have now been removed so this justification no longer exists.
- The pub already generates significant noise, these tipis are adding to this nuisance and impacting on residents enjoyment of their properties.
- The tipis are having a visual impact on the environment, they are by their nature temporary structures and are beginning to look tired and past their best.

3.3 A further 4 representations of objection have been received (two of which are from the occupiers of the same property) which raise the following matters:

- The Beer Garden alone generates high levels of noise, often until closing time . Does this not run counter to the to the noise control plan the Runhead should be monitoring?
- Noise nuisance generated
- Added noise and traffic from the tipis spoil enjoyment of garden and house
- Extra noise generated before during and after an event, preparation noise, excessive noise sometimes during event then the subsequent car park noise etc.
- Very noisy compressor for hours every day for a week jet washing these
- Eyesore
- The tipis and the awful garden sheds they have for people to sit in and drink don't fit in with the local environment which is a residential area

4. 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

5. 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**
Dwellinghouses 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. Seen within the context of the larger pub building, and taking into account the existing commercial use of the site, it is not considered that it appears out of character within its surroundings.
- 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 cleaning the tipi. Concerns have also been raised in relation to privacy loss and general amenity 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 With regards to the method of heating the tipis, internal patio style heaters were installed under the previous temporary permission (as shown on the submitted site plan), which are silent in operation. Officers are satisfied that this method of heating is acceptable and limits the level of noise generated by the development. A planning condition is proposed restricting the method of heating to that shown on the submitted plans.

- 5.14 Amended plans were submitted as part of the previous planning application reducing the amount of festoon lighting used in connection with the tipi, with the lighting reduced to the area between the tipi and the side elevation of the pub building. Officers considered that this new layout satisfactorily reduces the impact of the external lighting of the development on the occupiers of neighbouring dwellings.

- 5.15 A planning condition is proposed which seeks to maintain this lighting layout for the duration of the development, in the interests of protecting

the nearest residential properties through glare or light spillage from the operation of the tipi.

- 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 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 While the issue of the jet washers used for the cleaning the tipis was reviewed by Officers, it is not something that is carried out frequently or excessively noisy enough to warrant the refusal of the application on noise grounds. Similar cleaning activities could be carried out within the curtilage of the pub site without restriction.
- 5.19 It is noted that no complaints have been received by Gateshead Council's Environmental Protection Team over the previous 12 months about any of the noise issues raised by objectors to this application. Furthermore, no complaints have been logged with the Council's Planning Enforcement Team in relation to the operation of the site over the previous 12 months.
- 5.20 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).
- 5.21 Justification for the further temporary consent has been provided by the agent for the application. It is stated by the agent that the tipis add a degree of diversity to the venue and the provisions that are offered, which assists in ensuring the viable operation of the business, especially when the current economic situation is challenging, in particular for the Food & Beverage industry.
- 5.22 It is acknowledged that this would represent the fourth 12-month temporary consent granted for the development. However, the initial 12-

month permission granted in December 2020 was never implemented due to covid-19 restrictions in place around this time.

- 5.23 Similarly, the 12-month extension granted in April 2021 still remained subject to Covid restrictions in place at that time. At the Planning Committee to approve this application, it was also agreed by members that any future application to extend the time limit of the permission, should be determined by Planning Committee.
- 5.24 The subsequent application to extend the time limit for the development, granted by Planning Committee in August 2022, included changes to the lighting layout and the method of heating the tipi. These changes were made in order to address impacts on local residents and prevent harm to their amenity through reducing light spillage and noise generation from the ongoing use of the structure by patrons.
- 5.25 As such, this has been the first full year of the operation of the tipi following these improvements being granted temporary permission. The applicant is seeking a further 12-month temporary permission on this basis.
- 5.26 Taking into account the changing circumstances at the site including previous covid-19 restrictions, as well as the current economic climate and the need to ensure the viable operation of the business, it is considered be reasonable and justifiable to grant a further temporary 1-year permission in this instance.
- 5.27 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.
- 5.28 **HIGHWAY CAPACITY AND ROAD 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.
- 5.29 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.
- 5.30 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.

- 5.31 Furthermore, the application site is considered to be 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. Bus stops are also located in proximity of the site.
- 5.32 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 related issues over the previous 12 months, specifically as a result of the tipi.
- 5.33 It is therefore considered that a temporary 12-month permission would be acceptable, as the operation of the tipi has not resulted in an unacceptable impact on highway capacity or highway safety, complying with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

6. 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. 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 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 fully maintained as such for the duration of the development.

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 fully maintained in accordance with the layout as detailed on the approved plan 'Drawing Number 102/P6 Proposed Site Plan' for the duration of the development.

Reason

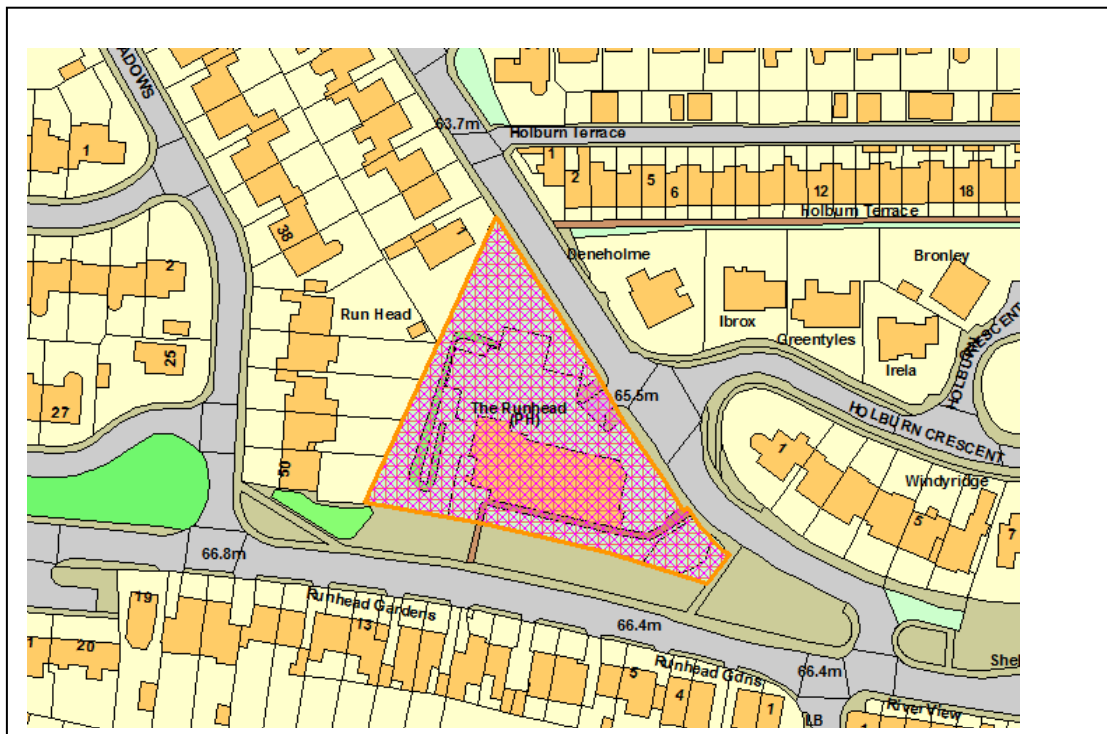
In the interest of residential amenity to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

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.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X