
APPLICATION DETAILS

Application No:	17/0302/FUL
Location:	18 Southfield Road Middlesbrough TS1 3BZ
Proposal:	Erection of raised decking, covered pergola, installation of seating and tables and other associated works
Applicant:	Mr Julian Hibbert
Agent:	Mrs Victoria Fletcher
Ward:	Central
Recommendation:	Approved with Conditions

SUMMARY

The application seeks planning approval for the erection of a raised decking area with timber pergola and other minor associated works to the front of the Southfield Public House which is located within the pedestrianised area of Southfield Road.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an A4 commercial property which is situated to the northern side of Southfield Road, the site sits approximately 70m west of the junction with Woodlands Road. The site is situated within the town centre boundary and forms part of the University sector as identified on the Councils Local Plan.

PLANNING HISTORY

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- a) *The provisions of the development plan, so far as material to the application;*
- b) *Any local finance considerations, so far as material to the application; and*
- c) *Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *Housing Local Plan (2014);*
- *Core Strategy DPD (2008, policies which have not been superseded/deleted only);*
- *Regeneration DPD (2009, policies which have not been superseded/deleted only);*
- *Tees Valley Joint Minerals and Waste Core Strategy DPD (2011);*
- *Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011);*
- *Middlesbrough Local Plan (1999, Saved Policies only); and*
- *Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles', which can be summarised as follows:

- *Being plan led;*
- *Enhancing and improving areas;*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants;*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside;*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables;*
- *Contribute to conserving and enhancing the natural environment;*
- *Encourage the effective use of land;*
- *Promote mixed use developments;*
- *Conserve heritage assets in a manner appropriate to their significance;*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations; and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

CS4 - Sustainable Development
CS5 - Design
DC1 - General Development
UDSPD - Urban Design SPD

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Neighbouring properties were consulted on the proposal, the following representations have been made.

Miss N Qurashi - 28 Woodlands Road

There are already a number of pubs/bars on Southfield Road which are open late which means the rowdy noise of music resonates through the whole area at untimely hours. The constant noise of boisterous, raucous people, drunken singing and loud music most nights is extremely infuriating.

The closure of Southfield road for vehicles has meant that as the road is now paved, customers from the pubs roam around more freely almost every night.

The closure of Southfield Road has also seen a significant rise in traffic coming through Woodlands Road making it extremely dangerous for young children to play outside their houses.

Mr S Akbar - 30 Woodlands Road

At the moment we have lots of people outside of the pub smoking and being loud, music is also played late into the evening.

They have limited car parking space, customers are parking on the road and making problems for locals.

The pub does have security staff when trouble breaks out, it is a big problem for locals as most have young children.

Teesside University

The university has no objection to the proposals in general. Majority of the work has already been carried out with the exception of the proposed graffiti mural to the wall.

This wall in our opinion is not a party wall and is entirely in the University's ownership. The applicant should not therefore undertake any works to this wall without our specific consent.

Collective letter from residents of 24, 26, 28, 30, 32, 34, 36, 38, 40, 42 & 48 Woodlands Road

The proposed pergola, we feel would allow the beer garden to be used all year round and not just seasonally as it is now which we feel would disrupt our community all the more. We already have to deal with people drinking and as a result of this have endured people damaging our property and community spaces as a result of drunken behaviour.

Parking is already a problem on Woodlands Road and having the beer garden will attract more people which causes less parking for residents.

Residents are angry with the road closure, it seems like Southfield Road was closed for the pubs and clubs to make open gardens for drinking purposes.

In light of the recent terror attacks we feel this behaviour may worsen as community tensions heighten

We feel exposure to people drinking and smoking on a daily basis will not give a healthy view point and will potentially cause our children to take this as a social norm

We already have to deal with noise nuisance during the day and night as well as unsightly views of the clubs drinking habits

Highways - No objection 26.05.17

Environmental Health - No comments

Public Responses

Number of original neighbour consultations	11
Total numbers of comments received	4
Total number of objections	4
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

The application relates to the beer garden situated at the front of the property, approval is sought for 2no raised decking areas, one to either side of the main entrance and a timber framed pergola which will sit to the left hand corner of the site.

The work had already been completed when I visited the site, the application is therefore retrospective and works assessed in situ.

The pergola is fairly typical in its design and appearance constructed from timber posts so that it is open to both sides with flat polycarbonate roof. The pergola projects 6.4m from the face of the building and spans 9.3m, the pergola has an overall height of 2.6m. The pergola will incorporate an LED light canopy to the underside of the roof with post fixed lanterns and slimline heaters and speakers so that the pergola can act as an outdoor seating area on an evening as well as during the day. Sofa units along with removable table and chairs will also be used.

The pergola and decking abut the adjoining University building, the pergola is set back and does not project the building line of this property. The property has a generous frontage with picnic/dining area which sits beyond the main entrance at front. The decking and pergola sit a considerable distance from the footpath/pedestrianised area and will not appear prominent or as an abnormality in this area.

The pergola and seating area is well within the site area and will not interfere with the operation of the highway or current parking provisions in the area nor prevent safe access for pedestrians using the area. As a result, the Council's Highways Department have made no comments following consultation.

Given the height of the overall building the pergola does not appear unduly large or disproportionate in scale. The pergola is in keeping with the nature of the area and is not incongruous in the street scene or out of keeping with this particular part of the town. The pergola and raised decking area is of a high quality design and creates a vibrant and attractive feature within the streetscene which complements the unit and this part of town well whilst enhancing and improving existing customer facilities. The enclosure is considered a suitable addition in this location, visual appearance will be harmonious.

The proposed works will not result in a use that does not currently exist, the property has operated as a drinking establishment for a number of years. The application site lies within an active mixed use area, neighbouring uses include other drinking establishments and the local area has a consequential level of activity and ambient noise throughout the day and night. It is considered that there would be no material impact upon the amenity of the local residents, over and above what already exists at the site

Whilst objections have been received with regards to noise and people generally being a nuisance once leaving the premises, anti-social behaviour cannot be considered under the planning remit. Matters such as criminal damage to resident's cars or property should be reported directly to the police. There are however existing staffing, management and security measures employed at the site to manage both customers on site and their dispersal. The beer garden will also close slightly earlier than the pub to encourage customers to move inside to help keep any noise and disruption to a minimum.

The proposed development is complementary to the use of the premises, the proposed enclosure is appropriately designed and would not detract from the appearance of the area.

Consequently the decking and seating enclosure is considered appropriate in both public safety and amenity terms. The application is therefore considered to be acceptable, fully in accordance with the relevant policy guidance and there are no material considerations or technical reasons, which indicate that the application should be refused. The application is therefore recommended for approval subject to standard conditions.

RECOMMENDATIONS AND CONDITIONS

Approved with Conditions

1. **Approved Plans**

The development hereby approved shall be carried out in complete accordance with the plans and specifications received on 15th May 2017 and shall relate to no other plans.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

REASON FOR APPROVAL

This application is satisfactory in that the design of the pergola and raised decking accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition the pergola and raised decking accords with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework).

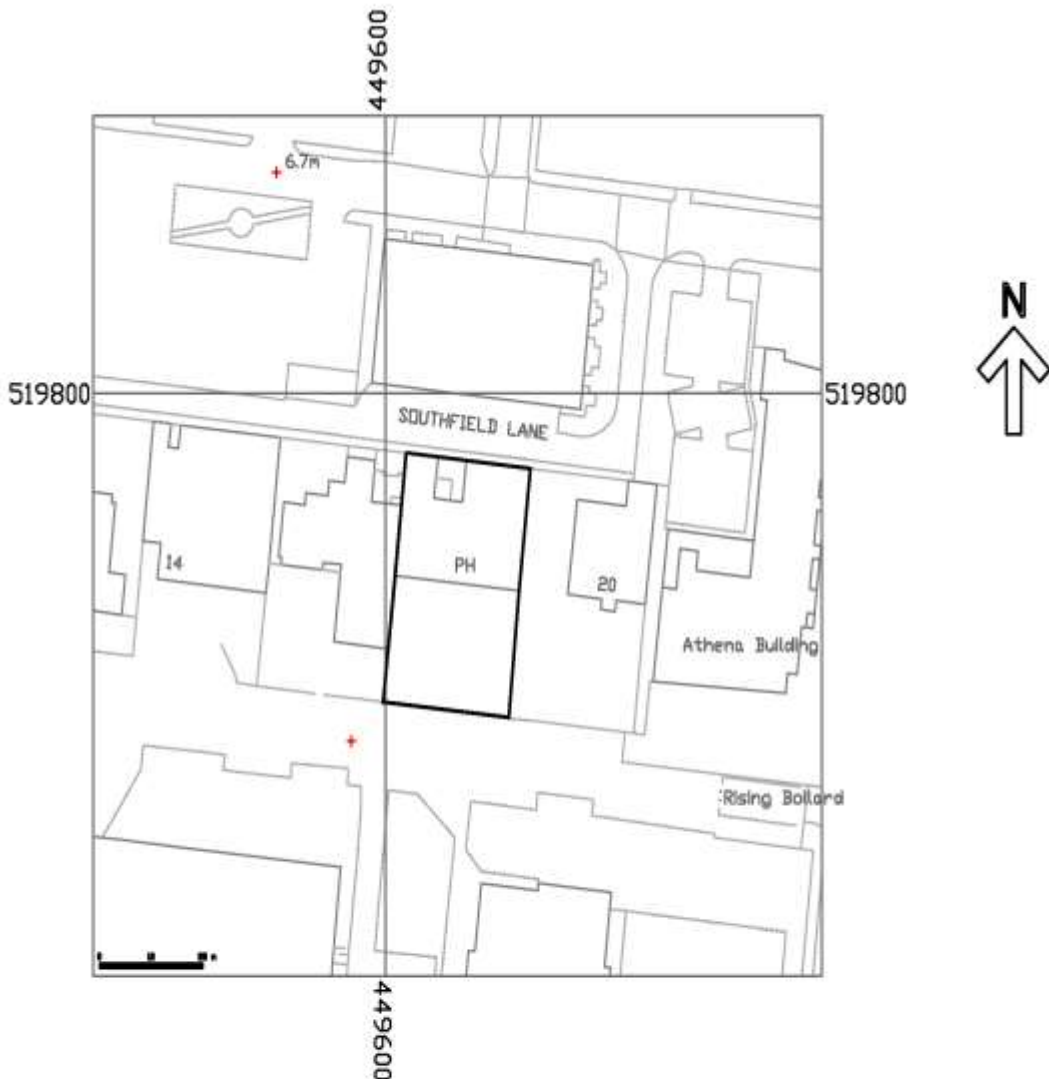
In particular the pergola and raised decking is designed so that its appearance is complementary to the existing property and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The pergola and raised decking will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the property.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

Case Officer: Joanne Lloyd

Committee Date: 11th August 2017



SITE LOCATION PLAN
SCALE 1:1250