
APPLICATION DETAILS

Application No:	18/0151/COU
Location:	31 - 33 Roman Road Middlesbrough TS5 6DZ
Proposal:	Change of use from cafe (A3) and part conversion of chemist (A1) to bar (A4).
Applicant:	Mr Reuben Hanlon
Ward:	Linthorpe
Recommendation:	Approve with Conditions

SUMMARY

Planning permission is sought for conversion of an existing café and part of the adjacent chemist shop (both Use Class A1) to be used use as a bar (A4). No changes to the exterior of the frontage are proposed.

Three individual responses to the consultation exercise along with a 94 signature petition were received raising objections to the proposed change of use. Concerns related to lack of parking, contravention of existing parking regulations, likely noise, disturbance and anti - social behaviour and the lack of an outdoor smoking area.

The main issues relating to the proposal are the principle of the use in this location, its impact on the vitality and viability of the local centre and impact on nearby residents.

The proposal has been considered against local policy and guidance and it is considered that the proposed drinking establishment will not have a significant impact on the amenity of nearby residents, character of the area or matters of highway safety. It is also considered that the proposed use as bar is appropriate in this Local Centre location and will not undermine the vitality and viability of the centre, being in accordance with relevant policy on these matters and is therefore recommended for approval with conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The main building subject of this application is a single storey, flat roofed, triangular shaped commercial property with the Roman Road Local Centre, at the corner of Roman Road and Rockliffe Road. The premises lies within the Linthorpe Conservation Area.

The main part of the building proposed for the change of use is currently used as a café/restaurant and has a relatively traditional shop front with low stall riser, display window and single entrance door. The scheme intends to extend the building into the adjacent chemists and take part of that unit.

Original plans submitted with the application showed an increase in the width of the fascia sign and a widening of the front entrance door to provide a double doorway, however, following concerns raised the Councils Conservation Officer the plans have been amended to show no external alterations.

Officer Site visit:
19th April 2018

PLANNING HISTORY

M/FP/1260/06/P ADDITIONAL USE AS A CAFE WITH ADDITIONAL WINDOW TO SIDE
Approve with Conditions
9th August 2006

M/FP/0987/97/P REAR EXTENSION AND NEW SHOP
FRONT

Approve with Conditions
15th December 1997

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*

- *Marlon West Neighbourhood Plan (2016, applicable in Marlon 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:

DC1 - General Development
CS4 - Sustainable Development
CS5 - Design
CS13 - Town Centres etc Strategy
REG29 - Local Centres

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

Middlesbrough Council Environmental Health

No objection.

Middlesbrough Council Highways

No objection.

Middlesbrough Council Conservation

Concerns were raised regarding the impact of proposed changes to the front elevation on the appearance of the façade of shops and the wider impact on the character of the Conservation Area.

Public Responses

Number of original neighbour consultations	73
Total numbers of comments received	3
Total number of objections	3
Total number of support	0
Total number of representations	0

Three individual objections were received from the following:

72 Rockliffe Road
29 Rockliffe Road
19 Rockliffe Road

A 94 signature petition objecting to the application was also submitted.

The objections can be summarised as follows:

- Noise and disturbance
- Anti- social behaviour
- Six establishments within 500m of application premises - no need for another.
- Impact on residents parking.
- Impact on highway safety.
- Impact on health from smokers standing on footway.
- No facilities for service vehicles.

Photographs showing parking issues were also submitted, these will be available to view at Committee.

PLANNING CONSIDERATION AND ASSESSMENT

Planning constraints

1. The proposal should be assessed against policies set out in the Development Plan, relevant ones in this case being Policies DC1, CS4 and CS5 which seek to ensure high quality sustainable development, ensure the amenity of nearby residents and that the character of the area and highway safety are not adversely affected by the development.
2. The site is located within the Roman Road Local Centre and so Policies CS13 and REG29 are also considered to be relevant. These policies seek to protect and enhance the vitality and viability of the local centre with the main National Policy thrust being to locate development such as that proposed within existing defined centres and ensuring that development is of a scale appropriate for that centre.
3. These and other material planning considerations are as follows;

Principle of proposed change of use

4. REG 29 allows for development in local centres such as cultural and leisure uses that will complement the function of the local centre providing they are of an appropriate scale and do not detract from its vitality and viability. Public Houses / Drinking Establishments are also defined as 'town centre uses' within the National Planning Policy Framework which are guided to town centres and other centres within the hierarchy of centres (local centres, neighbourhood centres etc), again, where their size is of an appropriate scale. The proposal

is a small scale drinking establishment that will provide a local leisure facility within the Local Centre and is therefore considered to be an appropriate use subject to consideration of its impact on vitality and viability.

Vitality and viability of local centre

5. In seeking to maintain and enhance the vitality and viability of the Local Centre it is important to ensure that the ratio of retail to non-retail units is such that the retail function of the area is not undermined. There are total of 42 units in the centre, based on a survey carried out in March 2018 the ratio of retail to non-retail uses is: 20 retail and 22 non-retail with four of those units currently vacant. Whilst the ratio of retail units is low, of the non-retail uses, ten of them are uses that will encourage footfall during the day (such as barbers, bookmakers etc.) thereby supporting the vitality and viability of the centre.

6. The unit subject of this application currently has permission to be used as a café and so the proposed change of use to a drinking establishment would not result in the loss of a retail unit. Incursion of the proposed pub use into the Chemists will only result in the loss of 30m² of retail floor space. The chemists is a relatively large premises in its own right (164m²) and as such it is considered that its function would not be undermined by the reduction in floor space. Furthermore, the total retail floor area within the centre is 1812m², the conversion of 30m² to drinking establishment represents a 1.65% loss of overall retail space within the centre. It is considered that this small loss will not undermine the retail function of the area.

7. Provision of facilities such as that proposed can enhance the offer available within the centre complementing and supporting its retail function but the level of provision needs to be carefully balanced. There are two approved drinking establishments within the Local Centre. One is a small unit (33m²) at 10 Pilkington Buildings across the road from the application site and the other a larger unit (105m²) at 57-59 Roman Road. There is also a restaurant/bar at No 53-55 Roman Road (136m²) on the corner of Roman Road and Oxford Road. 'The Linthorpe', a long established public house, is also located approximately 100m away but is not within the Local Centre. In view of the number of nearby drinking establishments, it is considered that there is a reasonable provision of such uses, however this should be weighed against the small scale of the proposal, the fact that there is minimal impact on the retail function of the area and that the use will result in occupation of a unit. On balance it would be difficult to justify a reason for refusal of planning permission based on overprovision of drinking establishments.

Appearance

8. No physical changes to the exterior of the building are proposed however, sometimes a change of use can result in a premises being used in a different way which can in turn have an impact on the character of the area. In this case the unit is currently used as a café/restaurant which would have a similar pattern of customer use as a drinking establishment in that customers tend to arrive and stay at the establishment for an extended period of time through the afternoon and evening. In view of the lack of open space within the site, customers using the facility may stand outside to smoke and this can have an impact on the character of the area. However, there is nothing to suggest that this would occur more frequently for a small scale drinking establishment than for the existing use as a café.

9. In view of the similar pattern of use and the small scale of the unit, it is considered that the change of use will have minimal impact on the character of the area.

Amenity

10. Concerns were raised about potential noise and disturbance and anti-social behaviour associated with patrons of the drinking establishment.

11. The nearest properties likely to be impacted by the proposed use are those on Rockliffe Road and Ventnor Road which are within 30-40m of the application site. There is potential for occupants of these properties to be affected by noise from customers arriving at and leaving the site in car or by foot. However, the small size of the establishment will naturally limit the number of patrons and as a result there will be a small number of pedestrian movements. Users of the facility are also less likely to drive and so vehicular movements will also be limited. In view of this it is considered that there will be no significant disturbance from the arrival and departure of customers whilst anti-social behaviour is dealt with under other legislation and should not have any bearing on the outcome of this application.

12. Permission is sought for opening times of 11.00-23.00 seven days a week. Given its location in the Local Centre, the small size of the venue and that there are no adjoining residential premises, it is considered that use will not result in significant noise and disturbance and so there is no objection to these opening times. The premises will require deliveries of goods and it is considered that these should be restricted to 9.00 to 18.00 Monday to Saturday to avoid noise and disturbance resulting from movement of bottles and glass late into the evening and on Sundays and Bank Holidays. Any movement of bottles/waste externally that is not associated with deliveries should also be restricted after 18.00hours.

13. Comment was made that because there is no provision of outdoor space at the premises, customers will stand in the highway to smoke which will be detrimental to the health and amenity of other users of the footpath. Whilst it would be preferable that a separate outdoor smoking be provided there is no space within the premises to achieve this. Given the small size of the establishment it is unlikely that a significant number of customers would assemble on the footway for this purpose, further to which, the premises is in the Local Centre where pedestrian movement / presence is integral to the function of the centre and users of the existing café can already have a similar affect. In view of these points, whilst an in-curtilage smoking area would be ideal, it is considered that it would be unreasonable to justify a refusal of planning permission on loss of amenity or impact on health grounds.

Highway issues

14. Concerns were raised regarding lack of parking provision in the area, impact on highway safety and violation of existing parking restrictions.

15. There is no new floor space being created, only re-use of the existing floor space and therefore no increase in parking provision requirements. It could be argued that users of the site are more likely to arrive on foot and so it is likely that the use will, if anything, reduce the demand for parking spaces and therefore not exacerbate any existing parking issues in the area.

16. The concerns about parking violations are noted, however, contravention of parking restrictions is dealt with under other legislation and so should have no bearing on the outcome of this application given that no additional floor space is being created.

17. In view of the above it is considered that the proposal will have no notable detrimental impact on matters of highway safety which is in line with the Councils Highway Officer considerations and so the proposal is considered to be in accordance with Policy DC1 (d) in this regard.

Heritage

18. Following changes to the proposal there no external alterations proposed. The Councils Conservation Officer advised that there is no objection based on the change of use and the proposed change of use should therefore not undermine the character of the Conservation Area.

Conclusion

19. The proposal is an appropriate use within the designated local centre, in accordance with policy requirements for locating such use types. The proposal would not unduly affect the vitality and viability of the local centre or its function. The proposal is unlikely to have any significant undue impacts on amenity of local residents given the existing functioning of the centre and limited or no impact on parking demand or highway safety given no additional floorspace is being created.

20. In view of the above, and subject to controlling conditions in relation to opening and servicing, the proposal is considered to be an acceptable form of development in accordance with National and Local policy and is therefore recommended for approval.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

Time Limit

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby approved shall be in accordance with the following approved plan(s).

Plan Title	Plan Reference Number	Date Received
Location Plan		15 th March 2018
Proposed Layout Plan		14 th March 2018

Reason: To define the consent.

Hours of operation

3. Hours of opening of the drinking establishment hereby approved shall be restricted to be between the hours 11am to 11pm Mon to Sunday

Deliveries and movement of bottles and waste externally will be restricted to be between 9am to 6pm Mon to Sat.

Reason: In the interests of amenity.

REASON FOR APPROVAL

This application is satisfactory in that the use as drinking establishment accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy DC1, CS4, CS5 of the Council's Local Development Framework). In particular, the use as drinking establishment use will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The use as drinking establishment will be consistent with the commercial uses of this location and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the drinking establishment use will not be of a level likely to result in an unacceptable impact on nearby premises.

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: Maria Froggatt

Committee Date: 8th June 2018

H.M. LAND REGISTRY		TITLE NUMBER	
		CE 109201	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID
	CLEVELAND		NZ 4818
			SECTION
			P
Scale: 1/1250	MIDDLESBROUGH DISTRICT		© Crown copyright 1975.

ADMINISTRATIVE AREA MIDDLESBROUGH

