



Appeal Decision

Site visit made on 28 June 2022

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2022

Appeal Ref: APP/W0734/W/22/3300442

K2 Cash and Carry, Stonehouse Street, Middlesbrough TS5 6HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mahboob Khaw against the decision of Middlesbrough Council.
 - The application Ref: 21/1109/FUL, dated 30 November 2021, was refused by notice dated 11 April 2022.
 - The development proposed is described as: Proposed extension to existing retail unit.
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Decision

1. The appeal is allowed, and planning permission is granted for a proposed extension to the existing retail unit at K2 Cash and Carry, Stonehouse Street, Middlesbrough TS5 6HR in accordance with the terms of the application, Ref: 21/1109/FUL, dated 30 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan; 1:500 Block Plan; Drawing Number 01 - Existing Plans; Drawing Number 02 - Existing Elevations; Drawing Number 03 – Proposed Plans; and Drawing Number 04 – Proposed Elevations.
 - 3) No development above ground level shall commence until details/samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details/samples.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the safe operation of the highway in the vicinity of the appeal site.

Reasons

3. The appeal building is a generally single storey commercial building that occupies a site extending the whole depth of a block bounded by Linthorpe Road, Stonehouse Street, and Emerson Street. To the rear of the site, adjacent to Emerson Street, is an open yard area approximately 10.8m by 16.3 metres with roller shutter doors in the east and south walls providing access from Emerson Street. In the south east corner of the yard is a single storey storage building approximately 10 metres long by 3 metres wide.

4. The appeal scheme proposes infilling part of the existing service yard between the rear wall of the main building and the existing separate store to create a new storage area approximately 10 metres by 10 metres with a monopitch roof at a lower height, but with a similar fall to, the existing monopitch roof on the rear section of the main building.
5. Policy DC1 of the Middlesbrough Core Strategy 2008 (the Core Strategy) sets out a number of criteria that will be considered in determining planning applications including, amongst others, limiting the impact on existing and proposed transport infrastructure both during and after completion and not having an impact on highway safety throughout the development process.
6. Core Strategy Policy CS18 sets out strategic aims to incorporate measures into development proposals that improve the choice of transport options available. Although not cited in the reasons for refusal, Core Strategy Policy CS19 is similarly a strategic policy that seeks to reduce the impact of traffic and improve the safety of the environment in residential and commercial areas. The policy concludes by stating that development proposals that would have a detrimental impact on road safety will not be supported. Only this last sentence is of direct relevance to the appeal proposal as the other expectations of both Policy CS18 and CS19 are outwith the ability of the appellant to influence or are not relevant to a scheme for a relatively small extension to an existing commercial building.
7. The section of Stonehouse Street and Emmerson Street that bounds the appeal site is not adopted as highway and is in variable states of repair. The adopted sections of Stonehouse Street and Emmerson Street are subject to no waiting restrictions. Although there are footways to both sides, these are narrow and in most places the kerbs are almost flush with the carriageway. I observed when I visited the site that it is common practice in the area for vehicles to park partly on the footway. As a result, in places pedestrians have to walk on the carriageway.
8. The appeal proposal would reduce the size of the rear service yard to the premises and would prevent, as the Council suggest could currently occur, a vehicle from entering through one access point and leaving through the other in a forward gear. However, I saw when I visited the site that there was no evidence that would indicate that the service yard is used in this manner at present, and I saw that well established weeds were growing against the inside face of the roller shutter to the east side of the yard, which would strongly suggest that this is used infrequently.
9. The appeal proposal would retain the access point to the south side of the service yard and sufficient space would remain to accommodate a vehicle such as a large van. From the width and height of the openings and the present size of the service yard, this would be the largest vehicle that could currently access the site. The resulting configuration would, however, result in a vehicle having to either reverse into or out of the service yard.
10. From my observations at the site, either the service yard is presently accessed through the southern access point only, or the building is serviced from the highway. The appeal proposal would not alter this situation. The carriageway width adjacent the south access is such that a vehicle of the size capable of passing through the access to the service yard could manoeuvre in and out. The presence of loading doors on the buildings opposite would limit the

opportunities for parked vehicles constraining the available carriageway width, and the configuration of the road would limit vehicle speeds from one direction due to the sharp corner and provide very good forward visibility for approaching drivers in the other.

11. During the time that I was at the site and the surrounding area there were only a very small number of vehicle movements on Stonehouse Street and Emmerson Street and very few pedestrian movements. Due to the nature and width of the carriageway and its width being constrained in places by parked vehicles, the observed speed of vehicles was low. Whilst I recognise that this is just a snapshot of the conditions at the time of my visit, mid-morning on a normal weekday, and that they may vary at different times, there is no substantive evidence before me that would suggest that this is not relatively typical of the road conditions at other times when the cash and carry may be trading.
12. The Council's principal objection to the scheme is that the proposal would result in an increase in floorspace that would in turn lead to more customers and increased demand for parking and/or increased pedestrian movements on Stonehouse Street and Emmerson Street.
13. At present the cash and carry has no formal customer parking. The Council accept that the site is accessible by public transport, and I saw that there are bus stops on Linthorpe Road close to the appeal site that serve a number of bus routes. There is also a public car park on Binks Street that is a short distance from the site. Neither party has provided any substantive evidence in respect of parking demand in the area or usage of the car park. I observed that there were spaces available in the car park and that the number of vehicles arriving was roughly balanced by the number leaving indicating that it is very likely that there would be spare capacity within this car park.
14. No evidence has been put to me with regard to the current or predicted number of customers at the premises. At the time of my internal inspection of the premises, there were no customers present. There is also no indication of number and frequency of deliveries to the building to replenish stock.
15. Although the Council postulate that the increased floorspace will result in increased customer numbers, this is not quantified in any way. I accept that the increase in floor area to provide additional storage would create the potential for a wider range of stock or increased stock of existing items to be displayed for sale. Nevertheless, based on the evidence that I have seen and what I saw when I visited the site, I am not persuaded that this would necessarily directly correlate to a significant increase in customer numbers to the extent that it would result in a hazard to road or pedestrian safety.
16. From the evidence, the cash and carry has been trading for a number of years and there is nothing that would indicate that the highway conditions have changed during that time. Consequently, whilst the appeal proposal may result in a small increase in footfall and vehicle movements, I do not find that this would result in highway conditions that were inherently dangerous or make the existing situation noticeably worse.
17. I therefore conclude that the proposed development would not cause harm to the safe operation of the highway in the vicinity of the appeal site. It would

comply with the relevant requirements of Core Strategy Policies CS18, CS19 and DC1.

Other Matters

18. The Council has not raised objections to the proposal on any other grounds, and from what I have read and from what I saw when I visited the site, I have no reason to find differently.
19. I have noted the point that there has been a previous planning permission for what is said to be an essentially similar scheme. However, no details have been provided of this and so I cannot be certain that it is the same as that which is currently proposed. As such, I can give little weight to this. However, this does not alter my conclusions on the main issue.

Conditions

20. I have had regard to the list conditions that have been suggested by the Council. In order to provide certainty as to what has been granted planning permission, I have attached a condition specifying the approved drawings. In the interests of the appearance of the existing building and the surrounding area, it is also necessary to impose as condition requiring that the proposed external materials to be submitted for approval prior to their use.

Conclusion

21. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR