

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**1 September 2021**

**REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**21/0118/COU**

**The Mile House, Durham Road, Stockton-On-Tees**

**Change of use of existing public house to 1no retail unit (E) and 1no coffee shop (E) to include drive thru lane with associated car and cycle parking.**

**SUMMARY**

The application site relates to a former Public House known as The Mile House which is located on Durham Road, one of the main northern approaches into/out of Stockton town centre.

This application seeks a change of use from the existing public house to create one retail unit (Use Class E) and one coffee shop (Use Class E) which would include a drive thru lane with associated car and cycle parking. Following the previous appeal being dismissed, this application omits the separate drive thru building which would now be incorporated into part of the existing building.

A series of external alterations are also proposed which includes, new openings and installing a grey coloured render to the ground floor of the building.

However, as a result of perceived delays in the determination of the application, the applicant has appealed on grounds of non-determination. Consequently, the determination of the application now rests with the Planning Inspectorate and the Local Planning Authority are required provide an indication of what their recommendation would have been.

Although as set out within the report above, elements of the proposed application are acceptable in planning terms and would overcome the previous reasons for refusal. There is an objection to the proposed development from the Highways, Transport and Design Manager. The areas of concern relate to limitations with pedestrian manoeuvrability/circulation through the site; acceptability of the access/parking layout; and lack of evidence to demonstrate that the drive thru lane can accommodate sufficient vehicles without obstructing the access into the site.

Given the appeal on non-determination, there is no longer the option of seeking further information/revisions. Consequently, there are significant concerns over the deficiencies of the layout with regards to pedestrian manoeuvrability and potential implications for the free flow of traffic on the highway network. Consequently, it is recommended that the Local Planning Authority be minded to refuse the application for those reasons set out in the report.

**RECOMMENDATION**

**That the Planning Inspectorate be advised the Local Planning Authority were minded to refuse planning application 21/0118/COU for the following reason(s);**

**Pedestrian and vehicular manoeuvrability;**

- 01. In the opinion of the Local Planning Authority, insufficient information has been provided to satisfactorily demonstrate that the proposed layout provides acceptable**

**levels of pedestrian and vehicular manoeuvrability through and around the site, thereby resulting in a high potential for pedestrian and vehicular conflict to the detriment of highway safety, contrary to policies SD8(1f) and TI1(12) of the adopted Stockton on Tees Local Plan and paragraphs 110 and 112 of the National Planning Policy Framework.**

**Congestion and the free flow of traffic;**

**02. In the opinion of the Local Planning Authority, insufficient information has been provided to satisfactorily demonstrate that sufficient space exists within the site to accommodate vehicles queuing for the 'drive-thru' resulting in vehicles being unable to access the site and causing congestion on the highway network, to the detriment of the free flow of traffic and highway safety, contrary to policies SD6(2) and SD8(1f) and of the adopted Stockton on Tees Local Plan and paragraph 110 of the National Planning Policy Framework.**

**BACKGROUND**

1. In 2017 planning permission (application ref; 17/2915/FUL) was sought for the re-development of site comprising of a free-standing drive-thru coffee shop (A3), extensions to the rear of the building and the change of use of existing public house to 1 retail unit (A1) and 1 veterinary practice (D1). The application was refused by the Local Planning Authority due to; the design and siting of the proposed coffee shop creating an incongruous feature; the site being over-developed; and insufficient cap parking being provided within the site resulting in indiscriminate on-street parking.
2. A revised application (application ref; 19/2620/REV) proposed the same level of development although sought to address some of the original reasons for refusal. However, the application was refused on the same grounds and an appeal was subsequently submitted and dismissed (see enclosed appeal decision).
3. In considering the appeal the Inspector agreed that the position of the building would appear incongruous within the overall street scene and cramped within the site thus harming the visual amenity of the locality. However, the Inspector concluded that whilst that was insufficient parking on the site it would not have such a harmful effect on the free and safe flow of traffic to justify withholding permission. In considering the overall planning balance, the Inspector felt that the harm arising out of the visual impacts and cramped form of development was not outweighed by the harm and ultimately the appeal was dismissed.
4. More recently planning permission was also sought retrospectively for the change of use of public house car park to hand car wash which was refused by the Local Planning Authority due to concerns over the visual impacts of the use and increased levels of noise from the associated equipment adversely affecting the amenity of neighbouring residents (application ref; 20/1815/RET). The subsequent appeal was also dismissed.

**SITE AND SURROUNDINGS**

5. This application site relates to a former Public House known as The Mile House which is located on Durham Road one of the main northern approaches into/out of the town. Whilst the built form along Durham Road varies, this part is characterised by residential properties with many having trees and hedges to the front which provide a verdant character. Since the refusal of the original application, the trees to the northern boundary are now formally protected by a TPO.

6. Access into the site can be gained off Durham Road (to the west), Darlington Lane (to the south) and Ragpath Lane (to the east), beyond these adopted highways are further residential dwellings. To the north is St Gregory's Catholic Academy.

### **PROPOSAL**

7. This application seeks a change of use from the existing public house to create one retail unit (Use Class E) and one coffee shop (Use Class E) which would include a drive thru lane with associated car and cycle parking.
8. Following the previous appeal being dismissed, this application omits the separate drive thru building which would now be incorporated into part of the existing building. As part of these works there would be alterations to the main building, in the form of introducing new openings and installing a grey coloured render to the ground floor of the building.
9. The drive thru would be implemented to the south and western side of the building, with a separate access road to the car parking around this site. A one-way system is proposed, to allow access for vehicles from Darlington Lane and to exit onto Ragpath Lane.

### **CONSULTATIONS**

10. The following Consultations were notified and any comments received are set out below (in summary):-
11. **Alex Cunningham MP** - objects to part of the proposed development of the Mile House public house site in Durham Road, Stockton. Whilst welcomes the redevelopment of the site which the current owner has left in a disgraceful state and has no objection to the conversion into a retail outlet is extremely concerned about the proposed coffee shop drive through. The site borders three roads and a primary school. The access and exits to the site are problematic and even dangerous given the main Durham Road traffic and the exit onto Ragpath Lane at the side of the school and extremely close to the junction with Darlington Lane, a junction that is problematic at the best of times.

To develop a drive through with a constant flow of traffic through these junctions can only lead to greater congestion and danger. Also, the potential build-up of traffic queuing back onto Durham Road or outside the access point to any drive through would lead to even greater congestion in close proximity of the school to which many children are taken by car.

12. **Local Councillor Jim Beall** - This most recent variation to the original application still includes a drive-through coffee shop which I strongly object to on grounds of the adverse and potentially dangerous impact on traffic in what is already a very busy area and difficult to negotiate junctions of Darlington Lane with both Ragpath Lane and Durham Road. The proposed colour of the converted building would not be sympathetic to the area. I have no objection to the retail proposal just the drive-through element.
13. **Local Councillor Miss B Inman** – I would like to offer my objection to the above planning application. While it would be good to see the building back in use as a retail outlet the idea of having a drive through "window" for coffee is ludicrous. The Mile House is on a very busy road with a problematic junction and also adjacent to a primary school.

Access to the site from Durham Road, Ragpath Lane and Darlington Lane will increase congestion at all times and will be horrendous at the end of the school day and, in my opinion, would cause danger to the school population.

14. **Highways Transport & Design Manager** – The Highways, Transport and Design Manager objects the planning application on highway grounds as detailed below.

**Highways Comments** - The site layout plan has been considered and there are a number of areas of concern as detailed below that result in a highway objection to this proposal:

- Pedestrian movements around the development are not ideal. The footpath to the rear of the building is narrow between the building line, staircases and parking bays, any vehicle overhang would impede access for wheelchair users in particular. In addition the layout shows that pedestrians must cross the drive thru lane to a central island and then cross back over the drive thru lane to enter the coffee shop, store or bookmakers. The alternative route does not meet current access standards and links to the footway on Ragpath lane. There is no pedestrian link from the car park between spaces to the rear building footpath.
- The drive thru exit conflicts with the car park entry lane, they are both shown with dashed lines and the drawing does not indicate who has right of way. Vehicles waiting to exit the drive thru lane will be stopped over the marked pedestrian route across the drive thru lane, again further impeding pedestrian movements around the building.
- In addition to the conflict at the exit, a loading bay is indicated close to this point as well as a 'waiting bay'. It is assumed that this is for drive thru users to wait if their order is taking longer. This bay, with reversing movements, the loading bay and convergence of two lanes of traffic with pedestrian links across makes the north of the site a very busy location and there are concerns regarding pedestrian safety in this area.
- The drive thru lane also appears to have an intercom/speaker post so that orders can be placed adjacent to the pedestrian marked crossing point, this means vehicles will likely park across this link whilst placing orders and if vehicles are queuing this could lead to pedestrian/vehicle conflict.
- The layout also appears to indicate a short layby in front of the two disabled parking bays. It is likely that this area will attract short term parking for visitors calling to the shop to pick up single/few items rather than park in the car park and walk. This will obstruct the disabled parking bays and is unacceptable.
- It is unclear from the plan whether the loading bay will be used as the refuse collection point. It is a significant distance from the bin storage yard and there doesn't appear to be any opportunities to remove the bins from this area for storage/collection due to the parking layout.

Finally, there is no supporting evidence of the number of trips or queuing information that is generated at a drive thru coffee shop. There have been a number of drive thru's that have caused an adverse impact on the highway network locally throughout the pandemic, and coffee shops are becoming an increasingly popular leisure pursuit. The information provided indicates that the drive thru lane can only accommodate 6 vehicles, and there are concerns that the queue will extend back to the car park entrance and prevent vehicles gaining access to the car park and block the disabled parking bays. In addition, queuing may extend further back causing congestion on the highway network and detriment to highway safety.

**Landscape & Visual Comments** – whilst the layout does not allow for the safe and easy flow of pedestrians and prioritises the drive thru element of the development, the applicant has addressed the key landscape elements and there are insufficient grounds to object on landscape grounds.

The following conditions should be secured in the event of an approval;

- hard-landscaping materials (including no- dig construction methods around retained trees)
- street furniture
- soft landscaping (including the species, size and specification of any new tree, shrub and hedge planting within the site)
- landscape management plan

15. **Environmental Health Unit** - I have reviewed the information submitted. Following initial concerns regarding an increase in vehicle related emissions in the immediate vicinity and the likely exposure of people/children to higher concentrations of air pollutants further information was requested.

Upon review of the applicant's air quality report and following further dialogue regarding methodology and mitigation measures, I can confirm that I am satisfied suitable mitigation could be provided. This should include a solid barrier at a minimum height of 2.4m with appropriate hydroponic system to provide continuous living cover in all seasons.

- Air quality mitigation (green wall to minimum height of 2.4m)
- Noise disturbance from New Plant
- Construction/ Demolition Noise (restricted to 08:00-18:00Hrs on weekdays, 09.00-13:00Hrs on a Saturday and no Sunday or Bank Holiday working).
- Noise disturbance from vehicles servicing the premises (Deliveries limited to 07:00Hrs and 19:00Hrs).

16. **Northumbrian Water Limited** - Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

### **PUBLICITY**

17. Neighbours were notified and comments received are set out below (in summary). A total of seven objections have been received to the application.

#### **Objectors:**

1. Mr John Crossman, 239 Darlington Lane
2. Mr Colin Clarke, 10 Ragpath Lane
3. Mr And Mrs J Hamill, 213 Durham Road
4. D Wilson, 226 Durham Road
5. Mr And Mrs Bluck, Barrington, Ragpath Lane, Stockton
6. Mr Alan Walker – 172 Darlington lane, Stockton
7. Mr Les Burdon – 17 Jenner Drive Stockton

#### **Objection comments:**

- Development will never fit in with the area
- The site is now semi derelict, is an absolute eyesore and needs to be returned to its original condition as soon as possible.
- There have been many accidents at the Mile House crossroads
- The A177 Durham Road has pinch points, not only at peak times at Tesco Roundabout (Junction Road/Harrowgate Lane), Hospital Roundabout (Redhill Road/Hardwick Road) and especially the Durham Road/Darlington Lane traffic lights adjacent to the site.
- Result in additional traffic and add to existing 'bottle-neck'
- The congestion caused by school drop-offs and pick-up will increase.
- Increased litter
- This is not the most appropriate site for 'drive-thru' coffee shop or 'fast-food'. All that is available less than a mile away, north of this proposal.
- Affordable housing is needed not a coffee/fast food/retail development

- Grey render would be an unusual and incongruous finish to the property harming the visual amenity of the area - majority of adjacent properties being faced with brick, as the Mile House is now.
- Children in close proximity to fast-food outlets which are contrary to government guidelines on healthy eating
- The proposed drive through and associated retail development will be a magnet for traffic, to any area already suffering traffic problems.
- The proposed 49 parking spaces in addition to the drive-through lane indicate that it is expected to be busy.
- Increase in air pollution from queuing traffic
- Increase in youths congregating and anti-social behaviour

### **PLANNING POLICY**

18. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
19. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall 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.

### **National Planning Policy Framework**

20. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
21. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **Local Planning Policy**

22. The following planning policies are considered to be relevant to the consideration of this application;

#### **Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs**

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.

#### Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

2. Proposals for the redevelopment of previously developed land, in particular prominent sites which have been derelict for a significant period of time, will be supported.

13. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with the Sequential and Impact tests set out in Policy EG3 alongside prevailing national planning policy, having regard to the catchment area of the proposal.

16. Small scale convenience facilities which are intended to meet the needs of a neighbourhood will be permitted in suitable and available commercial premises in undesignated shopping parades, in accordance with Policy EG6.

#### Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- b. Landscape character of the area, including the contribution made by existing trees and landscaping;
- c. Need to protect and enhance ecological and green infrastructure networks and assets;
- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

#### Economic Growth Policy 3 (EG3) - Protecting Centres

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the Policies Maps, in the following sequence:

- a. Stockton Town Centre Primary Shopping Area; then,
- b. Sites within the boundaries of Stockton Town Centre; then,
- c. Sites within the ground floor shopping frontages of the District Centres; then,
- d. Sites within the boundaries of the District Centres; then,
- e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area; then,
- f. Sites on the edge of the District Centres which have the opportunity to connect to the District Centre's main shopping areas or frontages; then,
- g. Sites within the Local Centres; and finally,

- h. Sustainable out-of-centre locations within the limits to development.
2. Other main town centre uses will be directed to suitable and available sites and premises in the following locations, subject to the scale and catchment of the proposal:
    - a. Town and District Centres, and for office development only, Principal Office Locations; then,
    - b. Sites on the edge of the Town and District Centres, which are well served by public transport and have a high likelihood of forming links with the centre; then,
    - c. Within the boundaries of the Local Centres; then,
    - d. Sustainable out-of-centre locations within the limits to development.
  3. Proposals will only be supported in sequentially less preferable locations where it has been demonstrated that there are no available and suitable sites or premises in sequentially preferable locations, and that a flexible approach to scale and format has been applied.
  4. Town centre use proposals on out-of-centre sites, which demonstrate that the format and scale of the development means it cannot be located in a town centre location, will be the subject of restrictive conditions to protect the future vitality and viability of the Boroughs town centres.

#### Transport and Infrastructure Policy 1 (T11) - Transport Infrastructure

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.
6. To support economic growth, it is essential that the road network is safe and that journey times are reliable. The Council will seek to provide an efficient and extensive transport network which enables services and facilities to be accessible to all, accommodate the efficient delivery of goods and supplies, whilst also minimising congestion and the environmental impact of transport.
10. Existing sustainable transport and public transport infrastructure will be protected from development which would impair its function or attractiveness to users.
11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.
12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:
  - a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.
  - b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.
  - c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate it's safe and efficient operation.



- d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.
- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

#### Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

2. Proposals which would lead to the loss of valued local shops, services and facilities, including public houses and village shops, and reduce the community's ability to meet its day-to-day needs will not be supported unless:

- a. There is no demand for the facility in the locality and its continued future use would be economically unviable, or
- b. Equivalent alternative facilities are available nearby and the proposal would not undermine the community's ability to meet its day to day needs.

3. The Council will take into account listing or nomination of 'Assets of Community Value' as a material planning consideration.

#### Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:

- a. To an infiltration or soak away system; then,
- b. To a watercourse open or closed; then,
- c. To a sewer.

6. Disposal to combined sewers should be the last resort once all other methods have been explored.

9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

#### Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be

approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

## **MATERIAL PLANNING CONSIDERATIONS**

23. The main planning considerations of this application are, the principle of development, the impact upon the character of the area, the amenity of the neighbouring occupiers, implications for highway safety and any residual issues arising out of consultation.

### **Principle of Development**

24. The development is within the defined limits but not within a designated retailing centre. Consequently, a sequential assessment would be required, however, this was provided on the original development concept. Whilst no sequential assessment has been supplied for this application, an assessment was provided for the original refused scheme and this was accepted as the Local Planning Authority (LPA) had no information contrary to dispute that there were other available sites within or on the edge of Stockton Town Centre.

25. Whilst acknowledging that the lack of a sequential assessment is a reason to refuse an application for town centre uses outside of a defined centre, consideration has been given to the earlier conclusions for this site. As the Local Planning Authority are not aware of any fundamental changes in circumstances of new suitable sites being available, a pragmatic approach has been taken to this application. The inspector also agreed with the assessment of the applicant and the LPA that there were no other suitable available sites within the town centre or on an edge of centre location.

26. The Inspector also noted that the 'drive-thru' aspect was unlikely to harm the vitality and viability of the defined town centre and the other proposed uses (at that time, a retail and veterinary unit) would likely serve the local catchment area and would be easily accessible by a range of transport modes.

27. On balance, the re-use of existing building to introduce a retail unit and drive-thru element, are not considered to unduly affect the vitality and viability of the defined retail centres.

### **Character**

28. Both the Local Plan and NPPF place a strong degree of importance on ensuring that high quality developments and ones which contribute positively to the surrounding area are accepted. The site itself is located on a prominent position at a crossroads into Stockton. As such The Mile House public house is also considered to be a local landmark due in part to its position at an angle to the cross-roads but also due to its design.

29. The re-use of the main building helps reduce the built form on this site and therefore reduce the over-development of the previous applications. The changes to the building now relate to introducing a grey coloured render to the ground floor of the building and introducing new modern openings to the main frontage. A serving window would also be installed to the north western side elevation to serve the drive thru lane. The overall modernised style to the building is to fit with the Starbucks design initiative of using brand colours and to allow more natural light into the building. Whilst the introduction of these modern alterations to the building will have an impact on the appearance of the building, they are on balance considered acceptable.

30. Whilst comments relating to the colour of the render are noted, planning permission would not be required to paint the existing brickwork and it is considered that the use of render giving a 'flat' appearance would be preferable to painted brickwork.

31. On balance, these alterations are not considered to result in a significant harmful visual impact on the visual appearance of the building. It is generally considered to be suitable to the wider character of the area.
32. As the amount of built form has been reduced on site, there is further scope to include more landscaping into the scheme. This has been done through the introduction of further planting to the frontage of the building; the boundary running along Durham Road. The introduction of further car parking, a through road and drive thru lane, is not considered to be significantly at odds to the current situation which features hardstanding for the previous pub use. Planning conditions could also be imposed to secure the finer details on the various aspects raised by the Council's landscape architect.
33. As such, and in the absence of any objection from the Council landscape architect, the overall principles of the landscaping scheme across the site are considered to be acceptable and would not detract from the wider visual amenities of the area.

### **Amenity**

34. Owing to the proposed siting of the development in relation to the orientation of the surrounding properties, it is not considered to adversely impact upon amenity with respect to creating an adverse overshadowing or overbearing impact.
35. The site is currently vacant (with the exception of the Coral unit) but it does have an extant consent which mean that the public house and associated level of activity could recommence without the need for any planning approvals.
36. Whilst it is noted that the proposed development would increase activity levels for this site based on its current vacant state. The previous public house use resulted in commercial activity levels at this site. Whilst the proposed Coffee Shop and retail unit would differ to an extent in the 'peak' operating hours, it is not considered that they would be so fundamentally different or significantly increase levels of activity to worsen the impact upon the surrounding residential dwellings over and above its current use as a public house.
37. In addition, when taking into account the separation distances and the level of traffic associated roads that abut this site (which create a degree of noise) the proposals are not considered to create activity levels that would adversely impact upon amenity. The hours of operation have been conditioned, as well as specification details of any plant to be installed.
38. The developer has provided an air quality assessment which has been assessed by the Council's Environmental Health team. Whilst there are some disagreements over the methodology used to assess the overall impact, the developer has agreed to provide mitigation in the form of a 'green wall' following a request from Environmental Health, as a result of te impacts from queuing traffic within the 'drive-thru' lane.
39. The concept of a 'green wall' is that a solid barrier is provided at a length/route to be agreed and to a minimum height of 2.4 metres. The structure then supports a variety of plants (mainly evergreen) with a series of different textures and leaf forms to 'trap' airborne particulates and as a result improves air quality. The final detail and specification can be secured via a planning condition. It is considered that the structure would also offer some additional visual benefits to the proposal.

### **Highway Safety**

40. Information has previously been provided as part of the previous scheme to demonstrate the potential impact of the proposal on the local highway network. The reduced numbers of parking spaces were found to be permissible by the Local Planning Authority. While highway safety concerns were raised, the inspector came to the overall assessment that;

*'taking into account the public house use which could recommence and the benefits of the closing of one entrance to the site; the proposed one way system through the site reducing the numbers of vehicles exiting onto the main through routes; together with traffic mitigation to ease the flow of traffic through the junction; I see no reason to conclude that highway safety would be unduly prejudiced by the proposed development.'*

41. Consequently, the inspector concluded that there would not be an unacceptable impact upon highway safety from the previous proposed development.
42. Moving on to this proposed scheme, whilst it is acknowledged there is less development on the site, it has resulted in some complications in relation to the site arrangements. The submitted information has been considered and following a recent review and re-assessment of the proposed development, there are areas of concern relating to the proposed development. These are primarily as a result of;
  - limitations to pedestrian manoeuvrability/circulation through the site, as a result on narrow footpaths; potential pedestrian/vehicle conflict with crossing the 'Drive-thru' lane to enter the coffee shop, store or bookmakers; The alternative route does not meet current access standards; There is no pedestrian link from the car park between parking spaces to the rear building footpath.
  - The drive thru exit conflicts with the car park entry lane and the drawing does not indicate who has right of way. In addition, Vehicles waiting to exit the drive thru lane will be stopped over the marked pedestrian route across the drive thru lane impeding pedestrian movements.
  - There is a loading bay and 'waiting bay', close to the convergence of two lanes of traffic and combined with pedestrian links across there are concerns regarding pedestrian safety in this area.
  - The drive thru lane also appears to have an intercom/speaker post adjacent to the pedestrian marked crossing point and if vehicles are queuing this could lead to pedestrian/vehicle conflict.
  - A short layby is shown in front of the two disabled parking bays, it is anticipated that this area will attract short term parking for visitors calling to the shop to pick up single/few items rather than park in the car park and walk. This will obstruct the disabled parking bays and is unacceptable.
  - No supporting evidence for the number of trips or queuing information that is generated at a drive thru coffee shop. The information provided indicates that the drive thru lane can only accommodate 6 vehicles, and there are concerns that the queue will extend back to the car park entrance and prevent vehicles gaining access to the car park and block the disabled parking bays. In addition, queuing may extend further back causing congestion on the highway network and detriment to highway safety.
43. In view of the above concerns there is an objection to the proposed development from the Highways Transport and Design Manager. In assessing the proposal on the basis of the information currently submitted and impending appeal on non-determination, there is no alternative choice but to raise significant concerns over the deficiencies of the layout with regards to pedestrian manoeuvrability and potential implications for the free flow of traffic on the highway network and highway safety.

**Anti-social behaviour;**

44. Under the provisions of Section 17 of the Crime and Disorder Act, the planning system and the Local Planning Authority must do all that it reasonably can to prevent, crime and disorder in its area. Whilst objectors may consider that the proposal would give rise to anti-social behaviour it is noted that Cleveland Police have no objections to the proposal. Consequently, there is no evidence before the Local Planning Authority which would indicate that the proposal would give rise to crime or anti-social behaviour as it would be no different to any other retail or residential development within the area. In the event that any instances arise then this would be a matter for the appropriate authorities, such as the Police and not the planning system.

**Residual Issues;**

45. The site is now semi derelict, is an absolute eyesore and needs to be returned to its original condition as soon as possible.

Litter

46. The potential for increased litter is noted and a planning condition is recommended to secure details for the management of waste and suitable waste receptacles.

Need/Alternative proposals:

47. Whilst comments in relation to other alternative 'drive-thru' coffee shop or 'fast-food' facilities are noted. The planning system does not require a developer to demonstrate a need for such facilities and any associated competition aspects are not a material planning consideration.
48. Whilst comments over a preference for affordable housing are noted, all that can be considered is what is contained within the application. The application is assessed against the policies within the development plan and other material planning considerations as set out in the report.

Healthy eating

49. Comments in relation to healthy eating and proximity of fast-food outlets to schools are noted, however, it is not considered that a coffee shop is directly comparable to other fast food/takeaway products. Nevertheless, there are no policies within the Local Plan that prevent fast food in close proximity to schools. Although an earlier version of the Local Plan tried to include a policy on such matters, during the examination in public and the Inspectors assessment of the Local Plan, it was considered that whilst there were higher than average rates of childhood obesity in the Borough, there was not sufficient evidence to show a direct correlation between the proximity to schools, parks or playgrounds and therefore this element was removed from the Local Plan.

**CONCLUSION**

50. Although as set out within the report above, elements of the proposed application are acceptable in planning terms and would overcome the previous reasons for refusal. There is an objection to the proposed development from the Highways, Transport and Design Manager. Given the appeal on non-determination, there is no alternative choice but to raise significant concerns over the deficiencies of the layout with regards to pedestrian manoeuvrability and potential implications for the free flow of traffic on the highway network and highway safety.
51. Consequently, it is recommended that the Local Planning Authority be minded to refuse the application for those reasons set out in the report.

**Director of Finance, Development and Business Services**  
**Contact Officer Christina Poles Telephone No 01642 526063**

**WARD AND WARD COUNCILLORS**

**Ward Roseworth**

**Ward Councillor**      **Councillor Jim Beall**  
**Ward Councillor**      **Councillor Barbara Inman BEd BA ADPSE**

## **IMPLICATIONS**

### **Financial Implications:**

Not applicable

### **Environmental Implications:**

This has been addressed within this report.

### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

### **Background Papers**

Local Plan – Publication January 2019

### **Supplementary Planning Documents**

SPD3 – Parking Provision for Developments