



Appeal Decision

Site visit made on 30 December 2009

by **George Arrowsmith BA, MCD, MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
29 January 2009

Appeal Ref: APP/H0738/A/08/2087394

Land at Cheltenham Road, Mandale Trade Park, Stockton-on-Tees

- 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 Mandale Commercial Ltd against the decision of Stockton-on-Tees Borough Council.
- The application (Ref 08/2453/FUL), dated 31 July 2008, was refused by notice dated 29 September 2008.
- The development proposed is the provision of a vehicular access.

Decision

1. I allow the appeal and grant planning permission for provision of a vehicular access off Cheltenham Road at Mandale Trade Park, Stockton-on-Tees in accordance with the terms of the application [Ref 08/2453/FUL], dated 31 July 2008, and the plans submitted therewith, subject to the following condition:
 - 1) The vehicular access hereby permitted shall not be brought into use until measures have been implemented to restrict its use to ingress only from Cheltenham Road to the trade park in accordance with measures which has been submitted to and approved in writing by the local planning authority. The use of the access shall thereafter be restricted to ingress only in accordance with the approved measures.

Procedural Matters

2. The access has already been formed and I have worded the condition accordingly.

Main issue

3. I consider that the main issue is whether the use of the access would lead to vehicular conflict, which would disrupt the free flow of traffic and cause a loss of highway safety.

Reasons

4. The access has been formed opposite the existing access to a large B&Q retail store, thereby forming a cross road junction. When vehicles exit both accesses at the same time there would be no clear right of way, a situation which could lead to confusion, delay and collisions. This is accepted by the appellant's agents. Their proposed solution is that the new access be limited to ingress only by the use of 'crocodile teeth'. I am not convinced that the term 'crocodile teeth' is universally understood. I take it to mean a set of spring loaded metal
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teeth set into the road so that they are depressed by a vehicle travelling in one direction but impede travel in the opposite direction.

5. If the access were limited to ingress only there would be a clear right of way in all cases where vehicle paths cross, thus significantly reducing the risk of collisions. The only occasions on which the use of the new access would cause additional delay would be when a vehicle approaching from the east along Cheltenham Road had to wait in the carriageway before turning right into the trade park. In turn this could cause delay for vehicles travelling westwards on Cheltenham Road or waiting to turn out of or into the B&Q site. However, these additional delays are likely to be small because Cheltenham Road to the west of the cross roads carries little traffic so that vehicles turning right into the trade park would rarely have to wait. I am therefore satisfied that, if the use of the new access could effectively be limited to ingress only, there would be no serious disruption to the free flow of traffic and no serious threat to highway safety.
6. The Council's Head of Technical Services (HOTS) says that the introduction of a one way system is likely to impede the free flow of traffic and increase the risk to highway safety. HOTS also says that the use of crocodile teeth to enforce the one way system is not supported because it would not be permitted on an adopted highway.
7. For the reasons given in paragraph 5 above I take a different view from HOTS on the effectiveness of an ingress only access. In this regard it is relevant that the HOTS' assessment is not backed by any reasoned argument in the representations before me.
8. With regard to the use of crocodile teeth, I am not told why they would not be permitted on an adopted highway although I recognise that they could cause difficulties for emergency vehicles and that the mechanism could stick in one position so that it could become ineffective or hazardous. Even so, different issues are raised when they are installed on private land because vehicles are likely to be travelling more slowly and there is greater likelihood of maintenance staff being on hand to rectify any malfunction. In the case of the Mandale Trade Park there is also an alternative vehicular access. In any event I am not convinced that crocodile teeth are required to enforce a one-way system. I am satisfied that the imposition of a condition limiting the access to ingress only, supported by unspecified measures which must first be approved by the Council, would be sufficient to ensure that there would be no serious disruption to the free flow of traffic, no serious threat to highway safety and no conflict with the objectives of saved policies GP1 or TR15 in the Stockton-on-Tees Local Plan.

George Arrowsmith

INSPECTOR