

Appeal Decision

Site visit made on 10 May 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 17 June 2016

Appeal Ref: APP/H0738/W/16/3142990

Car Park to Rear of 51 Mandale Road, Thornaby, Stockton-on-Tees, Cleveland TS17 6AE.

- 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 Stephen Mellor against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 15/1771/COU, dated 15 July 2015, was refused by notice dated 18 December 2015.
 - The development proposed is change of use of part of car park for catering trailer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect of the proposal on highway safety.

Reasons

3. The appeal site is located on a car park to the rear of commercial premises on Mandale Road which is part of a commercial trading estate. The site is also adjacent to the junction between Archer Street, which is one of the entrances into this part of the estate, and Stephenson Street, which leads through the area. The car park is surfaced with gravel and does not contain demarcated parking bays but it does provide a functional area for the parking of vehicles.
 4. At the time of my site visit the appeal proposal was in place and consisted of the mobile catering unit and an associated seating area. At my site visit it was also apparent that there are issues of parking congestion in the wider estate with a high level of on-street parking and a significant number of vehicles parked on the footway. This causes an obstruction to pedestrians and can mean that users of the footway (e.g. those with pushchairs) have to move onto the road to pass parked vehicles. Not only is this inconvenient but is also likely to lead to conflict between pedestrians and vehicles to the detriment of the safety of highway safety. Furthermore, on-street parking would reduce visibility and manoeuvring space at junctions thereby increasing the likelihood of collisions.
 5. The area occupied by the proposal would reduce the area available for the parking of vehicles by up to 4 parking spaces. Although this is relatively small
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- scale, due to the existing parking congestion in the area any loss of parking provision would add to the problems identified previously and would therefore be detrimental to the safety of users of the highway network.
6. The nature of the business and its location adjacent to one of the access roads into the estate would also be likely to generate on-street parking from passing traffic. Although the business is located in a car park, this parking provision is used by the adjacent commercial premises on Mandale Road and is not readily available for passing vehicles. The appellant has referred to a survey of customers of the business which indicates that the majority arrive on foot and also that customers are encouraged to phone their orders ahead to reduce the waiting time of car-based customers. However, there is no mechanism to ensure that this would always be the case and despite the current operation of the business this could change over time generating an increase in traffic movements and on-street parking. On-street parking generated in this location would be particularly detrimental to highway safety due to the proximity to a number of junctions, as parked vehicles would reduce visibility and manoeuvring space for drivers at these junctions.
 7. The appellant has stated that the site occupied by the catering trailer previously contained storage containers and therefore the proposal does not represent a loss of parking spaces. However, no evidence has been provided to me of the extent of this storage, when this storage ceased or whether the appropriate planning permissions had been obtained. I have therefore given this very little weight.
 8. The appellant has also emphasised that the appeal premises is operating as a successful business providing employment for three people. I am mindful of the benefits that a successful business will bring to the area and of the jobs it provides. However, the benefits of the scheme would not outweigh the negative effects I have identified above in relation to highway safety.
 9. The appeal scheme would therefore be contrary to Policy CS2 of the Stockton-on-Tees Core Strategy 2010 and Supplementary Planning Document 3: Parking Provision for Developments 2011 which seek to provide a safe highway network for all users and which in terms of safe access requirements are broadly consistent with the National Planning Policy Framework.
 10. For the reasons given above and having regard to all other matters raised, including the letters of support from users of the facility which do not alter my decision as set out above, I conclude that the appeal should be dismissed.

David Cross

Inspector