



Appeal Decision

Site visit made on 28 November 2008

by **R R Lyon** MA CEng MICE MRTPI FIHT

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

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Decision date:
11 December 2008

Appeal Ref: APP/H0738/A/08/2082084

Shed F, Allens West, Eaglescliffe, Stockton-on-Tees TS16 0PF

- 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 Mrs J Thomas-Charlton against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/1172/FUL, dated 12 May 2008, was refused by notice dated 10 July 2008.
- The development proposed is change of use of vacant warehouse unit (shed F) for use as a soft play based family entertainment centre and children's day nursery.

Decision

1. I dismiss this appeal.

Reasons

2. The family entertainment centre element of the proposal is a use that should be placed in a town centre according to *Planning Policy Statement 6: Planning for Town Centres* (PPG6). Consequently, the appellant supplies a sequential test for this element; but confines the search to Yarm District Centre, Ingleby Barwick Local Centre and smaller places. However, parts of Ingleby Barwick are some 5 miles from the site by road, a similar distance to parts of Thornaby and Stockton Town Centre in particular.
3. The evidence suggests that the soft play would be the largest such facility in the Tees Valley and one of the largest in the Northeast; the only other in the Borough being Crazy Corner at Thornaby with some 560sm of floorspace compared to the proposal's 2,127sm (1,425sm of soft play and 702sm of day nursery). The appellant's market research indicates a potential 95% takeup. It is asserted that the proposal is not intended to serve other parts of the urban area, but the factors that I present suggest that the arbitrary limit drawn through the Hartburn area of Stockton will not deter potential users from further afield. I consider that the proposal would have much wider appeal than indicated; an attraction that would embrace Stockton and Thornaby.
4. It follows that I do not consider the catchment area used to be realistic, and that consequently it has not been demonstrated that more sequentially preferred sites are not available. As such, it cannot be said that the Government's key objective for town centres, to promote their vitality and viability by focussing development in such centres and encouraging a wide range of services, has been adequately addressed.
5. Regarding accessibility; the appellant states that the proposal is well related to the intended catchment area by bus and by train. The rail station is some

600m from the application site. The bus passes the site hourly, with the last buses at about 1747 hours southbound and 1846 hours northbound, whereas the facility would be open until 2000 hours. I do not consider this to represent good accessibility by public transport to the appeal site particularly given that the likely users would include young children in various states of mind.

6. The concentric rings on the "acceptable walking distances plan" ignore the constraints of the highway layout and the railway lines on movement through the area. Movements to the site are focussed on a single roundabout resulting in very few houses within 400m walking distance (described as a 'desirable' walking distance by the Institution for Highways and Transportation (IHT)) and just a limited number within 800m (IHT 'acceptable'). I judge that there is a limited potential for walking to the site.
7. From my consideration of public transport availability, the limited potential for families to walk to the site, and my conclusion on the likely wide appeal of the soft play facility, I judge that users of both elements of the proposal would rely very heavily on private car use. This reliance on cars leads me to conclude that the proposal would not be sustainable.
8. I conclude that the proposal would attract significant numbers of people to a location outside existing centres without adequate justification through a sequential test, and that the proposal would be unsustainable by encouraging reliance on private cars. All of which would conflict with national advice in PPS6 and PPS1 and saved policies GP1 and S2 of the Council's Local Plan.
9. The appellant suggests that an outline permission for a mixed use development on the larger Allens West site would significantly change the area's character and appearance. As the external appearance of the warehouse would change little, this is not at issue. The development has not been built and would take some considerable construction time. Despite its potential size, it would not materially affect the conclusions that I have made on the appeal before me.

R.R.Lyon
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