



## Appeal Decision

Site visit made on 22 May 2009

by **Graham Garnham BA BPhil MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
27 May 2009

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### Appeal Ref: APP/H0738/A/09/2096265

#### Portrack Business Park, Portrack Lane, Stockton-on-Tees

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by The Mandale Group against the decision of Stockton-on-Tees Borough Council.
- The application (Ref 08/2559/OUT), dated 5 August 2008, was refused by notice dated 11 November 2008.
- The development proposed is 'the erection of a hotel'.

#### Decision

1. I dismiss the appeal.

#### Procedural Matter

2. The application is made in outline with all matters reserved for later approval. Indicative drawings show the possible scale and appearance of the building and the site layout.

#### Main issues

3. The Council has given 2 reasons for refusing planning permission. However, these incorporate several issues, as do the arguments put forward by both parties. In identifying several main issues, I have had regard to these representations; the Stockton-on-Tees Local Plan 1997 (saved policies IN1 & IN10) and 2006 (policies S1 & S2); and national planning policy in PPS6, *Planning for Town Centres*.
4. I consider that 5 main issues need to be addressed:
  - 1) The effect on the supply of land for employment purposes;
  - 2) Whether there is a clearly defined need for the development;
  - 3) Whether a sequentially preferable site is available;
  - 4) The effect on the vitality and viability of Stockton town centre; and
  - 5) The sustainability of the site in relation to a choice of means of transport.

#### Reasons

5. The parties agree that, following PPS6, a hotel is to be considered as a main town centre use. The type of hotel that is intended is said to be a budget facility for business and professional users, including conferences. The out of centre location is seen as convenient for the nearby business park, with good accessibility and visibility from the A19.
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***First main issue – effect on the supply of employment land***

6. I understand that the appeal site is within an area allocated under local plan policy IN1(a) for business and general industrial uses. It adjoins the recently approved Portrack Interchange Business Park, which will involve similar uses. The Council's first reason for refusal is that the proposal will result in unjustified loss of employment land. However, only the appellant has provided evidence as to any harm that may arise. This has been taken from information that feeds into the emerging Core Strategy and Regeneration Development Plan Documents. I consider that this contextual material indicates that the use of just 0.5 hectares of land at the appeal site is unlikely to have any significant effect on the supply of employment land for the Borough as a whole. The quotations used show that the available supply of 340 hectares is sufficient to meet a 25 year demand, and that there is a potential surplus if the current take up rate is maintained. I also observed that quite a lot of land is awaiting development in the immediate locality.
7. I conclude that the proposal would not materially detract from the supply of land for employment purposes. Criterion (i) of saved local plan policy IN10 is satisfied, thus allowing planning permission to be given to use the site for purposes other than industrial development.

***Second main issue – the existence of a clearly defined need***

8. Both local plan policy S2 and PPS6 require the assessment of need for a main town centre use that is proposed at an out of centre location which is not in accordance with an up to date development plan document strategy.
9. The appellant draws on regional and sub-regional tourism strategies to support the need for more hotel accommodation within the Borough. These may support additional hotel accommodation in the Borough, but not particularly for the kind of location now proposed. A study carried out on behalf of Travelodge is more relevant to the type of hotel that is intended, but it is at a national and general level. I consider that the fact that the appeal site may meet "very specific operational requirements" (page 12 of the appellant's Design, Access & Planning Statement) does not, without substantiation, constitute a clearly identified need in the area it seeks to serve.
10. I find that the information before me does not demonstrate a need for the type of development that is proposed to be located where it is intended. This is on a side road accessed through a mixed use area including bulky goods retailing (albeit visible from the A19). I consider that the appellant's suggestion that a hotel might "kick start" approved development locally does not constitute the need for a hotel here. I conclude that there is no clearly defined need for the development, such as might justify its location outside the town centre. The proposal does not satisfy either criterion i) of local plan policy S2 (which, from its context, I understand applies to a range of town centre uses including hotels) or PPS6 paragraphs 3.8 – 3.11.

***Third main issue – the existence of a sequentially preferable site***

11. The appellant has provided a detailed analysis of sequentially preferable sites and responded to 5 suggestions made by the local planning authority late in the

appeal process. I am not able to examine this evidence in depth in a written representations appeal. Some sites seem to be sequentially preferable, for example the Eastern Gateway site. However, on the face of it, none of the sites looked at appear to provide a practicable alternative site. In other words, they are not available as well as suitable and viable.

12. Consequently I conclude that it has been demonstrated that a sequentially preferable site is not available now or, from the scope of the information before me, within a reasonable period of time. There is no conflict with criterion ii) of policy S2 or with this provision of PPS6.

***Fourth main issue – the vitality and viability of Stockton town centre***

13. Local plan policy S1 seeks to direct town centre uses such as a hotel to appropriate levels in the retail hierarchy (in this case, to Stockton town centre), in order to protect and enhance their vitality and viability. PPS6 embodies the objective to promote the vitality and viability of town centres.

14. The Council alleges that the town centre is “struggling” and that the appeal proposal would help develop a strong town centre and may encourage further development that would add to its overall vitality and viability. It disagrees with the findings of an Inspector that Stockton is “a vital and viable town centre” (APP/H0738/A/07/2052530, 16 April 2008). Although that appeal was dismissed, the inquiry Inspector concluded that an out of centre health and fitness club would not have an adverse effect on the vitality and viability of the town centre. I have not been provided with any “health check” data about the town centre (PPS6, paragraph 4.4).

15. I understand that the town centre has a Swallow Hotel and that other hotel developments are envisaged outside the town centre. The proposed hotel would no doubt add to the attractions of the town centre, and to that extent enhance vitality and viability. However, I have no evidence to show that a hotel of the size proposed would materially detract from town centre vitality and viability. Its intended business and conference clientele and the absence of a sequentially preferable site add weight to this consideration.

16. I conclude that the proposal would not have an adverse impact on the vitality and viability of Stockton town centre. In this respect it complies with both criterion iii) of policy S2 and the provisions of PPS6.

***Fifth main issue – the sustainability of the location of the site***

17. The appellant has submitted a Transport Assessment and a Supplementary Hotel Travel Plan. These have been found to be acceptable by both the Highways Agency and the Council’s Technical Services department. The former accepts that there would be no material impact on the A19. The latter considers that the submissions give no reason for objection on highways and transport grounds.

18. I appreciate that the proposed hotel could be required by a planning condition to develop its own specific Hotel Travel Plan. However, the submitted Plan is intended for planning purposes and as a template for future compliance (ibid. paragraph 1.1.7). The first of several “overarching aims” is to “promote public

transport as the primary mode of travel for visitors" (2.1.2). In contrast to this, tables of post-mitigation modal split values show car use decreasing from 62.4% to 60% with a corresponding rise in cycling to 2.7%. Train and bus remain a constant 5.3%. The overarching targets relate to no more than 60% of staff driving by car and maximum peak period vehicle movements (respectively, 2.2.2 & 2.3.1). This may be a realistic reflection of the location of the site. It offers some choice for local trips (e.g. by staff) and for determined users of buses (stops are around than 10 minutes walk away on Portrack Lane). Otherwise, the likelihood of limiting the need to travel by car would seem to be low.

19. It may be that a special sustainability case exists for business hotels in out of centre locations, but it has not been provided. I conclude that, in the terms of criterion vi) of policy S2, the proposal would not materially assist in reducing the need to travel by car. The site appears to have only limited sustainability in relation to a choice of means of transport for the use proposed.

**Overall conclusion**

20. I have found that the proposal would not harm the supply of employment land in the area or the vitality and viability of Stockton town centre. No practicable alternative site has been identified. Nonetheless, I have found shortcomings in the sustainability of the location. In assessing the balance of my findings, I consider that the lack of harm in certain respects does not outweigh the failure to satisfy the first criterion of development plan policy S2 – the absence of a clearly defined need in the area it seeks to serve, for a hotel in the location that is proposed. I conclude that, on balance, planning permission should be withheld.

21. I have considered all other matters raised but they do not alter my decision.

*G Garnham*

INSPECTOR