



Appeal Decision

Site visit made on 7 October 2009

by **Jacqueline North BSc MSc**

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

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Decision date:
16 November 2009

Appeal Ref: APP/H0738/A/09/2109709

Land 90m north of Faraday House, Sopwith Close, Stockton-on-Tees, TS18 3TT

- 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 Mr Darren Peckitt against the decision of Stockton-on-Tees Borough Council.
- The application Ref 09/0239/OUT, dated 16 February 2009, was refused by notice dated 1 June 2009.
- The development proposed is the erection of a steel portal frame building of 14900 sq ft with a minimum of 60 car parking spaces for use as a family entertainment centre (D2).

Decision

1. I dismiss the appeal.

Procedural Matter

2. The application is in outline with all matters to be considered at this stage.

Main issue

3. This appeal follows a previous appeal, reference APP/H0738/A/08/2075623, for the same use on the same area of land. The previous appeal decision and the reasons for refusal of this current appeal indicate that the main issue is whether the site is an appropriate location for the proposed development having regard to:
 - The sequential test which seeks to locate most leisure/entertainment facilities in/adjacent to town and local centres; and
 - The objective of ensuring that such facilities are accessible by means other than the private car.

Reasons

4. The appeal site is a vacant area of scrub land situated north of Sopwith Close within the Preston Farm Industrial Estate. The A66 forms the northern boundary of the site, with office buildings to the south and a wholesalers and football centre to the west. Although the Appellant refers to the area being an established out of centre destination for leisure and shopping, due to the presence of a number of facilities, the areas around the appeal site are characterised by office and warehouse uses. The site forms part of the Preston

Park Business & General Industrial Use (Use Classes B1 & B2) allocation as defined by Policy IN1c of the adopted Stockton-on-Tees Local Plan (LP).

5. The proposed development would comprise the erection of a steel framed building for use as a family entertainment centre. The building would contain various leisure/play areas including an 8.5 metre high climbing wall, bungee trampolines, a maze, soft play area, arts and crafts area, party rooms and café. The activities would be suitable for children of all ages and provision would be made for children with special needs.
6. Government guidance on retail planning and town centre policy is contained in Planning Policy Statement 6: *Planning for Town Centres* (PPS6). The Government's key objective for town centres is to promote their viability and vitality by focusing development in existing centres in order to strengthen and regenerate them, and to encourage a wide range of services in a good environment, accessible to all. Of particular relevance in this case are the requirements concerning the sequential approach to site selection.
7. Policy S2 of the adopted Alteration No 1 to the LP indicates that key town centre uses will not be permitted outside Stockton town centre, and other district and local centres unless it can be demonstrated that, amongst other considerations, there are no other sequentially preferable sites available, and it would be accessible by a choice of means of transport including public transport and walking and would assist in reducing the need to travel by car. This echoes the guidance in PPS6.
8. I accept the Appellant's argument that the nature of the proposed use requires a relatively modern building with a high eaves height and large floor area. However, I see no reason why a location within or on the edge of a town or district centre would not be suitable, as it is common for similar D2 uses such as sports and leisure centres to be located in these locations.
9. I appreciate that the Appellant has carried out an extensive search of alternative available buildings and sites. However, I consider that some of these sites have been discounted as unreasonable for reasons that cannot be substantiated. In particular the St Marks Basin site was discounted because there are no buildings on the site and that the site has planning permission for an office development. The appeal site is a vacant site with no buildings and is therefore similar in character to the St Marks Basin site. The St Marks Basin site has been undeveloped for a considerable time, and there is no evidence that the site could not be developed for a family entertainment centre, and the rent adjusted accordingly subject to negotiation with the landowner.
10. Similarly the former MFI building on Parkfield Road has been discounted due to the A1 retail consent and corresponding rental values. It is my experience that a change of use, such as from A1 to D2, would alter the rental value, and such issues are open to negotiation with the landowner. Both the St Marks Basin and former MF1 building sites are in sequentially more preferable locations than the appeal site. From e-mail exchanges between the Appellant and the Council in January 2009 it appears that the Appellant is not willing to pay market value for any land, and this may be restricting his ability to find alternative, more sequentially preferable sites.

11. The Appellant argues that children are likely to be transported to the site by car, and that over 99% of the visitors to his existing facility in Newton Aycliffe arrive by private motor vehicle. Whilst I accept that young children need to be accompanied, and that travel by private car can be the most convenient way of travel for families, there is no evidence that families would not use public transport or walk if the facility was located conveniently for these modes of transport.
12. The nearest bus stops to the site are on Bowesfield Lane, approximately 5 to 10 minutes walk away. I have been told that the bus service is regular, although on the date of my site visit there were no timetables displayed at the bus stop. There is no service on a Sunday, and whilst I note that the bus operator is willing to provide a Sunday service, there is no guarantee that this would be a long term commitment. It also appears that it would not be possible to access the proposed family entertainment centre by public transport from most parts of Stockton without at least one change of bus. In addition the walk from the bus stops to the appeal site is not pleasant, and would necessitate the crossing of a busy dual carriageway for visitors travelling from the Middlesbrough direction. As such I consider that the site is not well served by public transport and would not assist in reducing the need to travel by car, as is required by LP Policy S2.
13. The Appellant refers to a "drop and shop" scheme to allow parents to go shopping whilst their children were playing/attending a party. He also refers to the fact that the appeal site is located such that linked trips to other attractions/shopping centres are fully expected. Given my finding that the site is not well served by public transport, it is highly likely that these additional journeys would be by private car, contrary to the aims of LP Policy S2 and Government guidance.
14. My attention has been drawn to an appeal decision, reference APP/E1350/A/06/2016698 in respect of a children's play centre at Morton Trade Park, Darlington. Whilst I accept that there are some similarities with this appeal case there are a number of significant differences. In the Darlington case the Inspector considered that no suitable site existed in or near the town centre. In addition Darlington LP policy R24 supported out of town leisure facilities subject to certain criteria, and there was a firm proposal to locate a bus stop in close proximity to the appeal site. The Inspectors view was that whilst he accepted that the preferred mode of transport would be the private car, there would be a convenient alternative to car use, and this went some way towards meeting the objectives of policies that seek to reduce car use, unlike the proposal that is the subject of this appeal.

Conclusion

15. I note that the proposed development would provide employment opportunities, meet an identified need for childrens' play facilities, that adequate parking facilities would be provided and that the provision of a footway along the east side of Sopwith Close could be secured by means of a Grampian condition. I also accept that many of the suggested alternative locations have poor pedestrian links to the town centre due to the number of multi-carriageway roads in and around Stockton. However, I consider that these do not outweigh the harm which would result from its inappropriate

location, and I am not satisfied that other, more sequentially preferable sites, are not available. Accordingly the proposal does not accord with the requirements of LP Policy S2, and having taken these and all other matters raised into consideration, I conclude that the appeal should be dismissed.

Jacqueline North

Inspector

