



Appeal Decision

Site visit made on 4 June 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/J4525/W/24/3336721

New Inn, Four Lane Ends, Hetton-le-Hole, Houghton-le-Spring, Sunderland DH5 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Sinthuyan Theivasothy against the decision of Sunderland City Council.
 - The application Ref is 23/00334/FUL.
 - The development proposed is change of use to convenience store.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety, with regard to parking provision and servicing.

Reasons

3. The appeal site is located at a double roundabout which has a commercial character and includes a mix of uses. It is adjacent to a primary school and the surrounding area is predominantly residential in character. The site sits within a busy location which at times is likely to be subject to large volumes of traffic, including at school drop off and pick up times.
4. The hardstanding to the side of the appeal property would be able to provide some customer parking. While a parking layout has not been provided, there would appear to be sufficient space for three parked cars. It is not disputed that there would, however, be a numerical shortfall in the required number of car parking spaces at the appeal site. While existing indiscriminate parking is said to take place on the hardstanding at school drop off and pick up times this is likely to be as a consequence of the closure of the public house and could be appropriately managed through notices and signs associated with the convenience store use.
5. I share the views of the Inspector in their decision¹ relating to a convenience store in Ascot that the nature of small-scale convenience retailing means customers would likely be carrying out smaller, top-up grocery shops and visits to the site would be short which would result in a high turnover in the parking spaces provided. Furthermore, as in the Ascot case, this appeal site is within walking distance of a large number of residential dwellings. Consequently,

¹ Appeal Ref: APP/T0355/W/19/3241596, as provided by the appellant.

there is a strong likelihood that some customers would walk to the site and therefore not require a parking space thereby reducing demand. Nevertheless, there is the possibility for some displacement parking.

6. The Council contend that the short-term nature of visits has the potential to give rise to indiscriminate parking directly outside the premises. However, given the provision of three on site car parking spaces, the road layout and the presence of a pedestrian barrier, on balance, drivers would be unlikely to park in this way, particularly given the availability of unrestricted on-street parking in proximity to the appeal site on both sides of the A182, which offers a safer alternative option within a convenient short walk away from the site.
7. The submitted parking surveys demonstrate that there is sufficient capacity on nearby streets to meet any shortfall in parking demand. The surveys were carried out by a suitably qualified professional and at various times across a number of days, including at school drop off and pick up times and are therefore representative of parking demand in the area. The Council has not disputed the validity of the parking surveys and even though the on-street parking lies outside of the appeal site and beyond the control of the appellant, I have no clear reason not to take the findings of the surveys and the capacity for parking into account.
8. On the basis of the nature and scale of the appeal scheme, it's location in a residential area and the availability of safe and convenient on-street parking nearby, the three proposed spaces for customer parking would be appropriate for the proposal. However, while there is a yard on the other side of the appeal property, further away from the roundabout junction, which is indicated would be used for delivery/service/manager parking area, it has not been clearly demonstrated that this could be safely and suitably accessed, including by a light goods vehicle van. Nor has it been illustrated on the submitted plans that there is sufficient room for the manager to park when they are at the store.
9. There is no indication that it is likely that the premises would become part of a retail chain or that this would result in the site being serviced by larger commercial vehicles, and even if the yard was used for servicing the previous public house use, there is no robust evidence that the yard could be used to meet the delivery and servicing needs of the appeal scheme or provide a parking space for the manager. Consequently, in these circumstances, the car parking area would not solely be used for customer parking and would instead also be used for deliveries and the parking of the manager's vehicle.
10. Taking account of the size of the car parking area, its location adjacent to the double roundabout, and despite the wide footpath, there would be limited manoeuvring space for a delivery vehicle, particularly if the parking spaces were occupied by customers. Information regarding deliveries is limited. Nevertheless, they would take place in an area with a high probability of pedestrian and vehicle conflict with customers accessing the shop on foot, pedestrians making use of the footway including children travelling to and from school, in combination with customer vehicles accessing and manoeuvring into the area of hardstanding and cars approaching the double roundabout at a time when they will be concentrating on the junction ahead.
11. Furthermore, residents have brought to my attention that at the beginning and end of the school day the local road network is congested which results in safety issues for road users and pedestrians, including children. I have also

been provided with information relating to recent accidents on this section of the local road network. Even if these accidents were not associated with access and egress from the appeal site, the use of the car parking area for servicing would at certain times result in reduced availability of customer parking or in some cases if a delivery van were to take up the whole carpark if manoeuvring, no availability for customer parking. This situation would result in an increased potential for dangerous indiscriminate parking outside the appeal site.

12. It is suggested that mitigation for any dangerous displacement parking could be secured by creating a traffic regulation order prohibiting waiting at any time in the vicinity of the appeal site at the appellant's expense. However, there is no planning obligation before me to secure the required financial contribution and in any event, this would not resolve the harm I have identified regarding the servicing of the premises. Similarly, even if I were to accept that the availability of safe and convenient on-street parking nearby to the site renders the parking standards arbitrary in the context of the proposal, the servicing arrangements would still be likely to increase the risk of accidents or endanger the safety of road users. Furthermore, this is a concern that could not be rectified by the imposition of a condition that would meet the relevant tests set out in Planning Practice Guidance, and in any event, the proposal before me is not for a personal planning permission.
13. While currently vacant, if the site were brought back into use as a public house it is said that this use would generate a greater demand for parking, for a longer duration and servicing by larger vehicles. Interested parties have also suggested in support of the proposal that a public house is an inappropriate use next to the primary school. However, the appellant's submissions suggest that marketing of the site has shown there is no realistic prospect of the site being used as a Public House.
14. To conclude, it has not been clearly demonstrated that there would be a separate servicing yard to the customer parking area, leaving the area of hardstanding to the side of the appeal premises to act as customer parking and delivery/service/manager parking area. Overall, the increased potential for displacement parking and the use of the area of hardstanding immediately adjacent to the double roundabout for servicing would be likely to compromise the free flow of traffic on the local road network and cause a conflict between vehicles and pedestrians.
15. Accordingly, the proposal would have an unacceptable adverse effect on highway safety, with regard to car parking and servicing, in conflict with Policies ST2 and ST3 of the Sunderland City Council Core Strategy and Development Plan 2015 – 2033 (January 2020). Amongst other things these policies require development to not compromise the free flow of traffic or increase the risk of accidents or endanger the safety of road users.

Other Matters

16. While it is indicated that the proposed convenience store could be considered to provide a community facility that would benefit local residents, including the elderly, and having considered the support from local residents for the proposal, there is no substantive evidence to suggest that residents in this location are underprovided for in terms of a retail convenience offering. Furthermore, I observed an existing convenience store on Station Road, a short distance from the appeal site.

17. It is suggested that if the scheme is found to be harmful to highway safety the site would be unlikely to return as a public house or otherwise and the site would be lost to continued vandalism at a key gateway position. However, I note that the premises are not completely vacant with residential accommodation at the first floor and there is no evidence to suggest that a viable use for the ground floor could not be found at the site.

Conclusion

18. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR