



Appeal Decision

Site visit made on 4 December 2024

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th January 2025

Appeal Ref: APP/J4525/W/24/3346911

Hetton Car Sales, Station Road, Hetton-le-Hole, Houghton-le-Spring, Sunderland DH5 9JB

- 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 Ramalingham Sutheswaran against the decision of Sunderland City Council.
 - The application Ref is 23/02499/FUL.
 - The development proposed is proposed change of use of former car sales / showroom to a retail convenience store / supermarket, plus alterations to existing shop front and introduction of two chiller condensing units.
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Decision

1. The appeal is allowed and planning permission is granted for proposed change of use of former car sales / showroom to a retail convenience store / supermarket, plus alterations to existing shop front and introduction of two chiller condensing units, at Hetton Car Sales, Station Road, Hetton-le-Hole, Houghton-le-Spring, Sunderland DH5 9JB, in accordance with the terms of the application, Ref 23/02499/FUL, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs has been submitted by Mr Ramalingham Sutheswaran against Sunderland City Council and is the subject of a separate decision.

Preliminary Matters

3. Although the unit was closed at the time of my visit, it displayed signage for 'GoLocalExtra'. While the evidence does not confirm that the proposed use has commenced operations, my site observations aligned with the submitted plans. Accordingly, I have based my decision on the plans used by the Council in determining the planning application.
4. The updated version of the National Planning Policy Framework (the Framework), which came into force on 12 December 2024, introduces no changes that would materially affect the outcome of this appeal.

Main Issue

5. The main issue is whether the proposed development would be acceptable in terms of highway and pedestrian safety.

Reasons

6. The appeal site consists of a single-storey commercial unit, previously used as a car sales showroom. While the proposal covers the majority of the building, a narrow portion of its floorspace, accessed by a separate entrance at the southwest corner, is not subject to the proposed change of use.
7. Although the surrounding area is primarily residential, it features a mix of other uses, including Hetton Social Club directly to the north, a dental surgery across Station Road, and a tanning salon further south along the same road. Despite the area's predominantly residential character, the site falls within the Hetton District Centre. According to Policy VC1 of the Core Strategy and Development Plan 2015-2033, January 2020 (the CSDP), this designation supports key services such as shopping, commercial, leisure, public and community facilities. Further along Station Road to the south is a small parade of commercial uses including a convenience store, chiropody clinic, and delicatessen.
8. Access to the site is provided from Station Road via a shared access point that also serves Hetton Social Club's car park, which is available for use by the nearby dental surgery. Behind the appeal site and accessed via a gated entrance is a separate site containing several dwellings and mobile homes, which also relies on the shared access.
9. The building faces Station Road, with a forecourt separating the front elevation from a low brick wall forming the boundary with the public footway. Amended plans, submitted during the planning application process, illustrate this area to provide four standard parking spaces and one larger disabled parking space.
10. On the advice of the Council's Highways Officer, the amended plans omitted formal markings for the parking bays. Nevertheless, the Council is concerned that the lack of marked bays could result in informal and disorganised parking, and that the lack of clarity regarding the number and layout of spaces could lead to accidents and confusion for drivers, cyclists and pedestrians, in turn impacting the functionality of the adjacent highway.
11. To support its concerns, the Council has provided swept path analysis drawings for various vehicles accessing and exiting the site, ranging from a 7.5 tonne panel van to a medium sized car. While the parking bays are not proposed to be marked, the drawings illustrate how the different vehicles would manoeuvre in and out of the spaces based on their illustrative position on the submitted plans.
12. The drawings indicate that delivery vehicles would struggle to enter the forecourt in forward gear without impeding the parking spaces, the proposed sleeping policemen adjacent to the front of the building, or the boundary with the social club car park. For customer and staff vehicles, multiple-point turns would likely be necessary to access certain bays without impeding others. Furthermore, the presence of delivery vehicles on the forecourt could block access to the parking bays entirely.
13. The Council also raises concerns that congestion in the parking area could lead to vehicles queueing and reversing on to the adopted highway, posing a safety risk to other road users and pedestrians. It is also stated that the forecourt area would not provide a safe environment for pedestrians and cyclists.

14. Policy ST3 of the CSDP sets out that development should provide safe and convenient access for all road users in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. It should also not exacerbate traffic congestion on the existing highway network, increase the risk of accidents, or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users. Paragraph 116 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
15. There is no evidence suggesting any changes to the building footprint or site layout since its previous use as a car showroom ceased. While details of the previous operation are limited, there is also no evidence that the building could not lawfully resume use for car sales.
16. Given the modest size of the appeal building, the proposed retail operation would be relatively small-scale, likely serving customers mainly making quick visits for convenience goods. Although some customers may drive to the site or call in while passing through the area by car, it is reasonable to expect that many visitors would come on foot from nearby residences.
17. Vehicle movements associated with the proposed use would mainly involve staff, customers and deliveries, which might include bulky goods transported by larger commercial vehicles. However, the previous use as a car showroom would likely have generated similar, if not greater, vehicle activity. Given its focus on car sales, the former use would likely have required trailers and vehicle transporters to be accommodated, meaning larger vehicles would have routinely accessed the site. In addition, it is likely that an element of the external space, most likely the forecourt, would be used either periodically or permanently for the storage, display or manoeuvring of vehicles for sale.
18. While it is acknowledged that the parking provision for the proposed development could be strained at full capacity, the absence of formal parking bay markings means vehicles would likely be parked informally. Although this could create conflict between vehicles, including those used for deliveries, the limited scale of the retail unit would be unlikely to attract significant vehicle movements.
19. The Council also expressed concern that the proposal could increase the likelihood of vehicles reversing on to the highway. However, the shared access point appears to offer the potential, if necessary, for vehicles to reverse out of the forecourt and turn within this area, enabling forward exits to the highway. Even in rare instances where vehicles might reverse on to the highway, this scenario could just as easily occur through the operation of the site's lawful use.
20. Numerous objections have been raised regarding parking, highway and pedestrian safety. Concerns include cars potentially blocking nearby driveways and footpaths, illegal and inconsiderate parking outside of homes, the safety risks posed by the access point's location near the brow of a hill, speeding vehicles, and conflicts between vehicles and pedestrians on the forecourt. Additionally, the adjacent social club hosts regular social and community events that generate significant traffic, and it is feared that the proposed development would worsen these issues.

It is also stated that other similar operations in the area have greater parking provision.

21. Notwithstanding the above, I must assess this proposal on its own merits. Considering both the lawful and proposed uses involve customer visits and vehicle parking, there is no compelling evidence that the proposed retail use would cause greater harm to highway or pedestrian safety than the site's previous operations or any future lawful operation of the site. Moreover, the proposed retail use aligns with the appeal site's location within a District Centre, as supported by Policy VC1 of the CSDP.
22. Taking account of the development plan, the Framework, and the nature of the proposed and previous uses, I am not persuaded that the development would harm the provision of safe and convenient access for road users, or compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. While reference has been made to recent accidents in the area, there is no substantive evidence that the proposal would increase the risk of accidents, or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users.
23. For these reasons, I conclude that the proposed development would be acceptable in terms of highway and pedestrian safety and would accord with Policy ST3 of the CSDP and the relevant provisions of the Framework, the aims of which have previously been set out.

Other Matters

24. Several objections have raised additional issues, which I shall address in turn.
25. The potential impact on property values is not a material planning consideration, and therefore cannot be taken into account in this appeal. Likewise, since the proposed retail unit is located within an appropriate District Centre and it is not the role of the planning system to regulate market competition, the need for the proposed development is not a matter I can consider.
26. Concerns have been expressed about the impact on living conditions, particularly noise and disturbance from the chiller units, evening customers, and activities outside of opening hours such as the opening and closing of shutters. Additional concerns include the potential for increased littering and anti-social behaviour in the area.
27. However, the Council did not cite these concerns as reasons for refusing the planning application, and my observations during my visit did not indicate that the proposal would cause harm in these respects. The existing building is already enclosed by shutters, and I have been presented with no evidence of operational restrictions on their use. Operational hours could be effectively managed through appropriate conditions, and I am not persuaded that the retail use would significantly contribute to anti-social behaviour. Concerns regarding the sale of alcohol would fall under the Council's separate licensing controls.
28. Further concerns were raised about prior works on the property that have been undertaken without permission. This includes the installation of signage, a cash machine, and partial demolition of the boundary wall. While photographs submitted by interested parties showed the cash machine, it appeared to have been removed

by the time of my visit. In any event, these works do not form part of the development proposal before me, and their effects would therefore not influence the outcome of this appeal.

Conditions

29. The Council has provided a list of suggested conditions that I have reviewed against the tests set out in the Framework and the Planning Practice Guidance. To ensure compliance with these tests I have made minor amendments to the suggested wording of some conditions.
30. Conditions relating to the standard time limit and to specify approved plans are necessary in the interests of certainty.
31. Conditions requiring the installation of the chiller condensing units prior to the commencement of the use, as well as limitations on operational and delivery hours, are necessary to safeguard the living conditions of nearby occupiers.
32. Conditions requiring the approved access and parking areas to be laid out prior to the commencement of the use, along with restrictions on delivery locations and the types of delivery vehicles permitted, are necessary in the interests of pedestrian and highway safety.
33. A condition limiting the use of the site to retail purposes only is necessary to maintain compatibility with the surrounding area, in accordance with Policy BH1 of the CSDP.

Conclusion

34. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing Plans and Elevations – 1031/UTH/1
Proposed Floor Plan, Front/Side Elevation and Site Plans – 1031/UTH/2B
- 3) Prior to the commencement of the use hereby permitted, the 2no. chiller condensing units shown on the approved plans shall be installed in accordance with the approved details and shall be retained in this location thereafter.
- 4) The parking area shall be made available for the use of customers prior to the commencement of the use hereby permitted. It shall accord with the details shown on the approved plans, with dedicated bays not formally marked, and shall be retained thereafter as customer parking.
- 5) The use hereby permitted shall only take place between the following hours:
0800 to 2100 Monday to Sunday.
- 6) Deliveries shall be taken at or despatched from the site only between the following hours:
0800 to 1900 Monday to Sunday.
- 7) All delivery, servicing and refuse collection relating to the use hereby permitted shall take place from within the site boundary identified by the approved plans.
- 8) Deliveries to the premises shall only be undertaken using a rigid based light goods vehicle with a maximum loading of 7.5 tonnes / 7500 kg. Delivery vehicles will be required to enter the site in a forward gear and park within the site boundary for loading and unloading. All reversing and turning manoeuvres will need to be supervised, enabling the vehicle to exit to the adopted highway in a forward gear.
- 9) The premises shall be used for retail and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**** End of conditions ****