



Planning Committee

Tuesday, 10 January 2017

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| Planning application no. | 16/01028/REM | |
| Site | Motor Fuel Ltd, Compton Service Station, Bridgnorth Road, Wolverhampton, WV6 8AQ | |
| Proposal | Section 73 - Variation of condition 7 for planning application C/1191/92 to extend the opening hours from 07.00 - 23.00 daily to 06.00 - 23.00 daily. | |
| Ward | Tettenhall Wightwick | |
| Applicant | Motor Fuel Group | |
| Cabinet member with lead responsibility | Councillor John Reynolds Cabinet Member for City Economy | |
| Accountable Director | Keren Jones, Service Director, City Economy | |
| Originating service | Planning | |
| Accountable employee | Paul Lester Tel Email | Planning Officer 01902 555625 paul.lester@wolverhampton.gov.uk |

1.0 Summary recommendation:

1.1 Grant subject to conditions.

2.0 Application site

2.1 The site comprises a petrol filling station, associated shop and car wash located on Bridgnorth Road. It has four dispensers with fuel hose delivery to both sides, providing eight fill positions. The surrounding area is primarily residential.

3.0 Application details

3.1 When planning permission was granted in February 1993, a condition restricted opening hours (to members of the public) to 07:00 to 23:00 daily.

3.2. This application seeks to extend opening hours for the petrol station and associated shop (but not the car wash) to 06:00 to 23:00 daily.

3.3 The reason given for the application is to enhance the viability and functionality of the business.

4.0 Planning History

- 4.1 C/1191/92 Demolition of existing buildings and redevelopment of petrol filling station including Class A1 shop and car wash. Granted 11th February 1993.
- 4.2 16/00389/FUL External refurbishment to the forecourt shop, including new cladding and windows/door. Granted 12th May 2016.

5.0 Relevant policy documents

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
Tettenhall Neighbourhood Plan (TNP)

6.0 Publicity

- 6.1 12 letters of objection have been received. The reasons for objection include:
- Loss of amenity
 - Increase in levels of lighting
 - Increase in levels of noise
 - Existing permission well balanced for business and residents and longer hours are not required
 - Public nuisance
 - Loss of sleep
 - Earlier delivery times
 - No change in the area or an increase in traffic to justify the extra hour of opening
 - Stealth application that will facilitate a further application to expand to 24 hours opening

7.0 Consultees

- 7.1 Environmental Health – See appraisal

8.0 Legal implications

- 8.1 There are no legal implications arising from this report (LD/20122016/A).

9.0 Appraisal

- 9.1 The main concerns relate to the impact on residential amenity of noise and lighting associated with the extended hour. A noise and lighting assessment has been submitted.

Noise

- 9.2 The noise assessment concludes that *“the likely noise from the earlier use of the fuel pumps and shop would be within the ‘low’ to ‘adverse’ range of noise impact and not amounting to ‘significant adverse impact’.* Therefore, as there would not be significant noise impact, there is no valid reason why planning permission should not be granted for the proposed extension hour”.
- 9.3 Environmental Health remain uncertain regarding the impact of discrete noise events (such as from a car door slamming) and events which are difficult to quantify (such as radios and raised voices). On this basis, they would not support a permanent permission but would support a 12 month temporary permission to provide the opportunity to monitor the development and gauge the impact on residents.
- 9.4 At present, there are no conditions restricting deliveries or the collection of waste and the use of ancillary equipment (such as the car vacuum and airline) is not explicitly restricted. There is an opportunity to add conditions controlling these activities, which would assist in the protection of local residents’ amenity.

Lighting

- 9.5 While the additional opening hour proposed could result in lighting being on for longer periods of time, currently hours of illumination are not controlled by condition. The lighting report has determined the light spill from the petrol station at the nearest residential property (177 Bridgnorth Road) and has concluded that light spill will comply with the relevant Institution of Lighting Professionals standards, subject to the petrol station following specific recommendations. Environmental Health is satisfied with lighting subject to the addition of two planning conditions.

10.0 Conclusion

- 10.1 The proposal is finely balanced due to the proximity of 177 Bridgnorth Road. However, taking account of the opportunity to add conditions to control matters which are not currently controlled, as well as the views of Environmental Health, a temporary one year permission with conditions to control the matters listed below, would be appropriate and in accordance with the development plan.

11.0 Detail recommendation

- 11.1 That planning application 16/01028/REM be granted, subject to the following conditions:
- The opening hours of the premises (petrol station and associated shop) shall be restricted to between 07:00hrs and 23:00hrs Monday to Sunday except for a period of 12 months from the date of this permission whereby the opening hours of the petrol station and associated shop shall be restricted to between 06:00hrs and 23:00hrs Monday to Sunday.
 - The operation of all ancillary equipment including (but not exclusively) the car wash, car vacuum and the airline shall be restricted to 07:00hrs to 23:00hrs.

- Deliveries and the collection of refuse shall be restricted to 07:00hrs to 23:00hrs.
- Light intrusion arising from the under canopy luminaires, shall be restricted to reduced power and shall not exceed 2 Ev Lux (as vertical illuminance) and 1,000 candelas (as intensity) between 23:00hrs and 07:00hrs.
- The perimeter lights (as indicated on Page 4 of the Lighting Impact Report dated 23rd November 2016) on the boundary with 177 Bridgnorth Road shall not be operated between the hours of 23:00hrs to 07:00hrs.
- Any relevant conditions from C/1191/92.

