

Planning application no.	22/01010/FUL	
Site	334 Glentworth Gardens, Wolverhampton. WV6 0SN	
Proposal	Change of use from retail to car showroom.	
Ward	St Peter's	
Applicant	Zahirah Bibi	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Stephen Alexander	Head of Planning
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1.0 Summary recommendation

1.1 Refuse.

2.0 Application site

2.1 Vacant shop in a parade of three large retail units with flats above in a predominantly residential area. The property is of masonry construction and was built in the 1980s. There is a forecourt to the front with shared parking and a shared service yard to the rear. To the west is a free standing public house with a large car park and to the north and east there is public open space.

3.0 Application details

3.1 It is proposed to use the ground floor for the sale of used and new cars bought from auction. It is not intended to sell vehicle recoveries. No repairs of vehicles would be undertaken on the site. Where necessary servicing of vehicles would be undertaken off site.

- 3.2 All vehicles would be driven to the site. No vehicles would be stored or displayed on the frontage, all vehicles for sale would be located within the showroom. Vehicles would not be washed on the site.
- 3.3 It is not proposed to extend the existing building. The rear access doors would be widened to allow cars to enter and exit the ground floor show room. The applicant's agent states vehicles for sale would be advertised online and there is no need for vehicles to be displayed at the frontage of the premises.
- 3.4 The car showroom would be staffed by one person and another person would be employed driving vehicles to site. Proposed hours of use are as follows:
- Monday to Friday 9am-5pm
Saturday 10am-4pm
Sundays and Bank Holidays closed.
- 3.5 The adjacent off licence is open 8am-10pm Monday to Saturday and Sunday 8am-9pm. The takeaway is open Monday to Sunday 4pm-11pm.

4.0 Relevant policy documents

- 4.1 The Black Country Joint Core Strategy and the saved policies of Wolverhampton's Unitary Development Plan, particularly policy EP5 - Noise Pollution. The aim of the policy is to ensure that developments do not lead to unacceptable noise disturbance.

5.0 Publicity

- 5.1 Three objections received on the following planning grounds:

- Impact on people living above the shop;
- Inappropriate location in residential area;
- Insufficient road space for a car lot;
- Insufficient parking;
- Increased traffic at rear of building;
- Lack of ventilation and extractor equipment;
- Cars backwards and forwards across an already overloaded rear area used for parking by residents.

- 5.2 Eight representations support for the following reasons:

- Re-use of vacant unit;
- Proposed use would discourage rough sleeping, street drinking, anti-social behaviour, litter, drug use and fly tipping;
- Showroom would be less busy than adjacent shops;
- Steady business, mostly online appointments, no impact on residents;
- Open and close at reasonable times;

- Unsightly shutters would be rolled up;
- Business and investment should be supported for benefit of local area;
- Car show room is a professional business.

6.0 Consultees

6.1 Transportation:

- This site is in an area that has been identified as being outside of a 'highly accessible' area according to the criteria set out in the City of Wolverhampton Councils Unitary Development Plan (UDP).
- The Council does not have specific car parking standards for a car showroom. However, in these circumstances the development must still meet its own Transportation needs with no detriment to pedestrian safety and the safe and free flow of road traffic.
- There are also five existing residential units located at first floor level which need to be considered. According to the standards that are set out in the UDP, for a residential development of this type at this location, there should be an off street car parking provision of 1.5 spaces per unit.
- The developers have submitted a plan showing the existing shared car park located at the front of the site provides parking for up to 12 cars. This car parking provision is acceptable from a Transportation point of view.
- The developers have stated in the Design and Access Statement that "none of the 12 car parking spaces are to be taken up for car sales" and "the car park and private road to the front is not to be used as a sales forecourt". These points could be conditioned and that all car sales must be displayed within the building if the application is granted.
- Servicing of the proposed car showroom is the major Transportation concern associated with this proposal. Car showrooms are usually serviced by large car transporters. This type and size of vehicle accessing the proposed development could not be supported by the Transportation Service due to the significant impact it would have on Glentworth Gardens itself and the nearby junction of Glentworth Gardens with Gorsebrook Road. However, the developers have stated in the Design and Access Statement Point that "all vehicles will be driven to the site". Therefore, should the application be granted, a condition that all vehicles will be driven to the site and not transported to the site by any sort of vehicle would be necessary.
- An electrical charging point condition would be required if the application is granted.

6.2 City Assets – Unacceptable use, not in keeping with the locality.

6.3 Wolverhampton Homes – Raise concerns about impact on people living above and insufficient parking.

7.0 Legal implications

7.1 There are no legal implications arising from the report. [SE/08112022/A]

8.0 Appraisal

8.1 Please note, the ownership of the property is not a material planning consideration. There are three key planning issues:

- Re-use of a vacant unit;
- Parking and highway safety;
- The potential impact on neighbours' amenities.

Re-use of a vacant unit

- 8.2 The property is currently vacant. The previous use was as a furniture shop. This is a large double fronted shop recessed underneath a canopy with a solid roller shutter painted green. It is one of only three shops in this parade and the adjacent hot foot take away does not open until 4pm. The closed roller shutter looks unattractive and is a "dead" frontage. The proposal would have the benefit of improving the appearance of the premises during opening hours, which would improve the street scene. Having an active use in the shop during the day would to a certain extent discourage anti-social behaviour, particularly immediately in front of the shop.
- 8.3 The proposal would have the benefit of creating two jobs and there would be investment required to implement the change of use.

Parking and highway safety

- 8.4 Servicing of the proposed car showroom is the major Transportation concern associated with this proposal. Car showrooms are usually serviced by large car transporters. However, in this case, the applicant proposes to have the vehicles driven to site individually. The applicant's agent states:
"It is not proposed to create a second hand car lot, this is very old hat. People searching for a second-hand car use the internet as their first port of call and then arrange for a viewing having narrowed the field down to a select few to inspect".
- 8.5 A condition could be applied that all vehicles will be driven to the site and not transported to the site by any sort of vehicle. Therefore, a highway safety reason for refusal based on the servicing of the premises would not be justified.
- 8.6 The proposed car parking provision is acceptable. If the application was approved a condition could restrict the display of vehicles for sale to the inside of the building.

Neighbours' amenities

- 8.7 The key issue is the impact on the residents of the five flats immediately above the shops. There are four flats above the shops with large front balconies over the front of the shops. The proposed showroom would be in the largest of the three units that extends outwards to the rear with a flat above the rear of the showroom. This flat has a side balcony overlooking the rear service yard and the public open space beyond. There is an array of windows over and very close to the rear service yard.
- 8.8 The proposal involves widening the existing access doors immediately below the balcony of the flat to the rear. Two of the flats have their doors in the corner of the service yard close to the proposed widened access. The proposed layout shows eight cars displayed

inside the shop. The cars would be individually driven into and out of the shop and manoeuvred into position within the shop below the flats above. The proximity of the flats to these vehicle movements would be inherently unneighbourly. The manoeuvring of vehicles inside a building with habitable rooms immediately above is not acceptable. During the day, when the showroom is proposed to open, people would be coming and going from their flats, as would their visitors and callers. Also, they would be more likely to have their windows open during the day. The noise from the proposed coming and going of cars to the rear of the premises, and inside it, would cause noise disturbance that would harm the amenities of the existing and future occupiers of the flats.

- 8.9 No details has been provided of ventilation and extractor equipment but this issue could be dealt with by way of condition.

9.0 Conclusion

- 9.1 The proposal will involve the enlargement of a rear access and vehicles being driven into and out of a large shop, and manoeuvred into place inside the shop. These activities are inherently unneighbourly given the proximity of people living directly above the shops. Whilst there would be benefits arising from the proposal as set out above this would not outweigh the harm to neighbours' amenities. On balance, the proposal is unacceptable and is recommended for refusal.

10.0 Detail recommendation

- 10.1 Refuse – noise disturbance of residents of flats above from coming and going of vehicles into and within showroom, contrary to Wolverhampton's Unitary Development Plan Policy EP5.

