

Planning application no.	22/01166/FUL	
Site	Esso, Merry Hill Service Station, 220 - 230 Coalway Road, Wolverhampton, WV3 7NN	
Proposal	Demolition and decommissioning of existing petrol filling station, retail store and car wash. Erection of Class E(a) retail store and associated development	
Ward	Merry Hill;	
Applicant	EG Group Limited	
Cabinet member with lead responsibility	Councillor Stephen Simkins: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Phillip Walker	Senior Planning Officer
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1.0 Summary recommendation

- 1.1 Delegated authority to grant planning application 22/01166/FUL subject to conditions and a s106 agreement.

2.0 Application site and background

- 2.1 The Esso, Merry Hill Service Station, is located on the northern side of Coalway Road, a predominately residential area but close by to Merry Hill local centre, which is approximately 200 metres away to the west, and Warstones Road local centre, 300 metres away to the east.
- 2.2 The site includes fuel pumps, under a large canopy and a single storey "Spar" retail store with a gross internal floor area of 90sq.m. Vehicular and pedestrian access is from Coalway Road. The fuel pumps and canopy, occupy a large part of the central area of the site. The shop is also centrally located but is positioned adjacent to the fuel pumps, within the eastern part of the site and near to the site boundary with 218 Coalway Road. A car wash is sited at the rear of the site, to the north-west of the fuel pumps. The car wash is largely screened from New Street, an adjoining residential street, by a 1.8m high

brick wall and trees. The northern site boundary is demarked by a 3m high brick wall and adjoins 23 New Street and 1 Coalway Gardens. Adjoining the south-western site boundary are two shops with a flat above, 234 (clothes shop) and 236 (opticians) Coalway Road. On the opposite side of Coalway Road, are residential houses and bungalows and a beauty salon.

- 2.3 The existing service station has operated from the site for at least forty years. It operates 24 hours of the day, seven days a week.

3.0 Application details

- 3.1 The application proposes the demolition and decommissioning of the existing service station and the erection of a retail store and associated vehicle, cycle, and motor cycle parking and infrastructure.
- 3.2 The proposed retail store building would be single storey and have a gross internal floor area of 308 sq.m. It would be a rectangular shape and be positioned set back from Coalway Road. The customer facing elevations of the building, including entrances, would be orientated south and west, towards Coalway Road and the car parking areas. The non-public facing, eastern building elevation would adjoin 218 Coalway Road, and the northern elevation of the building would adjoin the rear gardens of 23 New Street and 1 Coalway Gardens. The building is single storey throughout, but the height of the building is lowered towards the rear, including a flat roof. The lowered part of the building is a maximum height of three metres, which is the same height as the boundary wall which is positioned between the building and the adjoining residential property. The building is a contemporary design, constructed from cladding and glazed panels.
- 3.3 The existing vehicular accesses would be retained from Coalway Road. Improved pedestrian accesses are proposed. There would be nineteen customer car parking spaces, including six spaces for electric vehicle charging. Access barriers are proposed at the entrance to and from the site.
- 3.4 The opening hours for the retail store would be between 07.00 to 23.00 hours on Mondays to Sundays. Hours of deliveries would be between 07.30 and 20.00 hours. Deliveries would be made to the rear of the building.
- 3.5 The applicant states that the retail store would likely be operated by Asda.
- 3.6 It is expected that the development proposals would represent a £2.5m investment in the site. There would be 20 jobs, of which 12 would be new jobs.

4.0 Relevant Planning history

- 4.1 05/1632/FP/C. Demolition of existing carwash and construction of new carwash facility. Granted 08.06.2006.

- 4.2 A/C/0420/84. Demolition of existing service station. Proposed redevelopment of the site to include new sales building, canopy, carwash, underground tanks and forecourt.
Granted 02.05.1984

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)

6.0 Publicity

- 6.1 Fifteen objections (including objections from Councillor W Dalton and Councillor C Hyatt), one representation not forming an objection and four supporting representations received. Comments summarised as follows:
- The existing service station operates 24 hours of the day. There are problems with antisocial behaviour, litter, noise and other forms of disturbance
 - The decommissioning of the service station is welcomed
 - Object to a 24 hour retail use at this site. Suggest limiting hours of operation of the proposed store to between 0700 and 23.00 hours or alternatively between 0800 – 2200 hours
 - The bin store is poorly positioned and will adversely impact resident amenity
 - Request a barrier is provided to prevent out of hours access to and from the site
 - Retail store not needed at this location
 - Residential redevelopment of this site would be preferred
 - Detrimental impact upon viability of existing stores to continue to operate
 - Loss of trade to existing retailers
 - Loss of jobs at existing shops
 - Noise, disturbance and pollution (including from litter and lighting)
 - Traffic and parking issues
 - Likely to result in anti-social behaviour
 - There is a need for a new retail store here, and it would be better than the existing petrol station which isn't well used

7.0 Consultees

- 7.1 Transportation – No objection subject to conditions, including implementation of any necessary amendments to existing TROs on Coalway Road, carrying out the development in accordance with the Servicing Strategy Plan, provision and retention of car parking, motorcycle and cycle parking areas, electric vehicle charging points, submission and approval of a demolition and construction management plan.

- 7.2 Public Protection – No objection subject to conditions, including requirement for a site investigation and implementation of any necessary remediation works and submission of validation reports.
- 7.3 Police – No objection subject to conditions, including carrying out the development in accordance with Secure By Design Standards and the store does not open through the night time.
- 7.4 Severn Trent Water Limited – No objections subject to a condition requiring sustainable drainage.

8 Legal implications

- 8.1 There are no legal implications arising from this report. SE/28062023/B

9 Appraisal

- 9.1 The main issues in this case are:

- The principle of the development proposal
- Design
- Resident Amenity
- Access and Parking

The principle of the development proposal

- 9.2 The application site is an out-of-centre location. Black Country Core Strategy (BCCS) Policies CEN5 and CEN7 state that only locations immediately adjoining District and Local Centres are classed as 'edge of centre', with the nearest centres being Merry Hill and Warstones Road local centres (para 2.1). Therefore, consistent with Policy CEN7 and NPPF paragraphs 87-88, the application needs to demonstrate compliance with the sequential test.
- 9.3 The applicant submitted an assessment of the availability and suitability of any sequentially preferable locations that could realistically and flexibly accommodate the proposals. Whilst the appraisal initially focussed on the closest local centres of Merry Hill and Warstones Road, the sequential test was extended to include other nearby centres. The applicant provided a further appraisal, assessing additional local centres, including Castlecroft, Finchfield, Bradmore, Penn Fields, Upper Penn, Penn Manor and Spring Hill. When considering the potential for sequentially preferable locations, such as vacant units, even when taking into account reasonable flexibility, none are able to deliver a form and size of site required by the intended occupier.
- 9.4 The application of the sequential test is proportionate and appropriate for the proposal. There are no suitable or available sites to accommodate the proposal in, or on the edge of centres, nor in any accessible locations that are well-connected to centres. Therefore,

the application meets the requirements of the sequential test in accordance with BCCS Policy CEN7 and the NPPF.

- 9.5 The proposal is to create a retail store of 308 sq.m. BCCS Policy CEN7 requires an impact assessment for proposals above 200 sqm (gross) (NPPF paragraph 90). An analysis addressing impact has been provided, proportionate to the scale and nature of the proposal.
- 9.6 Existing individual stores are not afforded specific planning policy protection. The NPPF impact tests have to be focused on assessing designated centres as a whole. The applicant has used reasonable assumptions, including taking account of the proposal's passing-trade function, informed by nationally published data and the Black Country Centres Study (2021). On this basis, the estimated increased retail turnover at the site would have a dispersed impact across the network of centres in the local area, with a likely trade draw of between 1.64% from Spring Hill, and 7.61% from Merry Hill local centres. In terms of the health of local centres, relatively few vacancies reflect the resilient function they perform focussed on providing a variety of shopping (particularly convenience (food) retail) and services serving the local community.
- 9.7 Therefore, in terms of NPPF paragraph 90, the applicant has satisfactorily demonstrated that the nature of the proposal and its modest level of trade draw would not individually or cumulatively cause a significant adverse impact on the vitality and viability of centres, including local consumer choice and trade. Also, the proposal would not impact on any existing, committed and planned public and private investment in centres.
- 9.8 The NPPF does not have a formal planning policy 'need' test, and as the application satisfies the sequential and impact tests in accordance with BCCS Policy CEN7 and the relevant provisions of the NPPF, the proposal is acceptable in principle.

Design

- 9.9 The proposed retail store would be a modern, contemporary design, with attractive glazing and sloping roof design, which would be a significant improvement on the existing utilitarian and unattractive structures at the site. The scale and layout of the building and car parking areas respect the surroundings. The landscape scheme will improve the appearance of the street scape and create a pleasant setting for the new development. Overall, the proposals will enhance the character and appearance of the street scene.

Resident impact

- 9.10 The proposals would represent an improvement in terms of the impact of this development site upon neighbour amenity. The removal of the existing unattractive structures and replacement with a modern, contemporary building will improve visual amenity. The removal of the car wash and restriction on opening hours of the store to between 07.00 – 23.00 on Mondays to Saturdays, will significantly reduce noise and

disturbance from the site for surrounding residents. The building design, which will be lowered at the rear, with a flat roof and a maximum height of 3 metres alongside neighbouring gardens at 218 Coalway Road, 1 Coalway Gardens and 23 New Street would be appropriate, particularly since the existing and retained screen boundary wall between the rear of the store and those houses is also 3m high. There would be no unacceptable impact in terms of loss of privacy, sunlight to, or outlook from those properties.

Access and parking

- 9.11 The proposed provision of customer and staff car parking spaces is sufficient to meet likely demand. The existing access into and out of the site is to be retained and provided with access gates. The applicant has demonstrated acceptable manoeuvring space for larger servicing vehicles within the site. The proposals include safe and accessible routes within and into and out of the site for pedestrians. Transportation Officers have confirmed, the scheme is acceptable from a pedestrian and highway safety perspective.

10.0 Conclusion

- 10.1 The applicant has satisfactorily demonstrated that the proposed retail store would not be detrimental to the vitality and vibrancy of nearby local centres.
- 10.2 The existing service station is open 24 hours of the day, seven days of the week. Nearby residents have made complaints about noise and disturbance from this site, including from the car wash, and particularly during the night and in the early hours of the morning. This proposal would resolve, to a large extent, those problems currently experienced by adjoining residents, particularly during the night-time and early mornings, because the retail shop would not be operational during those hours and there would no longer be a car wash. Planning conditions could be used to restrict the use of the store and to protect neighbour amenity.
- 10.3 These proposals are acceptable and in accordance with the policies of the development plan, subject to conditions, including restricting the use of the store to retailing only, within Use Class E (a) and limiting opening hours of the store to between 07.00 - 23.00 on Mondays to Sundays.

11.0 Detail recommendation

- 11.1 Delegated authority to grant planning application 22/01166/FUL subject to
1. Any necessary conditions to include:
- Restriction to retail use only - Class E (a)
 - Decommissioning, demolition and construction management plan
 - Provision and retention of vehicle parking areas
 - Boundary treatments including provision and retention of access gates

- Provision and retention of bin stores
 - Provision and retention of cycle stores
 - Submission and approval of external lighting
 - Restriction of hours of opening to between 07.00 and 23.00 hours Mondays to Sundays only
 - Restrict hours of deliveries to between 07.30 and 20.00 hours
 - Implementation of tree protection measures and hard and soft landscaping scheme
 - Site investigation and implementation of any necessary remediation works and submission of validation reports
 - Implementation in accordance with Service Strategy Plan
 - Electric Vehicle Charging Points
 - Implementation in accordance with the details and recommendations of the submitted noise report
 - No fixed roof plant
 - Full details (including noise emissions and external appearance) of any plant and equipment to be agreed with the local planning authority prior to installation
 - Submission and approval of site levels (including finished floor levels for the retail store)
2. A s106 agreement to secure a financial contribution of £6,000 for any necessary highway works including amendments to existing traffic regulation orders on Coalway Road.

