



Planning Committee

20 January 2015

Planning application no.	14/01044/FUL
Site	Lounge 107, 107 Waterloo Road, Wolverhampton
Proposal	Full Application – Demolition of public house and associated structures and erection of a six pump filling station, including fuel storage tanks, associated pipework, overhead canopy, forecourt surfacing, air and water unit, dual jet wash facilities.
Ward	St Peters
Applicant	ASDA Stores Ltd
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Andrew Johnson Tel 01902 551123 Email andrewk.johnson@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Refuse planning permission.

2. Application site

2.1 The application site is the Lounge 107 PH, located on the corner of Waterloo Road and Staveley Road.

3. Application Details

3.1 The application proposes the demolition of the public house (and associated structures) and the erection of a six pump filling station, including fuel storage tanks, associated pipework, overhead canopy, forecourt surfacing, air and water unit, dual jet wash facilities.

4. Relevant Policy Documents

4.1 National Planning Policy Framework (NPPF)

4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)

Black Country Core Strategy (BCCS)

4.3 SPG 3 'Residential Development'

5. Environmental Impact Assessment Regulations

5.1 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

6. Publicity

6.1 Four letters of objection (including a letter from Councillor Lawrence) have been received. The reasons for objection include loss of heritage asset and highway safety. Objections have also been received from the Victorian Society and Wolverhampton Civic and Historical Association (WCHS).

6.2 A letter of support has been received from Councillor Shah and a petition of support, containing over 300 signatures, has been submitted by ASDA.

7. Legal Implications

7.1 Paragraph 70 of the National Planning Policy Framework (NPPF) states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Further to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Policy C3 of the UDP advises that, where appropriate, this type of facility should be retained

7.2 In relation to conservation and enhancement of the historic environment, the Local Planning Authority should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so the planning authority should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

7.3 Paragraph 128 of the NPPF states that in determining applications, the local planning authority shall require an applicant to describe the significance of any heritage asset affected, including any contribution the asset makes to their setting. The level of detail must be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Once the heritage asset(s) has been identified and its significance assessed, the planning authority must take into account the impact of the proposal on the heritage asset, to minimise conflict between the asset's conservation and any aspect of the proposal

7.4 In accordance with paragraph 131 NPPF, in determining the planning application, the local planning authority should take account of the following:-

- (a) the desirability of sustaining and enhancing the significance of the heritage asset(s) and putting them to viable use consistent with their conservation
- (b) the positive contribution that heritage assets can make to sustainable development communities including their economic vitality; and
- (d) the desirability of the new development making a positive contribution to local character and distinctiveness.

7.5 When considering the impact of the proposed development on the significance of a designated heritage when considering (a)-(c) above great weight should be given to the asset(s)' conservation and importance. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification (Paragraph 132 NPPF). Legal implications reference LM/07012015/C

8. Appraisal

- 8.1 The public house is still trading and provides a community meeting place. The proposals will result in the loss of this community facility and the applicant has failed to demonstrate compliance with adopted UDP Policy C3 (which seeks to protect community meeting places unless specific conditions are met). The proposals are therefore unacceptable in principle.
- 8.2 The building, which was built circa 1864, is the work of important Wolverhampton architect George Bidlake (his work also includes Bilston Town Hall). The building is, therefore, a heritage asset. The building is also an important local landmark, forming an integral part of this residential sector of the locality. There was an unsuccessful attempt to statutorily list this building during the course of considering this application. English Heritage commented that the "building is of some local interest" and that "the building's design is not without merit".
- 8.3 Notwithstanding the decision taken by English Heritage, the existing building is prominent, and designed for its unique corner position. The proposals would result in the loss of this prominent corner building and its replacement with something which, by comparison, would not add to the present established character of the vicinity. The scale, appearance and positions of the replacement buildings on the site bear no relation or any rationale gained from an analysis of existing local characteristics and so would result in the loss of the important elements of the present building and site layout in this important setting. Moreover, the proposals, by removing the corner building and replacing it with a service station canopy and associated structures, would add nothing of any comparable townscape character in its place.
- 8.4 The canopy, given its 'open' nature, would not be positioned or 'substantial' enough in its form, appearance and position on site. Its proposed appearance would be of a standard design (not specifically designed for this gateway site). The other structures proposed (including car wash) would be similarly not designed in scale, position or appearance in any way related to the existing characteristics of the site, or its setting.

- 8.5 The proposed landscaping scheme would not significantly screen the development and offers little to lessen/diminish the obtrusive appearance of the replacement modern design of the development.
- 8.6 This would be the first fully unmanned filling station in Wolverhampton. Anecdotal evidence provided by Environmental Health of 24 hour manned filling stations near residential areas elsewhere in the City suggests that anti-social behaviour (including noise complaints and nuisance) can occur during unsociable hours. It is considered that an unmanned facility, where staff cannot attempt to curtail unsociable behaviour, is likely to generate nuisance and disturbance to nearby residential properties.
- 8.7 Environmental Health has recommended that the facility is restricted to daytime use only. However, the proposals are for unmanned 24 hour operation. Whilst the applicants noise survey covers vehicle refuelling and tanker deliveries, the likelihood of disturbance arising from peripheral services, such as vehicle cleaning and the behavioural aspects of customers and their passengers, has not been factored in. This evidence is essential to assessing all material impacts on amenity for this unmanned 24 hour use.
- 8.8 The location of peripheral aspects, such as use of air lines and associated compressors, vacuum cleaners and also vehicle wash bays could be restricted from operating during unsocial hours. Some physical screening of the vacuum and airline bay from the adjacent residence is also considered necessary given the close proximity of the front windows to the adjacent house (approximately 6m distance) and the potential for 'overspray'.
- 8.9 The submitted Transport Assessment fails to adequately address the impacts of the proposal upon highway safety, in particular for pedestrians and cyclists within the locality. The proposal itself generates dis-benefit for road users and the level of conflict and impact on highway safety is unacceptable.
- 8.10 A two day (weekday) two-way traffic survey showed that circa 16,500 vehicles drive along Waterloo Road daily. There is insufficient space within the proposed forecourt area, particularly with the close spacing of pumps without a central aisle, to accommodate the likely demand generated. This will lead to queuing vehicles on Waterloo Road causing congestion problems and the proposals would detrimentally affect the safe free flow of traffic, particularly at peak times and Wolverhampton Wanderer FC match days. This would be to the detriment of pedestrian and highway safety.
- 8.11 For the reasons detailed above, the proposals are contrary to UDP Policies C3, D4, D5, D6, D7, D8, D9, HE1, EP1, EP5, AM4, AM8, AM15 and BCCS Policies CSP4, ENV2 , ENV3, TRAN1 and TRAN4.

9. Conclusion

- 9.1 The development is not acceptable and does not accord with development plan.

10. Detailed Recommendation

10.1 That planning application 14/01044/FUL be refused for the following reasons:

- The proposals have failed to demonstrate the loss of the community meeting place meets the requirements of adopted UDP Policy C3. Relevant UDP Policy C3.
- The proposals would result in the loss of this attractive corner building and its replacement with something which, by comparison, would detract from the present established character of the vicinity. Relevant UDP Policies D4, D5, D6, D7, D8, D9, HE1 and BCCS Policies CSP4, ENV2 and ENV3.
- The proposals would appear obtrusive and harmful to the special character of the streetscene. The scale, appearance and positions of the replacement buildings would bear no relation or any design rationale gained from an analysis of existing characteristics of the surrounding area. Relevant UDP Policies D4, D5, D6, D7, D8, D9, HE1 and BCCS Policies CSP4, ENV2 and ENV3.
- Insufficient evidence supporting the unmanned 24 hour operation of this site and the likely impacts on amenity, in particular from patrons and their passengers during unsociable hours, has been submitted. Therefore, an informed assessment of all material matters concerning nuisance and disturbance cannot be made. Relevant UDP Policies EP1 and EP5.
- The submitted Transport Assessment fails to adequately address the impacts of the proposal upon highway safety, in particular for pedestrians and cyclists within the locality. Therefore, an informed assessment of all material matters concerning nuisance and disturbance cannot be made. Relevant UDP Policies AM8 and AM15 and BCCS Policy TRAN4.
- The proposals would lead to queuing vehicles on Waterloo Road, causing congestion problems within the locality, and the proposals would affect the safe free flow of traffic, particularly at peak times and Wolverhampton Wanderer FC match days. This would be to the detriment of pedestrian and highway safety. Relevant UDP Policies AM4, AM8 and AM15 and BCCS Policy TRAN1



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