

CITY OF WOLVERHAMPTON COUNCIL	Planning Committee Tuesday, 18 January 2022
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Planning application no.	21/00402/FUL	
Site	Former Quality Hotel Site, 126 Penn Road (including 42 Oaklands Road and Business Centre), Wolverhampton, WV3 0ER.	
Proposal	Demolition of existing buildings and erection of a Class E limited assortment discount foodstore with associated car parking, access, landscaping and engineering works.	
Ward	Graiseley;	
Applicant	Lidl Great Britain Ltd	
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	Andrew Johnson	Planning Officer
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1.0 Summary recommendation

1.1 Delegated authority to grant planning permission.

2.0 Site description

2.1 The area is mixed and includes both residential and commercial uses. The site is located off the Penn Road (A449), a busy arterial route into/out of Wolverhampton.

2.2 The site currently comprises a hotel and associated facilities and detached buildings. The main building was formerly a large property that has been extensively extended, including linking it to others, to form the current hotel.

2.3 There are a number of heritage assets in the immediate area, including statutory listed buildings and a conservation area.

2.4 There are currently two vehicle access points to the site from Penn Road and Oaklands Road.

2.5 The site incorporates higher land levels along the Penn Road frontage, with levels decreasing towards the rear of the site, along both Lonsdale Road and Oaklands Road. The site also includes mature trees and landscaping.

3.0 Planning history

3.1 There is an extensive planning history for this site relating to the extension and alteration of the hotel facility. Nothing is recorded that would be directly related to this application.

4.0 Constraints

- Tree Preservation Order Point - Tree Points: 06/00354/TPO
- Close proximity to Penn Road (Graiseley) Conservation Area
- Close proximity to statutory listed building: Claremont House, No.131 Penn Road
- Mining Advice area
- Road Improvement Scheme - Status: RVKD
- Penn Road Highway Improvement Line (revoked 12-06-00)

5.0 Planning policy

5.1 National Planning Policy Framework (NPPF)
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

6.0 Publicity

6.1 73 individual neighbour responses and a petition with 105 signatures against the development were received and one response in support. The reasons for objection can be summarised as follows:

1. Highway safety, location is an accident 'black spot' including concerns about potential harmful impacts on the safety of local school children and deliveries
2. Increase in congestion, proposals may exacerbate existing issues with congestion, including when the new Tesco opens in the former Waitrose unit
3. Fear proposals could exacerbate current issues with obstruction of highway/driveways (in particular during peak school dropping off/picking up times)
4. Potential damage to vehicles parked on the highway
5. Proposals may affect availability of on-street parking
6. Traffic data and highway safety analysis may not be accurate or robust as data was collected during quieter lockdown period when less vehicles were on the roads
7. Loss of trees and associated potential increase in pollution
8. Fears over an increase in CO² emissions
9. Harmful impacts on residential amenity and privacy
10. Noise nuisance (including from HGV movements and deliveries). Loss of trees may exacerbate noise nuisance

11. Light pollution
12. Increase in litter
13. Impact on health
14. Fear of unsocial behaviour and associated evening nuisance
15. Retail is out of character
16. Poor design, design is out of character
17. Harmful impact on/loss of local heritage
18. Over-development of site
19. Harmful impacts on local ecology and local wildlife
20. Need for another supermarket in this area
21. Loss of hotel facility in this area
22. Loss of employment at hotel
23. Inadequate supporting information
24. Alternative uses for the site have been suggested, including residential conversion or new build residential.
25. Loss of existing pool facilities
26. Harmful impact on viability of local business and smaller scale retailers
27. Harmful effect on property values

7.0 Consultees

- 7.1 Conservation Officer – the Conservation Officer has contributed to the design process throughout and to the improved amended design now being considered although he expresses concern for the loss of the building due to its historic significance and the impact the proposal will cause to the Penn Road Conservation Area, as a result of the visual impact of the proposal on the approach to the conservation area.
- 7.2 The Conservation Officer agrees with the conclusion in the Heritage Statement regarding the proposal not resulting in harm to the setting of the Grade II Listed, Claremont House and less than substantial harm to the conservation area.
- 7.3 Tree Officer – no objection.
- 7.4 Contaminated Land Team – no objection, subject to implementation of recommendations in reports.
- 7.5 Severn Trent Water – no objection, subject to recommended conditions.
- 7.6 Drainage/Flood Authority – insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. It has been recommended that planning permission is not granted without a satisfactory drainage solution.
- 7.7 Police – an objection has been received, however the Crime Reduction Officer has suggested some security measures that would enable their support. Security measures can be conditioned if planning permission is granted.

- 7.8 Victorian Society – object to the proposals. The building is unlisted and is not on the local list, constructed in c1890. It is one of few remaining historic buildings on this section of Penn Road.

The Victorian Society consider that the removal of this Victorian house will mean a loss of one of the last references to the historic streetscape in this part of the city. Whilst it is acknowledged that there is a proposal to install some heritage interpretation, they still wish to see the house incorporated in any proposed redevelopment.

Whilst there are some changes to the proposed design of the new building, including the introduction of some sections of sloping roof it is still considered the proposed design of the foodstore and proposed layout of the site combined with the loss of the Victorian house to have a negative impact on the character of Penn Road.

- 7.9 Transportation – no objection, subject to implementation of recommendations within the report.

8.0 Legal implications

- 8.1 There are no legal implications arising from the recommendations of this report KR/10012022/A

9.0 Appraisal

The main issues for consideration are:

- Background
- Planning policy
- Design, layout and heritage
- Trees
- Neighbour amenity
- Highway safety
- Drainage
- Air quality

Background

- 9.1 This application has been significantly amended following its initial submission. This has included a revised design and layout, updated survey documents and additional technical information in support of the proposals.
- 9.2 The proposals include significant supporting technical reports, studies and evidence that have informed the assessment of this application. The quality of the supporting information, and larger scheme, has allowed a balanced and pragmatic assessment of the importance of individual elements. This is in accordance with national and local planning policy and guidance.

Planning policy

- 9.3 The proposals would create significant investment at this site. The principle of a new food retail store in this location is acceptable and would accord with the NPPF and relevant development plan policies. The submitted retail policy evidence supports the scheme and it is considered there would be insufficient justification to refuse planning permission in this instance.
- 9.4 A number of neighbours have raised concerns about impact on local retailers. however, business competition is not material to the decision-making process and the development should be assessed against the relevant development plan policies.
- 9.5 Whilst the proposals would result in the loss of a hotel facility, there are no specific planning policies in the development plan that would protect this type of facility.

Design, layout and heritage

- 9.6 The proposal site is located adjacent to the Penn Road Conservation Area and diagonally opposite the Grade II Listed Claremont House.
- 9.7 The existing building itself is not a designated heritage asset, however, it does have some merit as a building of historic and architectural interest (built in the late 1800s) and is located in a significant location along a main route into the city centre. Extensions and additions have somewhat subsumed the original main buildings and much of their architectural character has been harmed or lost.
- 9.8 The site was the former the residence of John Rollings, Director of Star Cycles, Cars and Commercial Vehicles and Vice President and Benefactor of the Royal Wolverhampton School from 1894 to 1909. A blue plaque mounted on the building includes details of this.
- 9.9 The proposal includes a detailed supporting heritage statement which has informed the assessment of the scheme and an assessment into the significance of the undesignated heritage asset. As recognition of this significance and to compensate for its loss, the developer is suggesting that a section of brick wall along the northern side of the building, adjacent to the Penn Road/Oaklands Road junction, could include some form of recognition of its historical past.
- 9.10 The listed building, which is sited some distance away from the site and screened by mature planting on site is not harmed, and the conservation area is less than substantially harmed by the proposed development.
- 9.11 The proposed building is of a modern design that has avoided a pastiche copy of nearby heritage assets, whilst also picking up local design elements, including introducing a gable roof into the main elevation.
- 9.12 Depth and visual interest on important elevations has been created by using different materials and stepping façade elements. Windows have also been introduced into key elevations where possible to create additional visual interest and active frontages. This includes the Penn Road frontage.

- 9.13 The proposed layout is appropriate, with the building located towards the back edge of Penn Road. The car park and servicing areas are in suitable locations.
- 9.14 In accordance with paragraph 203 of Part 16, Conserving and enhancing the historic environment, NPPF 2021 an assessment has taken place on the effect of the application on the significance of the non-designated heritage asset and an informed and balanced judgement has been made, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.15 Whilst the loss of the hotel buildings would be unfortunate, and there is considered to be less than substantial harm to the Penn Road conservation Area as a result of the proposal, the inclusion of a heritage panel would compensate somewhat and allow the developer to explain the historical and architectural importance of this site to a potentially wider audience.
- 9.16 On balance, the design and layout of the proposal and the economic benefits afforded the proposal outweigh any harm on the adjacent conservation area and nearby listed building.

Trees

- 9.17 The proposals include an Arboricultural Impact Assessment which states that 32 of the 38 assessed trees were of moderate, low quality to poor condition and that overall, the majority of trees were recorded as having various structural issues.
- 9.18 The development would result in the removal of 30 trees, however, eight trees will be retained, including a mature protected Beech tree located adjacent on Lonsdale Road. The proposals include a replacement tree planting scheme of at least 21 new trees.
- 9.19 On balance, the loss of the trees proposed and the visual amenity they currently afford, will be adequately compensated for with the retention of high value trees and a comprehensive landscape scheme to include new tree planting, which is acceptable.

Ecology

- 9.20 A supporting ecological report has recorded no evidence of protected species on site but due to the suitability of some of the buildings, the report recommends that an emergence/return to roost survey is undertaken prior to demolition and this can be conditioned. In addition, irrespective of the findings of the surveys, this would be a good opportunity to create new habits for bats by installing bat roost boxes. This can be a planning condition.

Neighbour amenity

- 9.21 The proposed building would be sited at an adequate distance away from neighbouring properties to ensure that impact on light and outlook would be within acceptable tolerances. Site levels and fenestration are appropriate, impact on privacy and neighbour amenity is also within acceptable tolerances.

- 9.22 The proposals included a Noise Impact Assessment. The technical evidence provided demonstrates that, on balance, it is unlikely that unacceptable nuisance would occur. However, it is appropriate to restrict opening and servicing hours to ensure that nuisance does not occur at unsociable hours.
- 9.23 The proposals include a lighting scheme that has been designed to limit impact on amenity.

Highway safety

- 9.24 The proposals included a significant amount of supporting information surveying the site and surrounding area. The supporting information adequately describes the potential impacts on highway safety.
- 9.25 It is acknowledged that the proposed foodstore development will generate more trips when compared to the Hotel Development. However, National Planning Policy Framework guidelines state that “developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety”. It is not considered that the additional traffic will have such an impact on Oaklands Road or the wider highway network that it would meet this criteria.
- 9.26 The proposed access arrangements are acceptable. Traffic signal refurbishment works are to be undertaken shortly to address the history of vehicle collisions at the adjacent junction, and to make better provision for pedestrians. Further improvement works to the highway will need to be undertaken by the developers, to accommodate service vehicle access. Modifications to the existing traffic regulation orders will be required, for which a contribution will be required from the Applicant.
- 9.27 The proposed car parking layout and number of spaces provided, including disabled parking, is acceptable. It is sufficient to contain parking generated by the store within its site, avoiding potential congestion, obstruction and safety concerns.
- 9.28 The proposals include adequate cycle parking facilities, which, if used, would contribute to improving both sustainability and air quality. A travel plan can be conditioned that can potentially further improve opportunities to encourage more sustainable transport methods. The proposals also include the provision of electric vehicle charging points to also contribute to opportunities for improving air quality.
- 9.29 Servicing from within the site is satisfactory, however, a Servicing Strategy Plan should be conditioned in order to ensure that servicing takes place safely.

Drainage

- 9.30 Flood risk assessment documentation has been provided and assessed by the Drainage/Flood Authority, who have commented that the current proposals may present risk of flooding on-site and/or off-site if surface water runoff is not effectively managed.
- 9.31 The Drainage/Flood Authority have provided technical advice for the developer, as insufficient information has been submitted to demonstrate that an acceptable drainage

strategy is proposed. The Drainage/Flood Authority have asked to be reconsulted with the results of the revised drainage strategy. Their objection will be maintained until adequate details have been submitted and agreed by them.

Air Quality

- 9.32 An air quality impact assessment was undertaken for the proposals. Conclusions of the assessment have recommended mitigation measures, comprising the provision of a Travel Plan, Electric Vehicle charging points and construction phase dust mitigation measures. These measures are in accordance with adopted policy and guidance and can be conditioned.

10.0 Conclusion

- 10.1 The implementation of the development would create significant investment and new jobs. Whilst there would be some impact on visual amenity and the loss of a heritage asset, the amended proposals would result in a high quality scheme which would not result in any highway concerns and are therefore considered appropriate. Notwithstanding this, delegated authority is necessary in order to agree the proposed modifications to the highway, including the access visibility splay and potential modifications to traffic regulation orders.
- 10.2 On balance, the benefits afforded the development outweigh the harm and the development would be in accordance with the policies of the development plan.
- 10.3 The holding objection from the Drainage/Flood Authority is materially significant and therefore, in order to allow the developer an opportunity to address the initial concerns, delegated authority to grant the application, once the holding objection is removed, is requested.

11.0 Detailed recommendation

- 11.1 That delegated authority is granted for planning application 21/00402/FUL subject to the slight revision of the proposed highway design, modifications to traffic regulation orders (to be secured through condition or Unilateral Undertaking through Section 106), resolution of the holding objection from the Drainage/Flood authority and subject to the following conditions:
- Materials
 - Landscaping and boundary treatments
 - Levels
 - Tree protection scheme
 - Contaminated land report recommendations implemented
 - Drainage conditions (recommended by Severn Trent)
 - Details of heritage installation
 - Lighting scheme
 - Construction management plan (including phases and dust mitigation measures)
 - Travel Plan

- Servicing strategy plan
- Cycle/Motorcycle parking facilities
- Electric Vehicle charging points
- 10% renewable energy provision
- Visibility splays maintained
- Modification of traffic regulation orders
- CCTV (Police recommendation)
- Opening hours
- Servicing Delivery times
- Bat surveys prior to demolition
- A scheme for bat roost boxes

This report is PUBLIC
[NOT PROTECTIVELY MARKED]

