

# Report to Planning Committee

**27 March 2024**

<b>Application Reference</b>	DC/23/68559
<b>Application Received</b>	10 August 2023
<b>Application Description</b>	Proposed variation of condition 12 of DC/13/56229 (Proposed variation of condition 12 of DC/31470 to extend opening hours from 07:00 to 23:00 on any day to 05:00 to midnight Monday to Saturday and 7.00 to 23.00 on Sundays and Bank Holidays) to extend opening hours to 24 hours any day.
<b>Application Address</b>	Gateway Service Station, 76 Birmingham Road, Great Barr, Birmingham, B43 6NT
<b>Applicant</b>	Motor Fuel Group Limited
<b>Ward</b>	Great Barr With Yew Tree
<b>Contact Officer</b>	Douglas Eardley <a href="mailto:douglas_eardley@sandwell.gov.uk">douglas_eardley@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 It is recommended that Condition 12 of planning permission DC/13/56229 be varied to read as follows:

“The application premises may be open for custom 24 hours any day for a period of 2 years from the date of this permission”



1.2 Consequently conditional temporary permission is recommended on a 2-year temporary basis, subject to the same conditions as imposed on DC/13/56229 [(i) – iv)] and **additional conditions [(v) to x)]** as follows:


- i) The development shall be constructed in accordance with the approved schedule of materials.
- ii) The space for the parking of vehicles as previously approved shall be retained as such.
- iii) The demarcation of the right of way as previously approved shall be retained as such.
- iv) The right of way shall be protected at all times during construction works in accordance with details to be submitted to and approved by the Local Planning Authority.
- v) **Between the hours of 23:00 and 06:00 on any day all retail sales shall be through the night pay window.**
- vi) **Between the hours of 23:00 and 06:00 on any day there shall be no deliveries of fuel or other supplies.**
- vii) **Between the hours of 23:00 and 06:00 on any day there shall be no use of pumps 3, 4, 7 or 8.**
- viii) **Between the hours of 23:00 and 06:00 on any day there shall be no use of jet wash, air or water facilities, Amazon lockers or Electric Vehicle chargers.**
- ix) **All amplified or electronic PA systems used to amplify sound external to the premises shall only be operated between the hours of 07.00 hours and 20.00 hours on any day.**
- x) **The ‘Polite Notice’ signage as indicated on the submitted plan (PA02a) shall be implemented on site within 1 month of DC/23/68559 being approved; once provided, the signage shall be retained as such.**

## 2 Reasons for Recommendations

2.1 The proposal to extend the opening hours to 24 hours any day of the Gateway service Station would upgrade the use and function of the existing site.



### 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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#### 4 Context

- 4.1 **When the application was previously reported to planning committee on the 29 November 2023. Members deferred their decision and requested further information regarding the impact from noise and light pollution to existing residential amenity. A proposed site layout plan (PA02a) and a light impact assessment has now been submitted and reviewed. Further details can be found in paragraphs 8.2 and 10.1 of this report.**
- 4.2 The application was originally reported to your committee as the application had generated three objections.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[Gateway Service Station, 76 Birmingham Road, Great Barr, B43 6NT](#)

#### 5 Key Considerations

- 5.1 The site is not allocated within the Development Plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are: -



Planning history (including appeal decisions).  
 Environmental concerns – Noise, light pollution, traffic, general disturbance and anti-social behaviour.

## 6. The Application Site

6.1 The application site relates to an existing petrol filling station (Gateway Service Station) on the western side of Birmingham Road, Great Barr. The site is bounded by residential properties to the north, west and south and to the east are residential properties on the opposite side of Birmingham Road.

## 7. Planning History

7.1 Relevant planning applications are as follows:

DC/23/68230	Retention of jet wash machine and Amazon Locker.	Grant Conditional Retrospective Consent – 07.08.2023
DC/19/63105	Proposed raising of existing canopy from 3.8m to 4.6m.	Grant Permission – 12.06.2019
DC/15/58557	Proposed removal of condition 11 of planning permission DC/14/57256 - to allow permanent consent for use as petrol filling station with opening hours of 05.00 to 00.00 Monday to Saturday and 07.00 to 23.00 on Sundays and Bank Holidays.	Grant Conditional Retrospective Consent – 08.10.2015



DC/14/57256	Proposed removal of condition 12 (DC/13/56229) to allow permanent consent for opening hours of 05.00 to 00.00 Monday to Saturday and 07.00 to 23.00 on Sundays and Bank Holidays.	Grant Temporary Retrospective Consent – 05.09.2014
DC/13/56229	Proposed variation of condition 12 of DC/31470 to extend opening hours from 07:00 to 23:00 on any day to 05:00 to midnight Monday to Saturday and 7.00 to 23.00 on Sundays and Bank Holidays.	Grant Permission Subject to Conditions – 10.10.2013
DC/13/6024A	Proposed internally illuminated ATM surround.	Grant Advertisement Consent – 21.08.2013
DC/13/56082	Proposed installation of ATM.	Grant Permission Subject to Conditions – 21.08.2013
DC/99/3994A	Garage forecourt signage.	Grant Advertisement Consent – 08.04.1999
DC/98/34770	Installation of 2No. 1 tonne liquefied petroleum gas storage vessels and dispenser.	Grant Permission Subject to Conditions – 11.12.1998
DC/32013	Installation of jetwash and vacuum.	Allowed with Conditions – 09.10.1996
DC/31470	Demolition of petrol filling station and rollover car wash. Development of petrol filling station.	Allowed with Conditions – 20.03.1996



DC/3504A	Forecourt signs, shop/canopy fascia, freestanding monolith.	Grant Advertisement Consent – 14.11.1995
DC/17563	Installation of 3,000 gallon above - ground diesel storage tank & forecourt dispenser.	Grant Permission – 11.07.1984

## 8. Application Details

8.1 The application is for the proposed variation of condition 12 of DC/13/56229 (Proposed variation of condition 12 of DC/31470 to extend opening hours from 07:00 to 23:00 on any day to 05:00 to midnight Monday to Saturday and 7.00 to 23.00 on Sundays and Bank Holidays) to opening hours of 24 hours any day.

8.2 **A revised plan has been provided which indicates during hours between 2300 and 0600 the following mitigation will be implemented;**

- **All retails sales through night pay window;**
- **No deliveries;**
- **No use of pumps 3, 4, 7 and 8;**
- **No use of jet wash, air/water, Amazon lockers, EV charges and**
- **Polite notices will be displayed in areas of the forecourt.**

8.3 **A light impact assessment has been provided that shows the light slippage to nearby residential property.**

## 9. Publicity

9.1 The application has been publicised by neighbour notification letters with three objections being received.



## 9.2 Objections

Objections have been received on the following grounds:

- i) Environmental concerns – Noise, light pollution, traffic, general disturbance and anti-social behaviour.

Non-material objections have been raised regarding loss of property value.

These objections will be addressed in section 13 (Material considerations).

## 10. Consultee responses

### 10.1 Pollution Control (Noise and Air Pollution)

Following their review of the original noise impact assessment report, they have now reviewed the proposed site layout plan (PA02a) and light impact assessment. They have concluded that these mitigation measures would not result in any significant harm to residential amenity but would be reliant on these mitigation measures being diligently adopted and so they recommend a 2-year temporary permission to enable the local planning authority to review after this time period. They also recommend the conditions v) to x).

### 10.2 West Midlands Police

No objection.

### 10.3 Highways

They state that the extended opening hours proposed for the petrol station do not fall within the network peak times, the trips at these times would also not generate a significant increase in parking accumulation. Highways have no objections.





## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

## 12. Local Planning Policy

12.1 None relevant.

## 13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

### 13.2 Planning history (including appeal decisions)

The planning history associated to this site demonstrates an established use as petrol station with associated uses, however material planning considerations relating to concerns of light and noise are valid due to the proposed night time use and therefore a temporary conditional two-year permission is recommended.

### 13.3 Environmental concerns – Noise, light pollution, traffic, general disturbance and anti-social behaviour

Given the concerns raised by neighbours pertaining to noise, light pollution, traffic, general disturbance and anti-social behaviour in relation to the proposal, further details have been submitted and reviewed. It is noted that Highways have no objection. However, the Pollution Control Team (section 10.1) still recommend a conditional temporary permission for a period of two years. This would enable the local planning authority to review the proposal again in relation to the impact of the extended hours on residential amenity. Turning to anti-social behaviour, West





Midlands Police has no objection, however if anti-social behaviour occurs in the 2 year period, this can be reviewed at the expiration of this consent.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

14.2 On balance, there are no significant material considerations which warrant refusal that could not be controlled by conditions, however a conditional temporary 2-year permission is recommended to enable the local planning authority the opportunity to review the proposal again at the end of this period.

## 15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.

## 16 Implications

<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.



<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

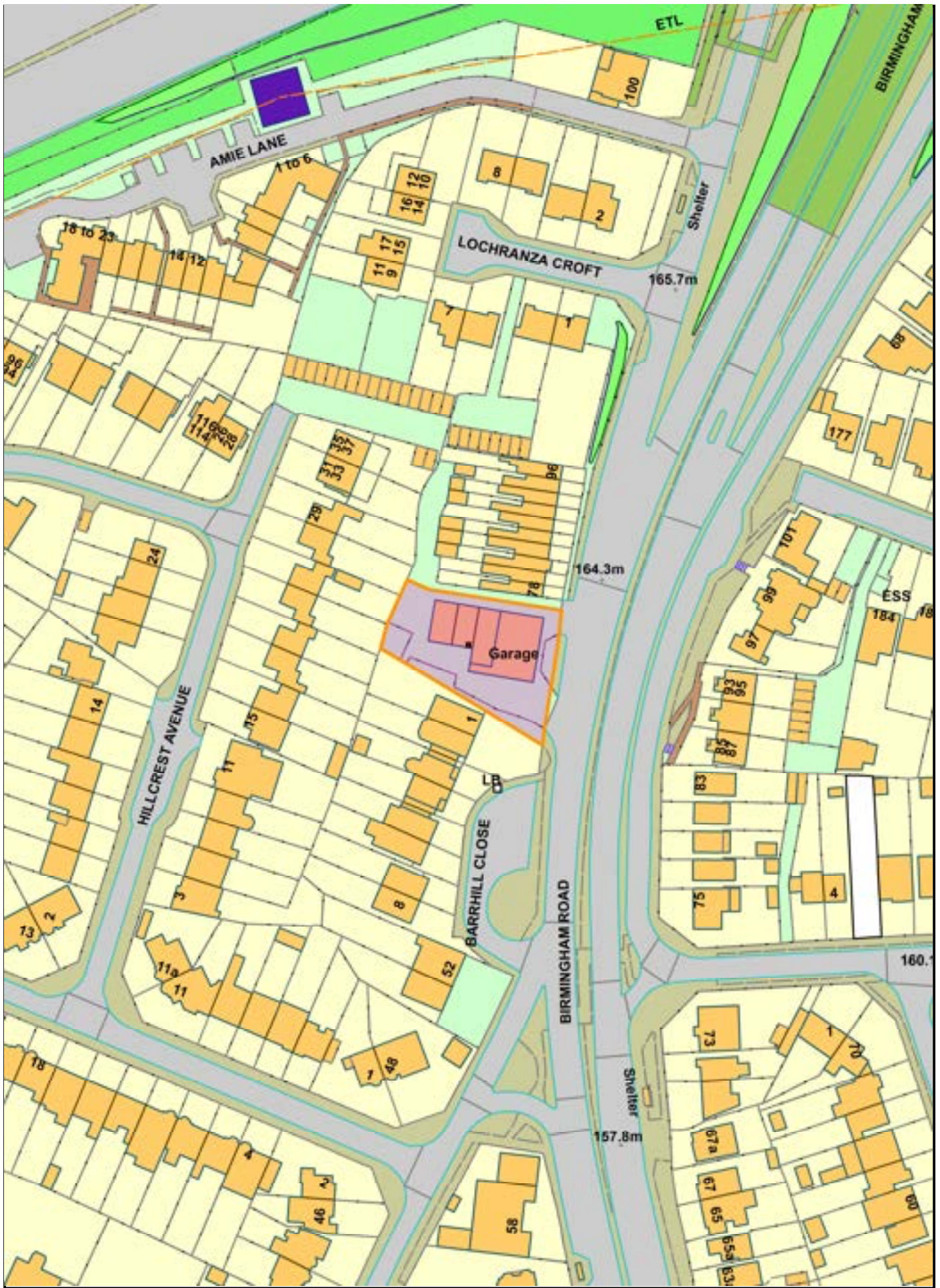
## 17. Appendices

Context plan

Proposed site layout - PA02a











**REVISIONS:**

REV	NOTE	DATE
a	Night time operation areas clarified	Feb '24

**NOTES:**

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**Local Planning Authority:**  
Sandwell Metropolitan Borough Council

**24 HOUR OPERATION MANAGEMENT OF NIGHT TIME USE:**

- NOT IN USE
- DENOTES NIGHT TIME OPERATION
- POLITE NOTICE PERMANENTLY DISPLAYED

**Polite Notice**

Please keep quiet when using these facilities and avoid banging doors and loud music that disturb local residents

Thank you

**IN NIGHT TIME HOURS BETWEEN 2300 AND 0600:**

- All retail sales through night pay window
- No deliveries
- No use of pumps 3, 4, 7 and 8
- No use of jet wash, air/water, Amazon lockers, EV charger

**PLANNING APPLICATION**  
FS051 GREAT BARR **2024**

**CLIENT:**

**PROJECT:** PROPOSED VARIATION OF CONDITION 12 OF DC/13/56229 (PROPOSED VARIATION OF CONDITION 12 OF DC/31470 TO EXTEND OPENING HOURS FROM 07:00 TO 23:00 ON ANY DAY TO 05:00 TO MIDNIGHT MONDAY TO SATURDAY AND 07:00 TO 23:00 ON SUNDAYS AND BANK HOLIDAYS) TO EXTEND OPENING HOURS TO 24 HOURS ANY DAY

**ADDRESS:**  
GREAT BARR SERVICE STATION  
76 BIRMINGHAM ROAD  
GREAT BARR  
BIRMINGHAM B43 6NT

**TITLE:** PROPOSED SITE LAYOUT

SCALE	1:100 @ A1	JOB NO	23946-12
DRAWN	FE	DWG NO	PA02a
DATE	16/01/2024	REVISION	FE
CHECKED	DATE	DATE	16/02/2024

**RETAIL ROADSIDE DESIGN AND PLANNING**  
Birmingham Road  
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**ADCOCK ASSOCIATES**

**PROPOSED SITE LAYOUT**

