



# Planning Committee

Date 1<sup>st</sup> October 2013

<b>Planning Application No</b>	13/00814/FUL
<b>Site</b>	Bentley Bridge Retail Park
<b>Proposal</b>	Change of use of units B7 and C1b from retail use to allow for a mix of uses including Financial and Professional Services, Restaurants and Cafes, Drinking Establishments, Hot Food Takeaways, Non-Residential Institutions, Assembly and Leisure; a public toilet in unit C1a; and the installation of a mezzanine floor for retail use in unit B3.
<b>Ward</b>	Wednesfield South
<b>Applicant</b>	Friends Life Limited
<b>Agent</b>	Mr Tim Rainbird
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise
<b>Planning Officer</b>	Name Phillip Walker Tel 01902 55(5632) Email Phillip.walker@wolverhampton.gov.uk

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## 1. Summary Recommendation

1.1 Delegated authority to grant subject to conditions and a unilateral undertaking under s106

## 2. Application site

2.1 The application site is Bentley Bridge Retail Park located on the outskirts of Wednesfield.

2.2 The retail park includes a 'Mall', which is positioned within the north-west corner of the site and contains a covered walkway through its centre, which provides a pedestrian link between the retail park and

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Wednesfield Village Centre. The other retail units and car parking areas are to the south and east of the Mall.

- 2.3 There are three vacant units within the 'Mall', namely units B7, C1a and C1b. These units have been vacant since they were constructed in 2005. All other retail units are occupied; including unit B3 which is occupied by Sports Direct.

### **3. Application Details**

- 3.1 It is proposed to change the use of the vacant Mall units B7 (325 sq.m. of floor space) and C1b (318 sq.m. of floor space) from retail use to allow for a mix of uses including Financial and Professional Services, Restaurants and Cafes, Drinking Establishments, Hot Food Takeaways, Non-Residential Institutions, Assembly and Leisure; and to change the use of unit C1a (97 sq.m. of floor space) to public toilets. The retail space lost by the change of use of units B7, C1a and C1b and other unimplemented but consented retail floor space at the retail park would be used to form a mezzanine floor across unit B3 (1,084 sq.m.) Accordingly overall there would be no increase in A1 retail floorspace. No external alterations to the buildings are proposed. The servicing and customer car parking arrangements would be unchanged.

- 3.2 The applicants' case in support of the proposals is that marketing evidence shows there is a demand for the proposed non-A1 uses at the retail park. They state that the proposed change of use will significantly increase the likelihood of the vacant units becoming occupied which would benefit the local economy. The provision of public toilets at the retail park is much needed, particularly as there is currently no such facility available. The retail mezzanine floor space to be created within unit B3 will not, as stated above, result in any uplift in the total permitted A1 retail floor space across the retail park.

- 3.3 The applicants have submitted a draft unilateral legal undertaking not to allow any existing retailer in Wednesfield Village Centre or Wolverhampton City Centre to relocate and trade at Bentley Bridge Retail Park for a period of five years from the completion of the unilateral undertaking, unless they maintain that retail business at those premises or any other premises in that Centre for a period of three years starting with the date on which the Centre retailer begins retailing from Bentley Bridge Retail Park.

### **4 Planning History**

- 4.1 11/00299/FUL. Use of existing retail unit D2 as a shop for the sale of any non-food goods (use class A1) with an ancillary cafe, including the installation of a mezzanine floor. Granted. 26.05.2011.

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- 4.2 09/00482/FUL. Change of use of units B7 (in part) and B8 (in full) from use class A1 (Retail) to use class A3 (Cafe and Restaurant). Amalgamation of Unit B8 with Unit B7 and sub-division of Unit B7 to create an enlarged Unit B8 and a smaller unit B7. Including the creation of new mezzanine floor space for use class A1: Retail, across units C1, C2 and C3. Granted. 23.12.2009.
- 4.3 07/00776/VV. Application under Section 73 to allow for the reconfiguration of the Mall Units without complying with Condition 22 of Planning Permission BCX 285. Granted 09.07.2009.
- 4.4 05/0559/VV/C. Application to vary Condition 22 of Outline Planning Permission BCX/285 - to reduce the minimum gross floor area for units allowed within the Mall area. Granted 22.02.2006.
- 4.5 05/0100/VV/C. Variation of condition 8 of planning permission 99/1039/OP to allow revised service arrangements. Granted. 23.05.2005.
- 4.6 01/0293/RM. Class A1 retail development with associated car parking, servicing, pedestrian and vehicular access and landscaping. Granted. 21.05.2001
- 4.7 99/1039/OP. Class A1 (Retail) with associated car parking, servicing, pedestrian and vehicular access and landscaping. Granted 22.02.2001.
- 4.8 98/0966/RM. Class A1 Retail development, including associated car parking, servicing, pedestrian and vehicular routes and landscaping Approval of reserved matters for BCX/285. Granted 01.11. 2000.
- 4.9 00/1115/VV. Section 73 Application - Alternative master plan to amend Development Brief under the terms of Condition No.4 on Outline Planning Permission BCX285 – Granted 25.10.2000.
- 4.10 99/0525/RM. Class A1 retail development with associated car parking servicing pedestrian and vehicular routes and landscaping, relating to outline permission BCX/285. Granted 14.10.1999.
- 4.11 99/0797/VV. Section 73 Application - Alternative Master Plan to Vary Development Brief under the terms of Condition No.4 of planning permission BCX/0285 – Granted 11.10.1999.
- 4.12 BCX 0285. Demolition of derelict office block (James House). Erection of a built leisure and retail complex with ancillary office development. Granted 04.04.1996.

## **5. 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. Environmental Impact Assessment Regulations**

- 6.1 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.

**7. Publicity**

- 7.1 Councillor Philip Bateman has written in support of the proposals.

**8. Internal Consultees**

- 8.1 Environmental Health and Transportation – No objections.

**9. Legal Implications**

- 9.1 Section 55(2)(f) of the Town and Country Planning Act 1990 requires that planning permission be obtained for the development of land, including the the making of the material change in the use of the building in the use of any building or land. The Town and Coutry Planning (Use Classes) Order 1987 prescribes a number of classes of use including Class A1 (Shops)
- 9.2 Under S106 of the Town and Country planning Act 1990 any person interested in land in the area of a local planning authority may by agreement enter a planning obligation including restricting the development or use of land in any specified way. (KR/19092013/I.)

**10. Appraisal**

- 10.1 The key issue for consideration is the impact on the vitality and viability of Wednesfield Village Centre.
- 10.2 A sequential approach to site selection has been adopted and it has been demonstrated that there are no sequentially preferable locations in Wednesfield Village Centre for the proposed non-A1 retail uses.
- 10.3 The applicants have carried out marketing exercises and the findings have shown that there is a demand for the proposed non-A1 retail uses at the retail park.
- 10.4 Units C1a, C1b and B7 have been vacant since 2005. The change of use of these units to the proposed non-A1 retail uses would help to improve the prospect of the units becoming occupied which would in turn create new jobs, activity and contribute towards promoting the

integration of the retail park with Wednesfield Village Centre. Subject to conditions removing permitted development rights to prevent units C1b and B7 from reverting back to Use Class A1 retail use, the proposed change of use of these units would be acceptable.

- 10.5 The provision of 1,084 sq.m. of retail mezzanine floor space in unit B3 would not result in any uplift in the total permitted A1 retail floor space across the retail park and as such is not harmful to the viability and vitality of Wednesfield Village Centre. This is subject to appropriate conditions and a Unilateral Undertaking to prevent the relocation of any existing retailer in Wednesfield Village Centre or Wolverhampton City Centre from relocating and trading at Bentley Bridge Retail Park for a period of five years unless they maintain that retail business at those premises or any other premises in that Centre for a period of three years starting with the date on which the Centre retailer begins retailing from Bentley Bridge Retail Park.
- 10.6 The proposals are in accordance with BCCS policy CEN5 'District and Local Centres' and UDP policy WVC2 'Improved Linkages and Connectivity'.

## **11. Conclusion**

- 11.1 The proposed change of use of units C1a, C1b and B7 and the provision of additional retail floor space in unit B7 would not be detrimental to the vitality and viability of Wednesfield Village Centre. The proposals improve the likelihood of the empty Mall units becoming occupied and result in the provision of public toilets. There would be potential planning gain including new jobs and improved integration of the retail park with Wednesfield Village Centre.
- 11.2 The proposals comply with BCCS policy CEN5 and UDP policy WVC2, subject to conditions including the removal of permitted development rights in order to prevent units C1b and B7 from reverting back to Use Class A1 retail use and a unilateral undertaking under s106 as recommended.

## **12. Detailed Recommendation**

- 12.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/00814/FUL subject to:
- (i) Negotiation and completion of a Unilateral Undertaking under Section 106 to:
- Prevent for a period of five years beginning with the date of the completion of the Deed any existing retailer in Wednesfield Village Centre or Wolverhampton City Centre from relocating to Bentley Bridge Retail Park unless they maintain that retail business at those premises or any other

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premises in that Centre for a period of three years starting with the date on which the Centre retailer begins retailing from Bentley Bridge Retail Park.

- Targeted recruitment and training

(ii) Any necessary conditions to include:

- Limit the total Use Class A1 retail floor space at Bentley Bridge Retail Park to no more than 16,435 sq.m gross external floor space
- Limit the total Use Class A1 retail mezzanine floor space that can be installed within units C2, C3b and C3a to no more than 820 sq.m.gross internal area and unit D2 to no more than 1,261 sq.m gross internal area
- Limit the total Use Class A1 retail mezzanine floor space that can be installed within Unit B3 to be no more than 1,084 sq.m. gross internal area
- No additional mezzanine floor space in any part of Bentley Bridge Retail Park other than the use class A1 retail mezzanine floor space of up to 820 sq.m gross internal area within units C2/C3b and C3a, 1,261 sq.m. gross internal area within unit D2 and up to 1,080 sq.m. gross internal area within unit B3.
- Submission of layout details of the mezzanine floor space within unit B3
- The gross internal area of unit D1 not to exceed 701 sq.m.
- No unit shall be used for the sale of food (convenience) goods, except where any form an ancillary part of the retail offer (but not restricting the operation of ancillary cafes).
- Unit D1 not to be used for the sale of food and drink to be consumed off the premises; clothing or footwear; cutlery, crockery or glass wear; jewellery, clocks or watches; books, toys or cameras or photographic equipment; pharmaceutical or beauty products
- Unit C1a only to be used as a public WC (sui generis use)
- No subdivision of any units except unit B3, which cannot be subdivided into more than two units
- Details of the layout for the subdivided unit B3
- Unit B8 only to be used as a café restaurant (Use class A3)
- Unit B7 and C1b only to be used for uses A2, A3, A4, A5, D1 and D2
- Other than units B7, C1a and C1b no units shall have a gross external floor area of less than 700 sq.m.
- Servicing arrangements for units D1 and D2
- Retention and management of car parking areas, servicing areas and landscaping
- Car park management plan
- Clear glazing for shop fronts
- Refuse storage
- Lighting
- Boundary treatments

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- No leisure uses within the red line site
- External flues
- Signage
- Site waste management plan
- Cycle details

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