

CITY OF WOLVERHAMPTON COUNCIL
Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order
2010 (as amended)

Agent

Mr Tim Rainbird
Quod
8-14 Meard Street
London
W1F 0EQ

Applicant

c/o Agent
Aviva Life & Pensions UK Limited

Our Ref:	22/01168/RC
Site:	Bentley Bridge Retail Park Bentleybridge Way Wolverhampton West Midlands
Proposal:	S.73 Application. Minor Material Amendment to vary condition 6 of planning permission 22/00446/RC to move (from Unit C4) and increase the existing food retailing use to 550 square metres within Unit A1/A2

1. The development hereby permitted shall accord with the following drawings: -

Plan Type
Site Location Plan 0553-PD-56-B Proposed Site Plan 15787-110-A

Reason: - For the avoidance of doubt.

2. The total area of buildings within the red line as indicated on drawing number 15787-110 A to be used for retail purposes within Use Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 ("the Use Class Order") shall not exceed 16,779 square metres gross external floor space.

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or Wolverhampton City Centre. Relevant UDP policy SH4 'Integration of Development into Centres' and BCCS policies CEN4 'Regeneration of Town Centres' and CEN7 'Controlling Out of Centre Development'.

Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP
Telephone 01902 555632

P. Walker

Authorised Officer: _____
Date.: 17.11.2022

_____ Mr Phillip Walker

3. The total quantum of Use Class A1 retail mezzanine floor space hereby approved, that can be installed within Unit B1 and Unit B3 shall not exceed 1,084 square metres gross internal area.

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or Wolverhampton City Centre. Relevant UDP policy SH4 'Integration of Development into Centres' and BCCS policies CEN4 'Regeneration of Town Centres' and CEN7 'Controlling Out of Centre Development'.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking, replacing and re-enacting that Order with or without modification) other than the Use Class A1 retail mezzanine floor space of up to 820 square metres gross internal area within Units C1b, C2/C3b and C3a, up to 1,261 sqm gross internal area within unit D2, up to 900 sqm gross internal area within unit B1, and up to 184 sqm gross internal area within unit B3 hereby approved and as shown on drawing number 15787 110A, no additional Use Class A1 retail mezzanine floor space shall be installed or otherwise provided in any buildings within the red line.

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or Wolverhampton City Centre. Relevant UDP policy SH4 'Integration of Development into Centres' and BCCS policies CEN4 'Regeneration of Town Centres' and CEN7 'Controlling Out of Centre Development'.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking, replacing and re-enacting that Order with or without modification), the gross internal area of unit D1 shall not exceed 701 square metres.

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or Wolverhampton City Centre. Relevant UDP policy SH4 'Integration of Development into Centres' and BCCS policies CEN4 'Regeneration of Town Centres' and CEN7 'Controlling Out of

Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP
Telephone 01902 555632

P. Walker

Authorised Officer: _____
Date.: 17.11.2022

_____ Mr Phillip Walker

Centre Development’.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking, replacing and re-enacting that Order with or without modification), no unit within the red line as indicated on drawing number 15787-110 A shall be used for food retail purposes, except from within an area of 550 square metres within Unit A1 and A2, or where food sales form an ancillary part of the retail offer (but not restricting the operation of an ancillary café within any unit).

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre and the surrounding area. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or any other surrounding Centre location. Relevant UDP policy SH4 ‘Integration of Development into Centres’ and BCCS policies CEN4 ‘Regeneration of Town Centres’ and CEN7 ‘Controlling Out of Centre Development’.

7. Unit D1 as shown on drawing number 15787-110 A shall not be used for the sale of any of the following:
- i. Food and drink to be consumed off the premises;
 - ii. Clothing or footwear;
 - iii. Cutlery, crockery or glasswear;
 - iv. Jewellery, clocks or watches;
 - v. Books or toys or cameras or photographic equipment;
 - vi. Pharmaceutical or beauty products

Except where the retail sale of those goods forms a minor and ancillary part of other retail activity.

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre and the surrounding area. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or any other surrounding Centre location. Relevant UDP policy SH4 ‘Integration of Development into Centres’ and BCCS policies CEN4 ‘Regeneration of Town Centres’ and CEN7 ‘Controlling Out of Centre Development’.

8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (“the Use Class Order”) or any subsequent repeal, amendment, re-enactment thereof, Unit C1b as shown on drawing 15787-110 A shall only be used

Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP
Telephone 01902 555632

P. Walker

Authorised Officer: _____
Date.: 17.11.2022

_____ Mr Phillip Walker

for the purpose applied for, namely as a public toilet (sui generis use) and not for any other purpose including any other use within the aforementioned Order.

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre and the surrounding area. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or any other surrounding Centre location. Relevant UDP policy SH4 'Integration of Development into Centres' and BCCS policies CEN4 'Regeneration of Town Centres' and CEN7 'Controlling Out of Centre Development'.

9. With the exception of Units B7, C1a and C1b, no single unit shall be constructed or sub-divided such that the resulting minimum gross external floor area would be less than 700 square metres. There shall also be no further subdivision of units D2, B7, C1a and C1b.

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre and the surrounding area. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or any other surrounding Centre location. Relevant UDP policy SH4 'Integration of Development into Centres' and BCCS policies CEN4 'Regeneration of Town Centres' and CEN7 'Controlling Out of Centre Development'.

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 ("the Use Class Order") or any subsequent repeal, amendment, re-enactment thereof, Unit B8 as shown on drawing 15787-110 A shall only be used for the purpose applied for, namely as a café/ restaurant (Use Class A3) and not for any other purpose including any other use within the aforementioned Order.

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre and the surrounding area. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or any other surrounding Centre location. Relevant UDP policy SH4 'Integration of Development into Centres' and BCCS policies CEN4 'Regeneration of Town Centres' and CEN7 'Controlling Out of Centre Development'.

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 ("the Use Class Order") or any subsequent repeal, amendment, re-enactment thereof, Units B7 as shown on drawing 15787-110 A shall only be used for the purpose applied for, namely as Financial and Professional Services (Use

Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP
Telephone 01902 555632

P. Walker

Authorised Officer: _____
Date.: 17.11.2022

_____ Mr Phillip Walker

Class A2), Restaurants and Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Takeaways (Use Class A5), Non-Residential Institutions (Use Class D1), Assembly and Leisure (Use Class D2) and not for any other purpose including any other use within the aforementioned Order. This shall not prohibit the operation of a café (Use Class A1) or sales within Use Class A1 which are ancillary to the main use.

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre and the surrounding area. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or any other surrounding Centre location. Relevant UDP policy SH4 'Integration of Development into Centres' and BCCS policies CEN4 'Regeneration of Town Centres' and CEN7 'Controlling Out of Centre Development'.

12. Notwithstanding the provisions of the Town and Country Planning (use Classes) Order 1987 ("the Use Class Order") or any subsequent repeal, amendment, re-enactment thereof, Unit C1a as shown on drawing 15787-110 A shall only be used for retail (Class A1), Financial and Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Takeaways (Use Class A5), Non-Residential Institutions (Use Class D1), Assembly and Leisure (Use Class D2) and not for any other purpose including any other use within the aforementioned Order.'

Reason: To define the terms under which permission is granted and to ensure a satisfactory development that is properly integrated, both physically and functionally with Wednesfield Village Centre and the surrounding area. To ensure there would be no detrimental impact upon the vitality and viability of Wednesfield Village Centre or any other surrounding Centre location. Relevant UDP policy SH4 'Integration of Development into Centres' and BCCS policies CEN4 'Regeneration of Town Centres' and CEN7 'Controlling Out of Centre Development'.

13. There shall be no movement of service or delivery vehicles in the car park areas associated with Units D1 and D2 while either retail unit is trading or within 15 minutes before opening or within 15 minutes after closing times for trading at any time except between the hours of midnight and 06:00 hours on any day.

Reason: In the interests of pedestrian and highway safety. Relevant UDP policies AM12 'Parking and Servicing Provision' and AM15 'Road Safety and Personal Security'. BCCS policies CSP4 'Place Making', ENV3 'Design Quality', CSP5 'Transport Strategy' and TRAN2 'Managing Transport Impacts of New Development'.

Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP
Telephone 01902 555632

P. Walker

Authorised Officer: _____
Date.: 17.11.2022

_____ Mr Phillip Walker

14. The car parking, manoeuvring areas and service yards shall be kept available for the parking of vehicles, manoeuvring of vehicles and servicing of the units in connection with the development, at all times.

Reason: In the interests of road safety. Relevant UDP policies AM12 'Parking and Servicing Provision' and AM15 'Road Safety and Personal Security'. BCCS policies CSP4 'Place Making', ENV3 'Design Quality', CSP5 'Transport Strategy' and TRAN2 'Managing Transport Impacts of New Development'.

15. Car parking shall be managed in accordance with the car park management plan (received 3rd August 2011 and approved on 25th August 2011), unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of road safety. Relevant UDP policies AM12 'Parking and Servicing Provision' and AM15 'Road Safety and Personal Security'. BCCS policies CSP4 'Place Making', ENV3 'Design Quality', CSP5 'Transport Strategy' and TRAN2 'Managing Transport Impacts of New Development'.

16. Prior to the use of Use Class A1 retail mezzanine floor space in Unit B1 or Unit B3 as shown on drawing 15787 110A, a site waste management plan for that unit shall be submitted to and approved in writing by the local planning authority setting out what measures are to be implemented in the development process to reduce waste and dispose of any unavoidable waste produced in the development process.

Reason: To minimise waste and ensure waste is adequately with. Relevant BCCS policies WM1 'Sustainable Waste and Resource Management' and WM5 'Resource Management and New Development'.

17. Shop front windows shall be maintained as clear glazed openings, giving unobstructed views into the units, with no more than 15% of the surface area of any window obstructed by any fittings or opaque material, or other internal works.

Reason: To maintain the vitality and viability of the centre as a whole and visual interest at the premises and in the wider street scene. Relevant BCCS Policy ENV3 and UDP policy D6.

18. The existing refuse store facilities which serve all units within the red line on drawing 15787 110A shall be retained.

Reason: In the interests of the amenity of the area. Relevant UDP policies B1 and

Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP
Telephone 01902 555632

P. Walker

Authorised Officer: _____
Date.: 17.11.2022

_____ Mr Phillip Walker

EP5

19. No vents, flues, ducts, pipe work, plant or equipment shall be installed on or fixed to the exterior of Units B7 or C1a without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity. Relevant UDP policies D6 'Townscape and Landscape' and D9 'Appearance'. BCCS policies CSP4 'Place Making', ENV8 "Air Quality" and ENV3 'Design Quality'.

20. The existing cycle and motorcycle parking facilities which serve all units within the red line on drawing 15787 110A shall be retained for the duration of the development.

Reason: In the interests of high quality design and to encourage cycling and motorcycling in the interests of sustainability. Relevant UDP policies D9 'Appearance' and AM12 'Parking and Servicing Provision'. BCCS policy TRAN4 'Creating Coherent Networks for Cycling and for Walking'.

21. The existing boundary treatments and landscaping areas as shown on drawing 15787 110A shall be retained.

Reason: In the interest of visual amenity and security. Relevant BCCS Policy ENV3 and UDP policies D6 and D9.

22. Prior to first use of the mezzanine in Unit B1, permitted under permission ref. 22/00446/RC, a strategy for recruitment and training in respect of the operational phase shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented for the operational phase.

Reason: To ensure job opportunities are available to local people. Relevant UDP Policy B12

Notes for Information

1. Any policies referred to on this decision notice are the policies of the Black Country Core Strategy (BCCS), adopted 3rd February 2011 and the saved policies of the Wolverhampton Unitary Development Plan (UDP), adopted in June 2006, unless otherwise stated. The BCCS and UDP can be viewed at the Planning and Building Control Reception on the second floor of the Civic Centre or alternatively on the Council's Website, at www.wolverhampton.gov.uk

Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP
Telephone 01902 555632

P. Walker

Authorised Officer: _____
Date.: 17.11.2022

_____ Mr Phillip Walker

2. Please note that conditions attached to this consent may require details to be submitted to and approved by the Council. Submissions will need to be made with the appropriate fee using the form from www.planningportal.gov.uk. Also, please note that some conditions must have been discharged in writing, **before** any work on site can commence.

Summary reasons for granting

The planning proposal results in a variation of the original planning permission, to move and increase the food retail food allowance from Unit C4 to Unit A1 and A2. The purpose of moving and increasing the retail food allowance is to enable an existing retailer ("Home Bargains") to move from Unit C4 to a larger space in Unit A1/A2. The food use allowance needs to be moved and increased, to account for the fact that Home Bargains retail offer comprises up to 30% food use. This is an acceptable planning proposal which results in only a small uplift in the previously approved food retailing allowance at the retail park (272 sqm of additional retail food use) but which will ensure the retention of the existing retailer ("Home Bargains") at the retail park and assist with improving the vitality and viability of the retail park, without compromising adversely nearby centres. The proposals are acceptable minor material amendments and are in accordance with the policies of the development plan.

In dealing with the application, the local planning authority has worked with the applicant in a positive, creative and proactive manner to secure a development that will improve the economic, social and environmental conditions of the area, in accordance with paragraph 38 of the National Planning Policy Framework (July 2021).

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. You must do so within 6 months of the date of this notice on a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 0000) or online at <https://www.gov.uk/appeal-planning-decision>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP
Telephone 01902 555632

P. Walker

Authorised Officer: _____
Date.: 17.11.2022

Mr Phillip Walker

If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01902 55595**, email building.control@wolverhampton.gov.uk or visit our website www.wolverhampton.gov.uk for pre-application advice.

Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP
Telephone 01902 555632

P. Walker

Authorised Officer: _____
Date.: 17.11.2022

_____ Mr Phillip Walker