

Development Management Officer Report Committee Application

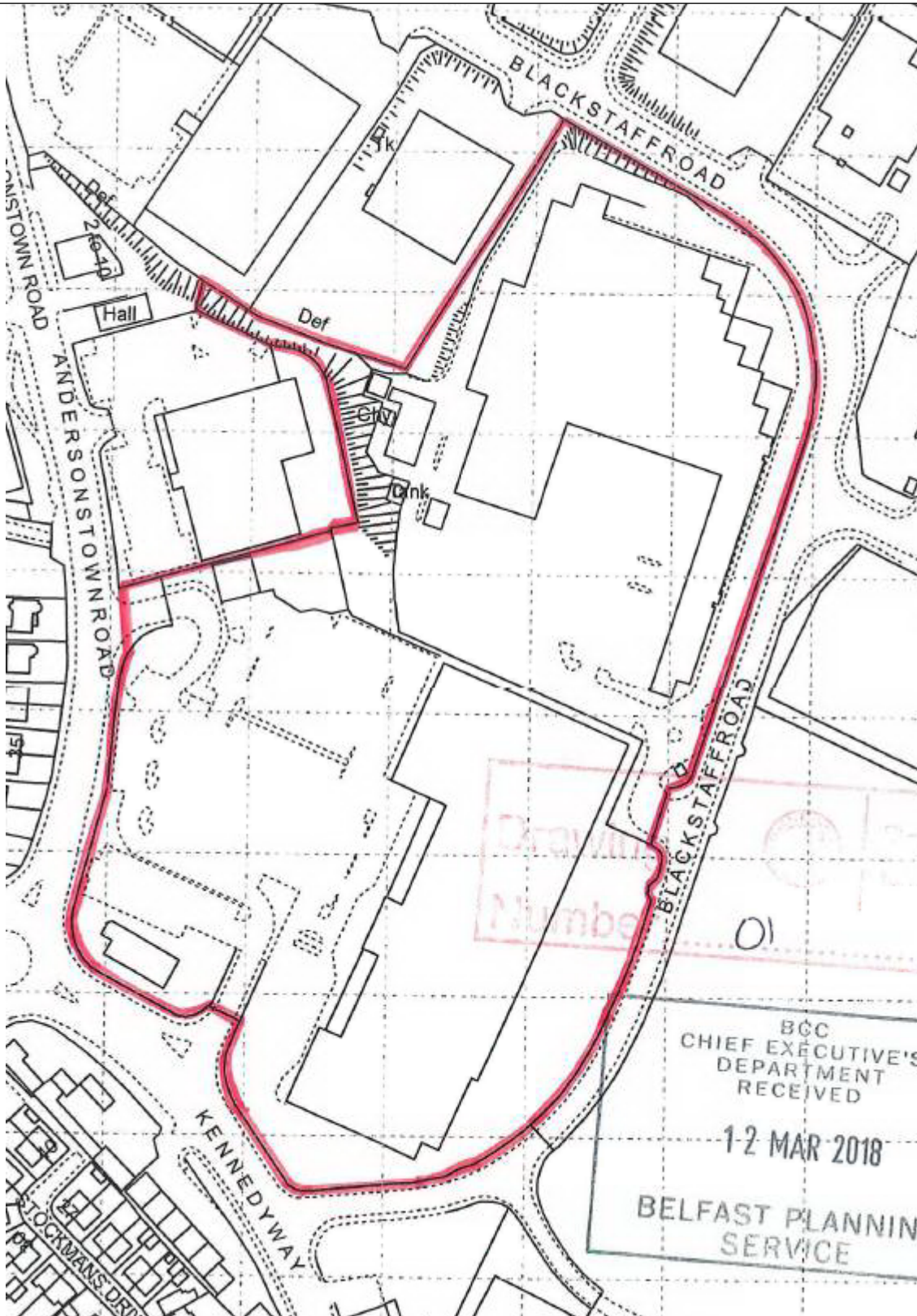
Summary	
Committee Meeting Date: 12 June 2018	
Application ID: LA04/2018/0968/F	
Proposal: Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2017/1399/F for the variation of conditions 2, 3 and 4 to allow for the reallocation of approved convenience and comparison floorspace between Unit 11 and Unit H.	Location: Westwood Shopping Centre Kennedy Way Belfast BT11 9BQ
Referral Route: Varying conditions relating to a major development	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Johncorp (No.3) Limited Rushmere House 46 Cadogan Park Belfast	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: This application seeks to vary Conditions 2, 3 and 4 of planning permission LA04/2017/1399/F under Section 54 of the Planning Act (Northern Ireland) 2011 to allow for the reallocation of approved convenience and comparison floorspace between Unit 11 and Unit H. The application also seeks to regularise the structure of Condition 2 to extract the floorspace associated with the Ulster Bank unit (Unit G) from the comparison retail element of the condition.</p> <p>Policy R2 of BMAP states that permission will not be granted for proposals for retail development where it would have an adverse impact on the distinctive role of the city centre as the leading regional shopping centre.</p> <p>The site is located within a draft District Centre. District Centres fulfil an important retail role in providing customers with convenience and choice in locations outside city and town centres. They coexist with city and town centres and fulfil a role which is complimentary to the role of the city and town centres.</p> <p>The SPSS notes that existing district and local centres should be retained and consolidated as a focus for local everyday shopping.</p> <p>The variation of conditions 2, 3 and 4 allows for the amalgamation of Unit H with the existing Asda Superstore as per LA04/2018/0732/F but also allows for the floorspace at Unit G, Ulster Bank, to be extracted from the overall convenience provision, which is acceptable.</p>	

The proposal complies with Belfast City Council's objectives and policies for retailing and town centres, in that there will be no adverse impact on the viability of the town centre and has been recommended for approval.

Accordingly, it is recommended that the proposal is approved subject to the conditions set out in the report and it is requested that committee delegate authority to the Director of Planning and Building Control to finalise wording of conditions.

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<p>Characteristics of the Site and Area</p> <p>1.0 Description of Proposed Development Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2017/1399/F for the variation of conditions 2, 3 and 4 to allow for the reallocation of approved convenience and comparison floorspace between Unit 11 and Unit H.</p> <p>2.0 Description of Site The site is located within the Westwood Centre off Kennedy Way.</p> <p>Planning Assessment of Policy and Other Material Considerations</p> <p>3.0 Site History There is extensive planning history which relates to the Westwood Centre however the planning history listed below relates to Unit H and Asda. Z/1989/2443/F – Shopping centre and associated car parking –Approved – 02/09/89 Z/2009/1692/LDP - Internal alterations to facilitate the erection of a mezzanine floor within the existing supermarket premises - Permitted – 19/01/10 Z/2011/1494/F - Proposed extension and alterations to existing Westwood Centre to provide new car parking, new retail and ancillary storage incorporating a 35,000 ft sq food store - Approved – 26/11/12 LA04/2017/1403/F - Application for the change of use to Unit G at the Westwood Shopping Centre from non-convenience goods sales to a Bank (classA2) with the provision of ATM and night safe to the front elevation, as per the attached plans - Approval – 25/07/17 LA04/2017/1399/F - Variation of condition 2 (gross floorspace restriction) of planning permission Z/2011/1494 (Proposed extension and alterations to existing Westwood Centre to provide new car parking, new retail and ancillary storage incorporating a 35,000 ft. sq. food store) to allow for the reconfiguration of Units F and G and an increase in the gross floorspace of Unit F – Approval – 17/08/17 LA04/2018/0732/F - Amalgamation of existing ASDA and adjacent retail unit to facilitate extension to existing supermarket; external alterations and improvements – Current</p> <p>4.0 Policy Framework 4.1 (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP) 4.1.1 Westwood Centre District Centre: BT 010/5 4.1.2 Rapid Transit Route 4.2 Strategic Planning Policy Statement (SPPS) 4.2.1 Good Design paras.15-19 4.2.2 Town Centres and Retailing paras. 6.272 - 6.283</p> <p>5.0 Statutory Consultees Responses 5.1 None</p> <p>6.0 Non Statutory Consultees Responses 6.1 None</p> <p>7.0 Representations 7.1 The application has been neighbour notified and advertised in the local press. No comments have been received.</p>	

8.0 Other Material Considerations

8.1 None

9.0 Assessment

9.1 Following the recent Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The site is located inside the development limits of Belfast as shown in the draft Belfast Metropolitan Area Plan 2015, and the Westwood Centre District Centre. The site is also located adjacent to a Rapid Transit Route. Within BUAP however, the site is located on unzoned land.

9.2 This application seeks to vary Conditions 2, 3 and 4 of planning permission LA04/2017/1399/F under Section 54 of the Planning Act (Northern Ireland) 2011 to allow for the reallocation of approved convenience and comparison floorspace between Unit 11 and Unit H. This is in order to allow for the amalgamation of Unit H with the existing Asda Superstore which is the subject of current application LA04/2018/0732/F. This will result in a net increase in convenience retail floorspace but decrease in comparison retail floorspace overall should approval be granted.

9.3 The application also seeks to regularise the structure of Condition 2 to extract the floorspace associated with the Ulster Bank unit (Unit G) from the comparison retail element of the condition.

9.4 Currently Condition 2 of LA04/2017/1399/F reads as follows:

"The gross floorspace of the nineteen retail units hereby permitted (excluding the ASDA unit) as denoted on the approved drawings 02, 06, 07 date stamped received 12 June 2017 by Belfast City Council shall not exceed 22967sqm when measured internally and shall consist of the following elements:

- a) A food superstore (Unit 11), the gross floorspace of which shall not exceed 5153 square metre when measured internally.
- b) 18no. comparison units, the gross floorspace of which shall not exceed 17339 sq metres when measured internally and relates to (1) Unit A: 2174 sq metres, (2) Unit B: 900 sq metres, (3) Unit C: 948 sq metres, (4) Unit D: 870 sq metres, (5) Unit E: 1033 sq metres, (6) Unit F: 999 sq metres, (7) Unit G: 406 sq metres, (8) Unit H: 849 sq metres, (9) Unit 1: 868 sq metres, (10) Unit 2, 3, 4 & 5: 790 sq metres each (11) Unit 6, 7 & 8: 621sq metres each (12) Unit 9: 2353sq metres and (13) Unit 10: 916sq metres.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site."

9.5 It is proposed to vary this to (changes are underlined):

"The gross floorspace of the eighteen retail units hereby permitted (excluding the ASDA unit) as denoted on the approved drawings shall not exceed 21712 sqm when measured internally and shall consist of the following elements:

- a) A food superstore (Unit 11), the gross floorspace of which shall not exceed 5153 square metre when measured internally.
- b) Sixteen no. comparison units, the gross floorspace of which shall not exceed 16084 sq metres when measured internally and relates to (1) Unit A: 2174 sq metres, (2) Unit B: 900 sq metres, (3) Unit C: 948 sq metres, (4) Unit D: 870 sq metres, (5) Unit E: 1033 sq metres, (6) Unit F: 1126 sq metres, (7) Unit 1: 868 sq metres, (8) Unit 2, 3, 4 & 5: 790 sq metres each, (9) Unit 6, 7 & 8: 621sq metres each, (10) Unit 9: 2353sq metres and (11) Unit 10: 916sq metres.

c) One financial and professional services unit (Unit G) which shall not exceed 406 sq metres when measured internally.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site”

9.6 Currently Condition 3 of LA04/2017/1399/F reads as follows:

“The total net retail floorspace of the eighteen comparison units within the shopping centre as denoted on the stamped approved drawings hereby permitted shall not exceed 11329 square metres when measured internally and shall be used only for the retail sale and display of non-convenience goods and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2004. Convenience goods for this purpose are hereby defined as:

- (a) Food and drink including alcoholic drink;
- (b) Tobacco, newspapers, magazines and confectionery;
- (c) Stationery and paper goods;
- (d) Toilet requisites and cosmetics;
- (e) Household cleaning materials; and
- (f) Other retail goods as may be determined in writing by the Planning Authority as generally falling within the category of convenience goods.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres.”

9.7 It is proposed to vary this to (changes are underlined):

“The total net retail floorspace of the sixteen comparison units within the shopping centre as denoted on the stamped approved drawings hereby permitted shall not exceed 10,376 square metres when measured internally and shall be used only for the retail sale and display of non-convenience goods and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2004. Convenience goods for this purpose are hereby defined as:

- (a) Food and drink including alcoholic drink;
- (b) Tobacco, newspapers, magazines and confectionery;
- (c) Stationery and paper goods;
- (d) Toilet requisites and cosmetics;
- (e) Household cleaning materials; and
- (f) Other retail goods as may be determined in writing by the Planning Authority as generally falling within the category of convenience goods.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres”

9.8 Currently Condition 4 of LA04/2017/1399/F reads as follows:

“The net retail floorspace of the food superstore hereby permitted shall not exceed 3251 square metres when measured internally and shall be used only for the retail sale of convenience goods and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2004.

Convenience goods for this purpose are hereby defined as:

- a. food, drink and alcoholic drink;
- b. tobacco, newspapers, magazines and confectionery;
- c. stationery and paper goods;
- d. toilet requisites and cosmetics;

- e. household cleaning materials;
- f. other retail goods as may be determined in writing by the Planning Authority as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres.

9.9 It is proposed to vary this to (changes are underlined):

"The net retail floorspace of the food superstore hereby permitted shall not exceed 3251 square metres when measured internally, of which 2704 square metres shall be used only for the retail sale of convenience goods and for no other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015. The remaining 547 sq metres net retail floorspace shall be used only for the retail sale and display of non-convenience goods and for no other purpose including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015"

Convenience goods for this purpose are hereby defined as:

- a. food, drink and alcoholic drink;
- b. tobacco, newspapers, magazines and confectionery;
- c. stationery and paper goods;
- d. toilet requisites and cosmetics;
- e. household cleaning materials;
- f. other retail goods as may be determined in writing by the Planning Authority as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres."

9.10 Policy R2 of BMAP states that permission will not be granted for proposals for retail development where it would have an adverse impact on the distinctive role of the city centre as the leading regional shopping centre. The site is located within a draft District Centre. District Centres fulfil an important retail role in providing customers with convenience and choice in locations outside city and town centres. They coexist with city and town centres and fulfil a role which is complimentary to the role of the city and town centres. The SPPS notes that existing district and local centres should be retained and consolidated as a focus for local everyday shopping. With regards to the proposal under LA04/2018/0732/F the overall convenience floorspace is increasing, however the comparison floorspace is decreasing with the majority of floorspace from Unit H being used for convenience sales. Therefore the proposal complies with Belfast City Council's objectives and policies for retailing and town centres, in that there will be no adverse impact on the viability of the town centre and has been recommended for approval.

9.11 The variation of conditions 2, 3 and 4 allows for the amalgamation of Unit H with the existing Asda Superstore as per LA04/2018/0732/F but also allows for the floorspace at Unit G, Ulster Bank, to be extracted from the overall convenience provision, which is acceptable.

10.0 Conclusion

10.1 Having regard to the policy context, the variation of conditions is considered acceptable.

Neighbour Notification Checked: Yes

Summary of Recommendation: Approval subject to conditions

Conditions:

1. The gross floorspace of the eighteen retail units hereby permitted (excluding the ASDA unit) as denoted on the approved drawings shall not exceed 21712 sqm when measured internally and shall consist of the following elements:

- a) A food superstore (Unit 11), the gross floorspace of which shall not exceed 5153 square metre when measured internally.
- b) Sixteen no. comparison units, the gross floorspace of which shall not exceed 16084 sq metres when measured internally and relates to (1) Unit A: 2174 sq metres, (2) Unit B: 900 sq metres, (3) Unit C: 948 sq metres, (4) Unit D: 870 sq metres, (5) Unit E: 1033 sq metres, (6) Unit F: 1126 sq metres, (7) Unit 1: 868 sq metres, (8) Unit 2, 3, 4 & 5: 790 sq metres each, (9) Unit 6, 7 & 8: 621sq metres each, (10) Unit 9: 2353sq metres and (11) Unit 10: 916sq metres.
- c) One financial and professional services unit (Unit G) which shall not exceed 406 sq metres when measured internally.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site

2. The total net retail floorspace of the sixteen comparison units within the shopping centre as denoted on the stamped approved drawings hereby permitted shall not exceed 10,376 square metres when measured internally and shall be used only for the retail sale and display of non-convenience goods and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2004. Convenience goods for this purpose are hereby defined as:

- (a) Food and drink including alcoholic drink;
- (b) Tobacco, newspapers, magazines and confectionery;
- (c) Stationery and paper goods;
- (d) Toilet requisites and cosmetics;
- (e) Household cleaning materials; and
- (f) Other retail goods as may be determined in writing by the Planning Authority as generally falling within the category of convenience goods.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres

3. The net retail floorspace of the food superstore hereby permitted shall not exceed 3251 square metres when measured internally, of which 2704 square metres shall be used only for the retail sale of convenience goods and for no other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015. The remaining 547 sq metres net retail floorspace shall be used only for the retail sale and display of non-convenience goods and for no other purpose including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015

Convenience goods for this purpose are hereby defined as:

- a. food, drink and alcoholic drink;
- b. tobacco, newspapers, magazines and confectionery;
- c. stationery and paper goods;
- d. toilet requisites and cosmetics;
- e. household cleaning materials;
- f. other retail goods as may be determined in writing by the Planning Authority as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres.

4. This permission hereby granted relates solely to the variation of Conditions 2, 3 and 4 of planning permission LA04/2017/1399/F only and should be read in conjunction with that Decision Notice.

Reason: To ensure that all other conditions of the previous approval are adhered to.

Signature(s)

Date:

ANNEX	
Date Valid	12th March 2018
Date First Advertised	4th May 2018
Date Last Advertised	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department: N/A	