

## Development Management Officer Report Committee Application

| Summary  |  |
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| <b>Committee Meeting Date:</b> 12 <sup>th</sup> April 2022   | <b>Item Number:</b>  |
| <b>Application ID:</b> LA04/2021/2788/F  | <b>Target Date:</b>  |
| <p><b>Proposal:</b><br/>Change of use of cash and carry wholesale warehouse (Class B4) to general retail sales (Class A1) comprising 194sqm of floorspace. Change of use of general retail sales (Class A1) to cash and carry wholesale warehouse (Class B4) comprising 141sqm of floorspace. (Relocation of existing retail sales area approved under application references LA04/2017/2293/F &amp; LA04/2019/1656/F within the cash and carry wholesale warehouse and an extension of retail sales area by 53sqm floorspace).</p>  | <p><b>Location:</b><br/>Musgrave Marketplace 1-15 Dargan Crescent<br/>Duncrue Road Belfast BT3 9HJ.</p>                        |
| <p><b>Referral Route:</b><br/><br/>Belfast City Council are landlord of the building.</p>  |  |
| <b>Recommendation:</b>   | Approval   |
| <p><b>Applicant Name and Address:</b><br/>Musgrave Wholesale Partners Ltd<br/>1-15 Dargan Crescent<br/>Duncrue Road<br/>Belfast<br/>BT3 9HJ</p>  | <p><b>Agent Name and Address:</b><br/>MBA Planning<br/>4 College House<br/>Citylink Business Park<br/>Belfast<br/>BT12 4HQ</p> |
| <p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for the change of use of one aisle of the cash and carry from Class B4 to general retail sales Class A1, including an extension to the current area of floorspace of retail use by 53sq.m. The existing retail area within the warehouse will be returned to cash and carry use.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>- The impact on neighbouring land uses</li> <li>- Impact on restrictions placed on the approved use of the site</li> </ul> <p>The site is located at Musgrave Marketplace at Dargan Crescent. The application relates to a warehouse unit which was approved permission in 1995 for the 'erection of wholesale Warehouse'.</p> |  |

The existing retail sales area within the cash and carry wholesale warehouse was approved under application reference LA04/2017/2293/F and extended under application LA04/2019/1656/F.

The applicant has stated in their cover letter that the reason behind the current application for the further extension of retail space and relocation of the retail area is that in the three years that the alcoholic products have been available to purchase by all of the customer base, Musgrave have become acutely aware that they underestimated the area required to properly operate their off licence and offer their full alcoholic product.

The proposed increase in retail sales area over that previously approved amounts to 53sqm. This is a minor increase with the retail sales area still remaining ancillary to the main use of the building as Class B4 cash and carry. This minor increase in retail sales is not considered to negatively impact the retail core of the city centre. Conditions have been recommended to ensure retail sales remain restricted at this location.

The proposal has been assessed against and is considered acceptable with regards to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP) and the Draft Metropolitan Area Plan 2015 (BMAP).

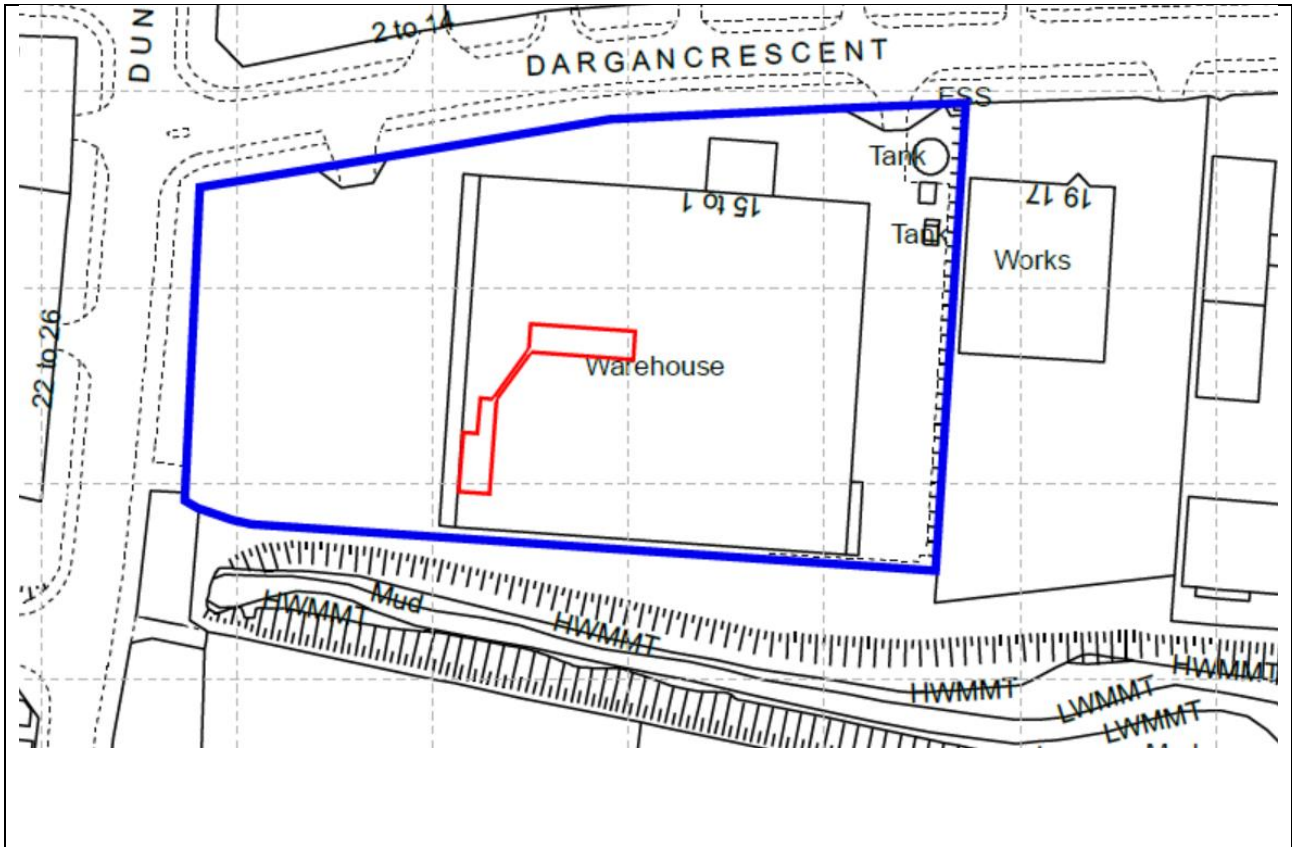
No representations received. DFI Roads offered no objection.

Recommendation: Approval subject to conditions

It is recommended that the application is approved and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.

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| <b>Case Officer Report</b> |
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| <b>Site Location Plan</b> |
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| Characteristics of the Site and Area                                   |  |
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| 1.0  | <p><b>Description of Proposed Development</b></p> <p>Change of use of cash and carry wholesale warehouse (Class B4) to general retail sales (Class A1) comprising 194sqm of floorspace. Change of use of general retail sales (Class A1) to cash and carry wholesale warehouse (Class B4) comprising 141sqm of floorspace. (Relocation of existing retail sales area approved under application references LA04/2017/2293/F &amp; LA04/2019/1656/F within the cash and carry wholesale warehouse and an extension of retail sales area by 53sqm floorspace).</p> |
| 2.0  | <p><b>Description of Site</b></p> <p>The site is located at Musgrave Marketplace at Dargan Crescent. The application site relates to a warehouse unit which was approved permission in 1995 for the 'erection of wholesale warehouse'. The surrounding area is made up of similar style of buildings in commercial warehousing and industrial use.</p>   |
| <b>Planning Assessment of Policy and other Material Considerations</b> |  |
| 3.0  | <p><b>Relevant Site History</b></p>  |
| 3.1  | Z/1998/2478 - Change of use of portion of existing sales area to retail use. Permission granted  |
| 3.2  | LA04/2017/2293/F - Change of use of wholesale warehouse and cash and carry to general retail sales (class A1) comprising 116 sqm of floorspace. Permission granted 23.01.2018.   |

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| 3.3   | LA04/2019/1656/F - Part change of use of wholesale warehouse and cash and carry to general retail sales (Class A1) comprising of 29sqm of floorspace. Permission granted 26.09.2019   |
| 4.0   | <b>Policy Framework</b>   |
| 4.1   | Strategic Planning Policy Statement   |
| 4.2   | Belfast Urban Area Plan 2001  |
| 4.3   | Draft Belfast Metropolitan Area Plan 2015<br>(Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. 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)   |
| 4.4   | Belfast Local Development Plan Draft Plan Strategy 2035<br>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS. |
| 5.0   | <b>Consultations:</b>   |
| 5.1   | <b>Statutory Consultee Responses</b>  |
| 5.1.1 | DFI Roads – no objection subject to conditions  |
| 5.2   | <b>Non-Statutory Consultee Responses</b>  |
| 5.2.1 | None  |
| 6.0   | <b>Representations</b>  |
| 6.1   | The application was neighbour notified and advertised in the local press and no objections have been received.  |
| 7.0   | <b>Assessment</b>   |
| 7.1   | The key issues are:<br>- The impact on neighbouring land uses<br>- Impact on restrictions placed on the approved use of the site  |
| 7.2   | <b>The principle of the proposal at this location</b><br>The principle of a change of use to retail has already been established under previous planning applications LA04/2017/2293/F and LA04/2019/1656/F which were both granted planning permission.  |

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| 7.3 | <p><u>Change of use from Cash and Carry (Class B4) to Retail (Class A1)</u></p> <p>The site is comprised of an area of 194sq. m within an existing warehouse building which operates predominantly as a Cash and Carry. The proposal includes a change of use from wholesale warehouse and cash and carry to general retail sales (class A1). The proposed development is located within the curtilage of the original building. There are no external alterations proposed and therefore there will be no adverse visual impact on the area.</p>  |
| 7.4 | <p>As the proposed change of use to retail covers a small area of an existing warehouse unit and is ancillary to the existing use there will be no unacceptable adverse impact on the vitality and viability of the existing retail core of the city centre. The proposed change of use is compatible with the existing use of the building.</p>   |
| 7.5 | <p>The new off licence will be a distinct and separate part of the warehouse floorspace. There will be a clear distinction between the 2 uses through the use of turn styles or gates at each end of the aisle. The proposal is in accordance with criteria set out in SPPS and on balance, given the minor floor space for retail, there is no objection to a change of use to retail.</p>  |
| 7.6 | <p><u>Extension of retail floorspace</u></p> <p>The proposed Class A1 aisle accommodating the proposed off-licence will comprise 194sqm of floorspace within the warehouse unit. As the current area that is used for the existing off licence will be returned to B4 cash and carry sales, the floorspace amounts to an uplift of 53sqm from the area of general retail sales that is in operation within this unit at present. A total of 145sqm has been found to be permissible within the unit under the previous two consents. The proposed increase in retail sales area to 53sqm represents a minor increase with the retail sales area still remaining ancillary to the main use of the building as Class B4 cash and carry. This minor increase in retail sales is not considered to negatively impact the retail core of the city centre. Conditions have been recommended to ensure retail sales remain restricted at this location. Given the size and nature of the proposal it will not constitute an out of centre shopping development.</p> |
| 7.7 | <p><u>Change of use from retail space (class A1) to cash and carry (Class B4)</u></p> <p>The existing retail floorspace of the warehouse which is currently in use as an off licence will be returned to use as a cash and carry as part of this proposal. A condition has been attached that this change must take place prior to the re-location of the off licence within one of the main aisles on the warehouse floor.</p>  |
| 8.0 | <p><b>Conclusion</b></p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p>   |

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| 9.0 | <b>Conditions:</b>   |
| 9.1 | <p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>  |
| 9.2 | <p>The development hereby approved shall be used only for the retail sale of goods other than hot food and for no other purpose in Use Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015.</p> <p>Reason: To prohibit a change to unacceptable use within this Use Class.</p>  |
| 9.3 | <p>The A1 Use hereby approved shall be restricted to 194sqm gross floor space at the approved location shown on drawing 03 uploaded to the planning portal on 13/12/2021.</p> <p>Reason: To control the nature and scale of retail activity at this location.</p>  |
| 9.4 | <p>Prior to the operation of general retail sales hereby approved, the area currently used for the off licence will be returned to class B4 use and all alcoholic products will be removed from display. The area returned to B4 Use will be permanently retained for use B4 thereafter.</p> <p>Reason: To control the nature and scale of retail activity at this location and protect the use of the cash and carry.</p> |

| <b>ANNEX</b>  |                    |
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| <b>Date Valid</b>   | 13th November 2021 |
| <b>Date First Advertised</b>  | 24th December 2021 |
| <b>Date Last Advertised</b>   |                    |
| <p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier,<br/>1-15 Musgrave Cash &amp; Carry,Dargan Crescent,Belfast,Antrim,BT3 9HJ</p> <p>The Owner/Occupier,<br/>13a ,Duncrue Road,Belfast,Antrim,BT3 9BP</p> <p>The Owner/Occupier,<br/>16,1p ,Duncrue Pass,Belfast,Antrim,BT3 9BS</p> <p>The Owner/Occupier,<br/>16-18 Dargan Crescent,Belfast,Antrim,BT3 9JP</p> <p>The Owner/Occupier,<br/>17-19 ,Dargan Crescent,Belfast,Antrim,BT3 9RP</p> <p>The Owner/Occupier,<br/>22-26 ,Duncrue Road,Belfast,Antrim,BT3 9BP</p> <p>The Owner/Occupier,<br/>22-26 ,Duncrue Road,Belfast,Antrim,BT3 9BP</p> <p>The Owner/Occupier,<br/>22-26 Duncrue Road,Belfast,Antrim,BT3 9BP</p> <p>The Owner/Occupier,<br/>32-34 Duncrue Road,Belfast,Antrim,BT3 9BP</p> <p>The Owner/Occupier,<br/>Baird House,2 Dargan Crescent,Belfast,Antrim,BT3 9JP</p> <p>The Owner/Occupier,<br/>Duncrue Food Processors,Duncrue Road,Belfast,Antrim,BT3 9BP</p> <p>The Owner/Occupier,<br/>Duncrue Road,Belfast,Antrim,BT3 9BP</p> <p>The Owner/Occupier,<br/>Shop,16-18 ,Dargan Crescent,Belfast,Antrim,BT3 9JP</p> <p>The Owner/Occupier,<br/>Unit 1,20-42 Loughside Industrial Park,Dargan Crescent,Belfast,Antrim,BT3 9JP</p> <p>The Owner/Occupier,<br/>Unit 1,22-26 ,Duncrue Road,Belfast,Antrim,BT3 9BP</p> <p>The Owner/Occupier,<br/>Unit 1-2,2-14 Quayside Office Park,Dargan Crescent,Belfast,Antrim,BT3 9JP</p> <p>The Owner/Occupier,<br/>Unit 11-12,1-3 ,Duncrue Crescent,Duncrue Industrial Estate,Belfast,Antrim,BT3 9BW</p> |                    |

The Owner/Occupier,  
 Unit 2, 20-42 Loughside Industrial Park,Dargan Crescent,Belfast,Antrim,BT3 9JP  
 The Owner/Occupier,  
 Unit 2,22-26 ,Duncrue Road,Belfast,Antrim,BT3 9BP  
 The Owner/Occupier,  
 Unit 3,2-14 Quayside Office Park,Dargan Crescent,Belfast,Antrim,BT3 9JP  
 The Owner/Occupier,  
 Unit 3,22-26 ,Duncrue Road,Belfast,Antrim,BT3 9BP  
 The Owner/Occupier,  
 Unit 4,22-26 ,Duncrue Road,Belfast,Antrim,BT3 9BP  
 The Owner/Occupier,  
 Unit 5,22-26 ,Duncrue Road,Belfast,Antrim,BT3 9BP  
 The Owner/Occupier,  
 Unit 6,22-26 ,Duncrue Road,Belfast,Antrim,BT3 9BP  
 The Owner/Occupier,  
 Unit 6,28-30 ,Duncrue Road,Belfast,Antrim,BT3 9BP  
 The Owner/Occupier,  
 Unit 7,22-26 ,Duncrue Road,Belfast,Antrim,BT3 9BP  
 The Owner/Occupier,  
 Unit 7,28-30 ,Duncrue Road,Belfast,Antrim,BT3 9BP  
 The Owner/Occupier,  
 Unit A,20-42 Loughside Industrial Park,Dargan Crescent,Belfast,Antrim,BT3 9JA

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| <b>Date of Last Neighbour Notification</b>   | 26th January 2022 |
| <b>Date of EIA Determination</b>   |                   |
| <b>ES Requested</b>  | No                |
| <b>Drawing Numbers and Title</b>   |                   |
| <b>01 – Site location plan</b><br><b>02 – Existing plans</b><br><b>03 – Proposed plans</b> |                   |
| <b>Notification to Department (if relevant) N/A</b>  |                   |
| Date of Notification to Department:<br>Response of Department:                             |                   |