

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 18 th April 2023	
Application ID: LA04/2022/1962/F	Target Date:
Proposal: Proposed Change of Use to Retail Use to Allow for the Sale of Mixed Convenience and Comparison Goods. Minor Amendments to Elevations, Car Parking and Services and General Site Works.	Location: No 8-10 Boucher Road, Boucher Plaza, Belfast BT12 6HR
Referral Route: Major development	
Recommendation:	Approve subject to conditions
Applicant Name and Address: Galgorm Properties 7 Corbally Road Ballymena BT42 1JQ	Agent Name and Address: Inaltus Ltd 15 Cleaver Park Malone Road Belfast BT9 5HX
<p>Executive Summary</p> <p>This application seeks full planning permission for the change of use to allow the sale of convenience and comparison goods and minor alterations to the elevations, car parking servicing and general site works. The proposal also proposes the amalgamation of 3 existing units.</p> <p>The building at Nos 8-10 Boucher Road has a previous permission for the sale of bulky goods/ retail warehouse and has been used in the past for the sale of vehicles and kitchens. The building is currently vacant.</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> The principle of the proposed use at this location Retail Impact of the proposal Impact on the character and appearance of the area Compatibility with adjacent uses Access, parking and traffic management Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets <p>The proposed supermarket proposes a gross floor area of 1,910 sqm, a net sales area of 1,465sqm of which 264sqm is for the sale of convenience goods (e.g. food, tobacco, stationery, cosmetics etc), and 1,201sqm is for the sale of comparison goods (469sqm for non bulky comparison goods and 732 sqm for the sale of bulky comparison goods e.g. DIY materials, garden materials, plants, furniture and soft furnishings, cycles/cycle accessories, electrical goods etc). The site is outside any designated retail centres identified within both the BUAP and dBMAP.</p> <p>The Retail Impact Assessment, Sequential Test and supporting information accompanying the application has been reviewed by the Planning Service's Plans and Policy team, which has no objections to the proposed uses and considers that there are no sequentially preferable sites in the proposal's whole catchment when considered against the criteria of suitability, availability and</p>	

viability. It further advises that the retail impact of the proposal on protected centres within the catchment will not be significant, or result in significant adverse cumulative impacts. Conditions are recommended to enable the Council to retain control of the nature of retailing at this location.

All consultees are content with the proposed development subject to conditions which are set out in the report.

No third-party representations have been received.

Recommendation

Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable. It is recommended that full planning permission is granted subject to conditions.

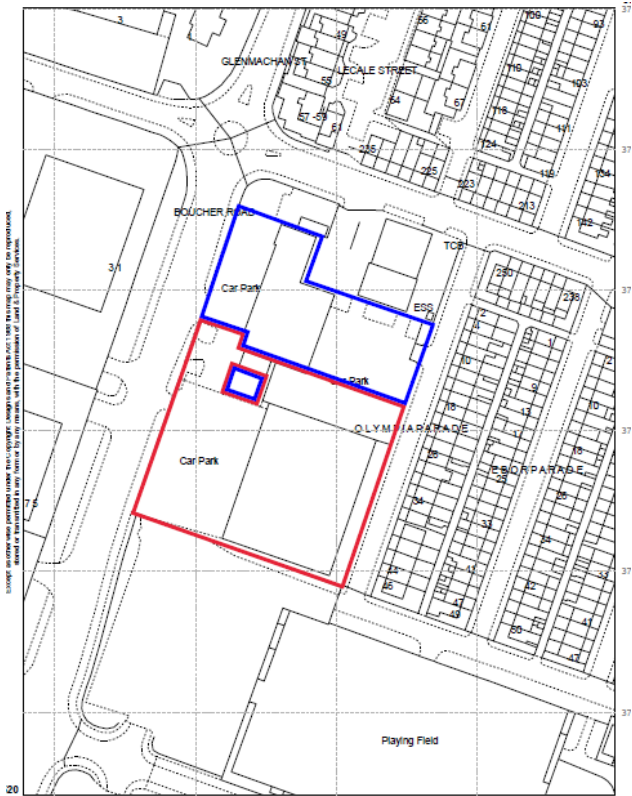
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.

Signature(s):

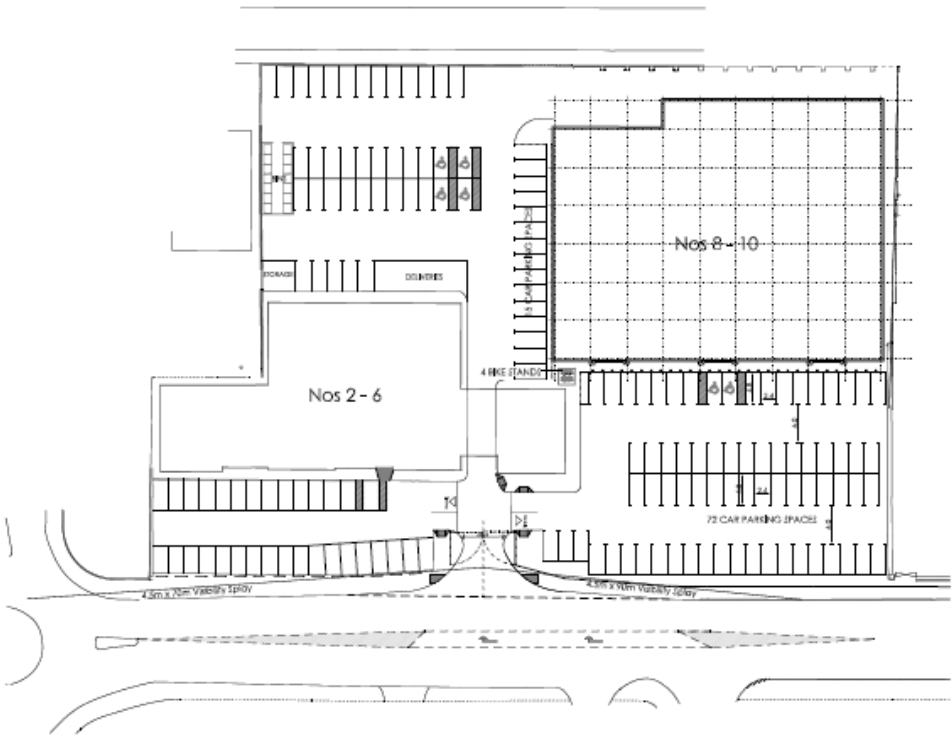
Case Officer Report

1.0 Site Location Plan

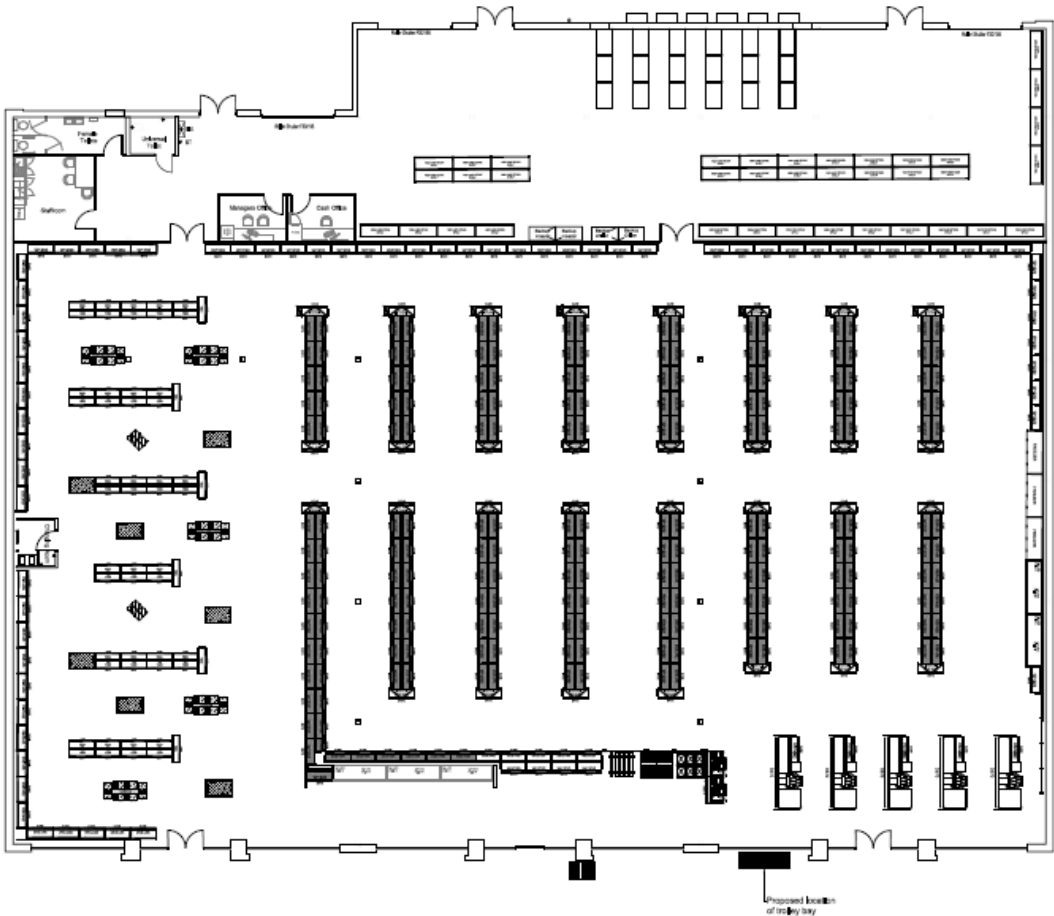
Site Location Plan



Proposed Site Layout Plan

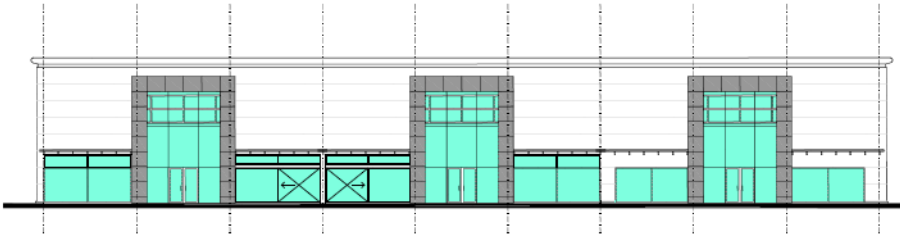


Proposed Floor Plan



PROPOSED FLOOR PLAN

Existing and Proposed Front Elevation



EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION

Existing and Proposed Rear Elevation



Existing Images of the Site (Google Earth)

Boucher Road



Olympia Parade



2.0	Characteristics of the Site and Area
2.1	The application site is located along the east side of Boucher Road. The area is predominantly characterised by a mix of uses, mostly commercial/retail uses. The development (8-10 Boucher Road) currently comprises a grey clad building with three entrance points.
2.2	Windsor Park football stadium, Olympia Leisure Centre and associated playing fields are located to the immediate south-east. Existing residential development is located to the east and north-east of the site. Commercial uses are located to the north, south and on the opposite side of Boucher Road to the west. Planning approval has recently been granted (29.03.23) for a new Lidl Supermarket and Drive through café/restaurant to the immediate east of the site.
3.0	Description of Proposal
3.1	The application seeks full planning permission for the change of use to retail use to allow for the sale of mixed convenience and comparison goods. Minor amendments to elevations, car parking and services and general site works. The Retail Impact Assessment states that the building will be occupied by Poundland.
3.2	The application follows a Pre-Application Discussion (PAD) with officers.
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Policy Context Regional Planning Policy <ul style="list-style-type: none"> • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 8 (PPS 8) - Open Space, Sport and Outdoor Recreation • Planning Policy Statement 15 (PPS 15) - Flood Risk

	<p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015 (v 2004) • Draft Belfast Metropolitan Area Plan 2015 (v 2014) • Belfast Local Development Plan Draft Plan Strategy 2035 <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Belfast Agenda Community Plan • Developer Contribution Framework
4.2	<p>Planning History</p>
4.2.1	<p>Relevant Planning History on the site</p> <p>LA04/2022/0433/PAN - Proposed Change of Use from Car Showroom to Retail Use to allow for the sale of mixed convenience and comparison goods. Nos 8-10 Boucher Plaza, Boucher Road, Belfast. PAN Acceptable 16.03.2022</p> <p>LA04/2021/2146/PAD - Proposed to change the use from car showroom to retail, 8-10 Boucher Road, Boucher Plaza, Belfast BT12 6HR.</p> <p>Z/2008/2209/F - Retrospective application for the change of use from retail units to car dealership/showroom and workshop including alterations to front elevation, 8-10 Boucher Road, Belfast BT12 6HR. Permission granted 11.08.2009</p> <p>Z/2006/2482/F – Variation of condition No 9 of previously approved application Z/2004/2187/F to allow for sale of sports goods in unit 3, Unit 3, Boucher Plaza, Belfast. Permission granted 27.01.2005</p> <p>Z/2004/2187/F – Amendments to previously approved scheme (ref: Z/2002/2220/F) to provide 3 No. (non-food) retail warehouses with associated car parking, Lands at Boucher Plaza, Boucher Road, Belfast. Permission granted 25.01.2005</p> <p>Z/2003/2563/F - Proposed non-food retail development comprising 1164m2 (Gross Ground Floor) and 924m2 (Gross First Floor) and associated reconfiguration and car parking, Lands at Boucher Plaza, 8-10 Boucher Road, Belfast, BT12 6HR. Appeal dismissed 10.08.2004</p> <p>Z/2002/2220/F - Proposed non-food retail development comprising 1926sq m (gross internal) floorspace and associated access reconfiguration and car parking, Land at Boucher Plaza, Boucher Road, Belfast. Permission granted 15.10.2003</p>
4.3	<p>Consultations</p>
4.3.1	<p>Statutory Consultations</p> <p>DFI Roads – No objection subject to conditions.</p> <p>DFI Rivers – No objection.</p> <p>NI Water – No objection.</p> <p>DAERA NIEA – <i>Water Management Unit</i> – No objection. <i>Regulation Unit</i> – No objection subject to conditions.</p>

4.3.2	<p>Non-Statutory Consultations</p> <p>Environmental Health – No objection subject to conditions. Economic Development Unit - No objection. Employability and skills related Developer Contributions Section 76 clauses do not need to be applied to the construction or operational phases of the development. BCC Policy and Plans team – No objection subject to conditions. BCC Waste Management Team – No objection.</p>
4.4	Representations
4.4.1	The application has been advertised and neighbours notified. No third-party representations have been received.
4.5	Planning Assessment
4.5.1	<p>Key Issues</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • The principle of the proposed use at this location • Retail Impact of the proposal • Impact on the character and appearance of the area • Compatibility with adjacent uses • Access, parking and traffic management • Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets
4.6	Background
4.6.1	The proposed development was the subject of a PAD process which included input from, DFI Roads, Environmental Health and the BCC Plans and Policy Team.
4.7	Development Plan Context
4.7.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.7.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.7.3	Draft BMAP 2015 (dBMAP v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
4.7.4	<p><i>Belfast Urban Area Plan 2001 (BUAP)</i></p> <p>Within the BUAP the site is un-zoned land within the development limit of Belfast.</p>

4.7.5	<p><i>Draft BMAP (2004 and 2014) designations</i></p> <p>In dBMAP (v2004) the site is un-zoned land within the Belfast Metropolitan/Settlement Development Limit. In dBMAP (v2014) the site is also un-zoned land within the Belfast Metropolitan/Settlement Development Limit.</p>
4.7.6	<p>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 the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) 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 this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
4.8	<p>Policy Considerations</p>
4.8.1	<p>Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. This policy states <i>'Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area'</i>.</p>
4.8.2	<p>The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS 3 remain applicable under 'transitional arrangements'.</p>
4.8.3	<p>Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.</p>
4.9	<p>Principle of Proposed Use</p>
4.9.1	<p>The development proposes a change of use from existing (vacant) car and kitchen showrooms to retail use allowing for the sale of convenience and comparison goods. The principle of retail development (for bulky goods) has been established on this site through previous approvals. The principle of the proposed retail use (for convenience and comparison shopping) is considered compatible with surrounding land uses which comprise of a mix of commercial/retail, open space and residential uses and acceptable in principle. Further assessment of the retail impact of the proposed development is considered below.</p>
4.10	<p>Retail Policy Considerations</p>
4.10.1	<p>The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the</i></p>

	<i>appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
4.10.2	Paragraph 6.273 states planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.
4.10.3	<p>Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):</p> <ul style="list-style-type: none"> • primary retail core; • town centres; • edge of centre; and • out of centre locations, only where sites are accessible by a choice of good public transport modes.
4.10.4	No guidance has been published to date by DFI to assist in interpretation and application of SPPS policy.
4.10.5	<p>Relevant retail Policy in the BUAP is set out in Policy S2 (Shopping development outside the City Centre) and Policy S5 (Assessment of Proposed Shopping Schemes). Policy S2 states that <i>'New shopping schemes in the rest of the Belfast Urban Area should be located in or near existing shopping centres and be of an appropriate scale.'</i> This policy seeks to protect the city centre and existing centres and to ensure that new retail developments are located where they support the continued viability of established shopping centres. The Policy further states that <i>'New shopping schemes away from existing centres will be permitted only in exceptional circumstances where:- they meet the genuine needs of large residential neighbourhoods; especially of they are currently under-shopped; or an area is in need of new investment and requires an element of retailing to secure regeneration.'</i></p>
4.10.6	<p>Policy S5 states that <i>'All new major shopping schemes will be subject to assessment against criteria relating to impact, car parking, traffic generation and access; relationships to adjoining development (especially residential); and design and appearance (including materials, finishes and signs).'</i> The policy further directs that the following matters be considered:- the effect on the vitality and viability of existing shopping centres as a whole; the effect on local amenity; traffic generation; the availability of public transport and accessibility for car owners and the benefits to the public from the proposed development. No guidance is included within the BUAP on how the effect on the vitality and viability of existing shopping centres is to be assessed. It is the view of officers that the assessment carried out in accordance with the SPPS is an appropriate assessment to determine the impact of the proposed development on the vitality and viability of existing shopping centres. These matters are considered in the assessment below.</p>
4.10.7	<p>Draft BMAP strategic retail policy for Belfast is set out at pages 54-58 Part 3 volume 1 and page 28 of Part 4 Volume 2. The BMA retail strategy seeks to:</p> <ul style="list-style-type: none"> • promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland;

	<ul style="list-style-type: none"> Outside City and Town Centres the nature and scale of retail development is to be controlled in order to protect the vitality and viability of the city and town centres and retail development to be focused on designated District Centres, Shopping / Commercial Areas and Designated Commercial Nodes on designated Arterial Routes and designated Local Centres.
4.10.8	Two other elements are cited, however, these relate to areas outside of Belfast and are therefore not applicable.
4.10.9	Policy R1 states that <i>'primary retail cores will be the preferred location for new comparison and mixed retail development...(and)...outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the primary retail core'</i> . The supplementary note goes on to say that <i>'the plan seeks to support the vitality and viability of city and town centres by ensuring that they are the main focus for all retail developments including convenience, non-bulky comparison and bulky comparison retailing.'</i>
4.10.10	Policy R2 states planning permission will not be granted for proposals for retail development where it would be likely to result in an adverse impact on the distinctive role of Belfast City Centre as the leading regional shopping centre. It refers to the Regional Development Strategy 2035 which <i>'supports and strengthens the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland. It urges a precautionary approach in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area.'</i>
4.10.11	A list of district centres is designated on page 57 of Part 3 Volume 1 of Draft BMAP. District Centres designated within the Belfast City Council Area include Connswater, Dairyfarm, Hillview, Kennedy Centre, Park Centre, Westwood Centre, and Cityside (formerly Yorkgate). Forestside is also a designated centre and is located adjacent to BCC boundary within Lisburn and Castlereagh Council. The supplementary text refers to the findings of the retail study for Belfast which concluded that there were planning reasons for redirecting any identified need to nearby city and town centres where the case for retail investment is stronger. The application site is not part of a designated District Centre.
4.10.12	Pages 105-106 of Part 4 Volume 2 refer to retailing in outer Belfast. This designates the District Centres under BT010. The supplementary text states <i>'these centres co-exist with the City Centre and should fulfil a complementary role. It is recognised that whilst Belfast City Centre is under-performing as a regional centre, many of the out-of-town centres are overtrading and are attracting trade away from the City Centre. In order to help redress this imbalance, boundaries are delineated for all of the District Centres.'</i>
4.10.13	The Plans and Policy Team's response highlights that the Draft Local Development Plan sets out a number of retail policies that are applicable to this development including Policies RET 1 <i>'Establishing a centre hierarchy'</i> and RET 2 <i>'Out of centre development'</i> .
4.10.14	Policy RET1 – <i>'Establishing a centre hierarchy'</i> , advises that the <i>'following network and hierarchy is to be maintained to ensure that proposals for main town centres uses, including retail, are directed to the appropriate level of centre based on size, function and catchment. Such proposals will be considered in the following order of preference:</i>

	<p>a. Belfast City Centre primary retail core and frontage (retail applications);</p> <p>b. Belfast City Centre;</p> <p>c. District centres; then</p> <p>d. Local centres.'</p>																
4.10.15	The draft policy further states that ' <i>The sequential approach directs development within centres before considering an edge of centre site. Preference will be given to edge of centre land before considering an out of centre site. Other centres outside Belfast should be considered when assessing retail impacts if they fall within the intended catchment area and the sequential test will be applicable.</i> '																
4.10.16	RET2 – 'Out of centre development' states that ' <i>Proposals for main town centre uses, outside of existing centres must:</i>	<p>a. <i>Demonstrate that there is not a sequentially preferable site in, or on the edge of, centres having regard to criteria of suitability, availability and viability; and</i></p> <p>b. <i>Submit a retail impact assessment and assessment of need for proposals that have a floorspace of 1,000sq m gross and above.</i>'</p>															
4.10.17	Whilst the above policies are material considerations, little weight is attached until such times as the plan is adopted therefore existing policies set out in the BUAP, BMAP and the SPPS will continue to be applied. Notwithstanding, the application is accompanied by a Retail Impact Assessment and Sequential Test which have been assessed by the Plans and Policy Team.																
4.11	Retail Impact Assessment																
4.11.1	<p>The development proposes a gross floor area of 1,910 sqm and a net sales area of 1465 sqm of which 264 sqm is for the sale of convenience goods (e.g. food, tobacco, stationery, cosmetics etc), and 1201 sqm for the sale of comparison goods of which 469 sqm is for the sale of non bulky comparison goods (non-bulky household goods, clothes etc) and 732 sqm for the sale of bulky comparison goods (e.g. DIY materials, garden materials, plants, furniture and soft furnishings, cycles/cycle accessories, electrical goods etc).</p> <p><i>Table 1: Breakdown of Proposed Retail Floorspace</i></p> <table><tr><td></td><td>Proposed</td><td>% of Net Floor Space</td></tr><tr><td>Gross Floor Area (sqm)</td><td>1,910 sqm</td><td>-</td></tr><tr><td>Net Floor Area (sqm)</td><td>1,465 sqm</td><td>-</td></tr><tr><td>Convenience floorspace (sqm)</td><td>264 sqm</td><td>18%</td></tr><tr><td>Comparison floorspace (sqm)</td><td>1,201 sqm – 469 sqm (non bulky) – 732 sqm (bulky)</td><td>82% 32% (non bulky) 50% (bulky)</td></tr></table>			Proposed	% of Net Floor Space	Gross Floor Area (sqm)	1,910 sqm	-	Net Floor Area (sqm)	1,465 sqm	-	Convenience floorspace (sqm)	264 sqm	18%	Comparison floorspace (sqm)	1,201 sqm – 469 sqm (non bulky) – 732 sqm (bulky)	82% 32% (non bulky) 50% (bulky)
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4.11.2	The proposal relates to a named operator, Poundland, who are already operate stores across the Council area including existing stores at the Park Centre and Kennedy Centre both designated District Centres as set out in dBMAP. A further Poundland store is located on the Lisburn Road.																
4.11.3	It should be noted that if permission is granted, any operator could trade from the retail unit subject to compliance with conditions as planning permission cannot be linked to a specific operator. The Plans and Policy Team in undertaking their assessment of the retail impact has considered a generic unnamed operator and its likely impacts given																

	the degree of uncertainty that exists as the council cannot condition a named operator as part of any planning permission.
4.11.4	The site is outside any designated retail centres designated in the BUAP and dBMAP. It is therefore situated in an 'out of town' location.
4.11.5	A Retail Impact Assessment (RIA) and Sequential Test accompanied the application as required by paragraph 6,283 of the SPPS. An assessment of the RIA is set out below.
4.12	Catchment
4.12.1	The agent has considered that the catchment area for the proposal would be based on a 10 minute drive time which has been adopted in a southern and western direction from the site but has altered this in a northerly direction to a 5 minute drive time to take account of the peace walls at Cupar Way and existing shopping facilities in the Shankill and Crumlin Road areas.
4.12.2	The Plans and Policy Team has queried the 5 minute catchment in a northerly direction and consider it unrealistic. The Plans and Policy Team considers that a 10 minute drive time catchment is sufficient for assessment purposes in a city environment and has carried out its own analysis using GIS software as well as using the applicant's reduced catchment to determine populations within the drive time isochrones.
4.12.3	The Plans and Policy Team response advises that the applicant anticipates that the population will grow somewhat from 95,348 in 2020 to 96,074 in 2024 – the year the store will be expected to be trading which is a significantly lower population forecast than that of the Plans and Policy Team at around 117,963, albeit the latter figure is derived from full 10-minute drive time in all directions from the application site.
4.13	Sequential Test/Availability of Alternative Sites
4.13.1	The SPPS sets out a town centre first approach to the location of retail development and a sequential assessment of town centre uses that are not in an existing designated centres, taking account of the catchment area of the proposal. Accordingly, primary retail core, city centre, edge of city centre vacant sites must be considered for suitability followed by those in other designated centres i.e. district and local centres designated in dBMAP, before out of centre locations. The SPPS advises that out of centre locations must also be accessible by a choice of good public transport modes.
4.13.2	<p>Paragraph 6.289 require applicants to '<i>...identify and fully demonstrate why alternative sites are not suitable, available and viable</i>'. There is no further direction or discussion within the SPPS as to the definition or interpretation of <i>suitable, available and viable</i>. To date no regional guidance has been published by DFI to assist in the interpretation and implementation of the sequential test and associated policies within the 'Town Centres and Retailing' section. Accordingly, consideration of practice / guidance in England has been taken into account. The document 'Planning for Town Centres - Guidance on need, impact, and the sequential approach' (Department for Communities and Local Government, December 2009) sets out three criteria in the assessment of the sequential testing of sites:</p> <ul style="list-style-type: none"> • Suitable: When judging the suitability of a site it is necessary to have a proper understanding of scale and form of development needed, and what aspect(s) of the need are intended to be met by the site(s). It is not necessary to

	<p>demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make, either individually or collectively, to meeting the same requirements.</p> <ul style="list-style-type: none"> • Available: A site is considered available for development, when, on the best information available, there is confidence that there are no insurmountable legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. • Viable: whether there is a reasonable prospect that development will occur on the site at a particular point in time.
4.13.3	<p>A degree of caution also must be taken in regard to the above, as these predate the new National Planning Policy Framework (in effect the English equivalent to the SPPS) published in 2021. This retains application of the sequential test, but now reads as follows (paragraph 24):</p> <p>‘Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’</p>
4.13.4	<p>Also of importance is the legal case of <i>Tesco Stores v Dundee City Council</i> [2012], the Court held that the question of suitability was to be interpreted objectively in accordance with the language used, read in its proper context. In summary, the judgement indicates that the Council was correct in interpreting “suitable” to mean “suitable for the development proposed by the applicant”.</p>
4.13.5	<p>In applying the sequential test, the nature of the developer’s proposal must be taken into account. Paragraph 6.289 of the SPPS states that ‘<i>flexibility may be adopted to accommodate developments onto sites with constrained footprints...applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.</i>’</p>
4.13.6	<p>The Sequential Assessment submitted has concluded that there are no sequentially preferable sites available, suitable and viable. A review of potential alternative sites carried out by the applicant is set out below.</p> <p><i>Primary Retail Core, Town Centres, Edge of Centre</i></p>
4.13.7	<p>The RIA states that there are no Primary Retail Cores, Town Centres or edge of centre locations within the catchment.</p> <p><i>Other Centres</i></p>
4.13.8	<p>The Sequential Assessment also assessed the following district centres: Park Centre; Westwood Centre; Kennedy Centre. The largest available unit identified as available is</p>

	the formers Dunnes Stores unit located within Park Centre District Centre. However, this has been discounted for a number of reasons including that that the unit would not be prominent for the shoppers and workers that the proposal is seeking to attract and is not considered suitable. It is noted that there is an existing Poundland located at the Park Centre.
4.13.9	No vacant units large enough to accommodate the proposal are available at the Kennedy Centre. A vacant unit at the Westwood Centre has now been occupied by the Food Warehouse.
4.13.10	The Sequential Test carried out by the applicant indicates that other areas were considered including the Lisburn and Falls Road, Andersonstown, Stewartstown Road, Finaghy, Whitelock, Suffolk, Springfield Road and Shaws Road. No sites were identified within these areas to accommodate the proposal. Notwithstanding, none of these areas are protected centres.
4.13.11	The Sequential Assessment has concluded that there are no sequentially preferable sites that are considered suitable, available and viable within the proposal's catchment. The Plans and Policy Team advise that the Connswater and Dairy Farm district centres both fall within the 10-minute catchment and should therefore be considered in the sequential test. The Plans and Policy Team response states that Connswater has a number of vacant units, however it has an existing Poundland store. Dairy Farm has one vacant unit however it would not be of sufficient scale to accommodate the proposal. In summary officers, on balance, have no reason to disagree with the conclusions of the alternative site assessment. The proposal is therefore considered to meet the sequential test.
4.14	Retail Impact
4.14.1	<p>With the introduction of the SPPS in September 2015, paragraph 6.283 stipulates that a full assessment of retail impact is required for development exceeding 1,000sqm not proposed in a town centre. Paragraph 6.290 of the SPPS sets out factors to be addressed in the assessment of need as set out below and advises that where an impact on one or more of these criteria is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful, then it should be refused.</p> <ul style="list-style-type: none"> • <i>the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal;</i> • <i>the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;</i> • <i>the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;</i> • <i>the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.</i> • <i>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area; and,</i> • <i>a review of local economic impacts.</i>
4.14.2	Each of these criteria has been considered by the Plans and Policy team and an assessment is set out below.

	<p><i>The impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal</i></p>
4.14.3	<p>The Plans and Policy team's response states that 'The nearest centres to the proposal are Park Centre, Westwood Centre and Kennedy Centre. However, there are either existing stores at these locations or no vacancies to accommodate the proposal therefore impacts on these centres would be negligible as a result of the proposal. The DPP team having fully considered the trade diversions and retail impacts stated by the applicant and having carried out its own sensitivity testing is satisfied that the retail impact on protected centres within the catchment will not be significant.'</p>
	<p><i>The impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s</i></p>
4.14.4	<p>The Plans and Policy team's response advises that 'There is no empirical evidence to suggest that this scheme would result in the loss of investment in existing centres.'</p>
	<p><i>The impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy</i></p>
4.14.5	<p>The Plans and Policy team's response states that 'The site is identified as un-zoned whitelands in dBMAP. An Alternative Site Assessment has concluded that there are no sequentially preferable sites that are considered suitable, available and viable.'</p>
	<p><i>The impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities</i></p>
4.14.6	<p>The LDP assessment concludes that 'The nearest centre to the proposal is Park Centre district centre. It has 47 units of which 33 are in A1 retail use. Of these 24 are operating as comparison and 3 are operating convenience retail. As mentioned above 9 units are currently vacant. It has a vacancy rate of 19% (Belfast city council retail survey June 2021 which is 6% below the recorded vacancy rate in 2017. It has a number of discount supermarkets including Iceland and Home Bargains. Given the presence of an existing Poundland store at this location the impact on vitality and viability will be minimal.</p> <p>Westwood centre consists of 11 units of which 6 are in A1 retail use. There are no vacant units. Kennedy centre has a total of 61 units, of which 42 are in retail use. Of these 30 are operating as comparison and 3 are operating as convenience. There are no vacant units.'</p>
	<p><i>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area</i></p>
4.14.7	<p>The Plans and Policy team's assessment advises that 'There are no committed or planned retail developments within the local area. It is therefore considered that there will be no significant adverse cumulative impacts.'</p>
	<p><i>A review of local economic impacts</i></p>
4.14.8	<p>The Plans and Policy Team's assessment advises that 'The applicant has stated that the proposal will create £750,000 investment and will support 25 construction jobs and 35 new retail jobs.'</p>

4.14.9	In conclusion, the Plans and Policy Team's has assessed the Retail Impact Assessment and Sequential Test and considers that given the scale of the proposal and the type of retailing that the retail impact of the proposal on protected centres within the catchment will not be significant, or result in significant adverse cumulative impacts. Officers consider that the proposal would not conflict with Draft BMAP's retail strategy and would not adversely impact upon Belfast City Centre's position as the leading shopping centre in NI. The Plans and Policy team offer no objections subject to the conditions to restrict internal operations and to control the nature of retailing at this location. The proposal is considered to comply with retail policy set out in the SPPS, BUAP, dBMAP and the dLDP.
4.15	Economic Considerations
4.15.1	The applicant advises that the proposal will have strong local economic benefits bringing a new Poundland offer to Boucher Road, boosting the retail profile of Belfast to visitors to the city and the creation of 25 construction jobs and 35 retail jobs with an investment of £750,000. The RIA also states that the economic impacts will provide significant rates to the Council. This is material consideration that supports the case for the grant of planning permission.
4.16	Compatibility with adjacent uses
4.16.1	The proposed retail development is located to the west and south west of existing residential housing at Olympia Parade and Olympia Drive and beyond. There is an existing brick wall (circa 3m high) along the majority of the rear of the existing building with a palisade fence (c. 2.4m high) along a small portion of the rear boundary. No change is proposed to these site boundaries which will be retained. Access, parking and servicing arrangements to the site will take place from the existing access point from Boucher Road.
4.16.2	Servicing and deliveries to the proposed retail development will be from the Boucher Road. Environmental Health's response advises that deliveries are to occur at the front of the building and outside of store opening hours, between 21:00 and 24:00 hours and that the end user has confirmed all evening/night deliveries will be brought through the store from the front car park, negating the need to bring deliveries from front to rear of the development, which could have resulted in potential noise impact on residential dwellings, from associated service movements.
4.16.3	In addition, Environmental Health's response advises that the end user has confirmed any plastic/cardboard stored for collection by the delivery vehicle during the period of 21:00-00:00hrs would be retained inside the building and brought through the store to the front logistics vehicle, rather than be handled and removed to the rear of the premises, close to nearby residential premises, during this more sensitive evening period.
4.16.4	Environmental Health recommends a condition (see below) to restrict servicing to the rear yard to protect the amenity of nearby residents.
4.16.5	Minor amendments are proposed to the Boucher Road elevation and include closure of two existing sliding glazed doors to be used solely as windows. The car park will have bollards removed and the asphalt made good. A small bin enclosure is proposed to the rear of the building which will be screened by the existing brick wall. Twelve air conditioning units are proposed to be fixed to the rear wall and will replace nine existing units/plant on the rear elevation. A doorway along the rear elevation is proposed to be removed to facilitate the air conditioning units. The air conditioning

	units will be screened by the existing brick wall along the rear (Olympia Parade) boundary. Environmental Health recommends a condition which restricts the use of the plant and equipment to protect the amenity of nearby residents. A condition requiring a Noise verification report (see below) is also recommended to ensure that air conditioning units are installed as per the specification set out in the Noise information submitted.
4.16.6	The proposed elevational changes and changes to the car park are considered minor in nature and are acceptable.
4.16.7	Given the site's location adjacent to existing established residential areas officers consider that a condition to control hours of operation would be appropriate to protect the amenity of nearby residents.
4.16.8	Subject to conditions as set out above the proposed change of use is considered acceptable and appropriate controls are proposed to protect the amenity of nearby residents.
4.17	Impact on the character and appearance of the area
4.17.1	Given the nature of the development proposal i.e. a change of use and minor modifications to an existing building, the proposed development will not adversely impact on the character and appearance of the area at this location.
4.18	Access, parking and traffic management
4.18.1	The proposed development is to be accessed from Boucher Road utilising existing access arrangements. The existing parking arrangement, albeit with minor changes, will serve the development. A shared parking arrangement with the adjacent Phase 1 of Boucher Plaza comprising a total of 159 car parking spaces including 6 disabled spaces will serve the development. Eighty-five spaces are located immediately adjacent to the development i.e. to the side or front. Four new bike stands are proposed to be located at the front of the building to serve the proposal.
4.18.2	The site is served by public transport and is close to an existing rail halt (Adelaide) and metro bus stops serving the Boucher Road and is considered an accessible and sustainable location.
4.18.3	DFI Roads has no objections to the proposed access, parking and servicing arrangements subject to conditions which are set out below. The development is considered to comply with the relevant provisions of the SPPS, the BUAP and PPS 3.
4.19	Waste Management
4.19.1	The application is supported by a Waste Management Plan which has been considered by BCC Waste Management Unit who are content with the waste arrangements and consider that there is sufficient accommodation for waste.
4.20	Environmental Considerations - Drainage, Contamination, Noise
	Drainage
4.20.1	The application is supported by a Flood Risk Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers has raised no objections under Policies FLD 1, 2, 3, 4 and 5.

4.20.2	<p>NI Water has no objections to the proposed development and has advised that <i>‘Although Belfast WWTW and catchment are both currently operating at capacity, this proposal can be approved on the basis of reduced loading. Drainage consultant has forwarded calculations confirming reduced loading from this proposal compared to previous use of premises.’</i></p>
	<p>Contamination</p>
4.20.3	<p>The application is supported by a Preliminary Risk Assessment which has been considered by both DAERA:NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.</p>
	<p>Noise</p>
4.20.4	<p>The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who have no objections based on noise grounds subject to conditions set out below which require the submission of a Noise Verification Report, installation and operation of the air conditioning units as per specification submitted, specific operating times for plant and equipment and restrictions on deliveries to the rear and times of deliveries</p>
4.21	<p>Pre-Application Community Consultation</p>
4.21.1	<p>In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 2nd March 2022 (LA04/2022/0433/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with South Belfast MLAs, the MP for South Belfast. Additional leaflet drops to surrounding residential properties within a 100m radius was also recommended. The Council also recommended that the applicant proceed with a public event following the cessation of temporary measures during the Covid pandemic.</p>
4.21.2	<p>A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. A bespoke webpage was also created for the proposed development. The report also confirmed that the additional consultations were carried out as recommended by the Council including consultation with MLAs for South Belfast and residential properties within 100m of the application site. Copies of the public notice were also hand delivered to all dwellings and shops within a 100m radius of the site and businesses in the area were notified.</p>
4.21.3	<p>The report states that 3 members of the public attended the public event on 10th August 2022 and were seeking to understand the nature of the development and the implications it might have on their homes. The report states that <i>‘Once residents understood there would be no access to the site from Olympia Parade their concerns were allayed. All three residents welcomed the investment and creation of additional choice in shops and employment creation for the area.’</i> The report confirms that no comments were received via email, phone or letter.</p>

4.21.4	The report advises that the ' <i>There were no specific design comments from the public which the design team take to be an indication that there are no immediate issues that need to be resolved as part of the design process. The design team has therefore proceeded to refine the proposal in line with the necessary guidance.</i> '
4.21.5	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.

Summary of Recommendation:

Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.

Draft Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The gross retail floor space of the retail store hereby approved shall not exceed 1,910 square metres.

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

3. The net retail sales floor space of the retail store hereby approved shall not exceed 1,465 square metres.

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

4. There shall be no increase in internal floor space over that specified in conditions 2 and 3, including the construction of mezzanine floor, or subdivision to form additional units.

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

5. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, of the net retail floor space of the retail unit hereby approved, no more than 264 sqm shall be used for the sale and display of the items listed below:

- (a) food, non-alcoholic beverages, alcoholic drink;
- (b) tobacco, newspapers, magazines, confectionery;
- (c) stationery and paper goods;
- (d) toilet requisites and cosmetics;
- (e) household cleaning materials; and

(f) other retail goods as may be first determined in writing by the Council as generally falling within the category of 'convenience goods'.

Reason: To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

6. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, of the net retail floor space of the retail unit hereby approved, no more than 469 square metres shall be used for the sale and display of comparison items (non bulky) and for no other purpose, including any other purpose in Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

7. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, no more than 732 square metres of the net retail floorspace of the retail unit hereby approved shall be used for the retail sale and ancillary storage of the items listed below:

- a) DIY materials, products and equipment;
- b) Garden materials, plants and equipment;
- c) Furniture and soft furnishings, carpets and floor coverings;
- d) Cycles, cycle accessories, safety equipment and ancillary cycle repairs;
- e) Electrical goods; and
- f) Such other goods generally falling within the category of "bulky goods" to be first agreed in writing by the Council.

Reason: To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

8. Prior to the commencement of trading of the retail the mezzanine floor indicated on Drawing No. 04 - Existing Mezzanine Layout shall be removed.

Reason: In the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

9. The hereby permitted development shall not be occupied until a Noise Verification Report has been submitted to and approved in writing by the Council. The Noise verification report must demonstrate the following:

- a) That the twelve external outdoor units for air conditioning have been installed as per the specification presented in the Lester Acoustics report titled: 'Re: Proposed change of use from car showroom to retail at 8-10 Boucher Road, Boucher Plaza, Belfast, Outward Sound Impact Assessment [Planning Reference LA04/2021/2416/PAD] ref: MRL/1568/L01, 4th October 2022 'having an individual sound pressure level of no greater than 56dB(A) at one metre and located no higher than 2.4 metres above ground level.
- b) That the rating level (dBLAr,T) from the operation of all combined plant and equipment does not exceed the existing daytime background noise level of 50dBLA90 at the nearest noise sensitive premises, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason: Protection of residential amenity against adverse noise impact.

10. The hereby approved plant and equipment must not operate outside the hours of 07:00hrs to 22:00hrs Monday to Saturday or 10:00 to 19:00hrs on Sundays.

Reason: Protection of residential amenity against adverse noise impact.

11. No service movements are permitted to the rear yard of the hereby approved development outside the hours of 07:00hrs - 21:00hrs Monday to Friday; 09:00hrs to 21:00hrs on a Saturday; and 10:00hrs to 19:00hrs on Sundays.

Reason: Protection of residential amenity against adverse noise impact.

12. The hereby approved development shall not open to the public and no customer shall be served outside the hours of 07:00hrs-23:00 Monday to Friday; 08:00-21:00hrs on a Saturday; or 13:00-18:00hrs on a Sunday.

Reason: Protection of residential amenity against adverse noise.

13. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works must cease and the Planning Authority shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council, and subsequently implemented and verified to its satisfaction, prior to occupation.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

14. After completing all remediation works under Condition 13 and prior to occupation of the development, a verification report shall be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

15. The development shall not become operational until cycle parking has been fully provided in accordance with the approved plans.

Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

16. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing, to provide for parking and traffic circulation within the site. Such areas shall not be used other than for that purpose.

Reason: To ensure adequate provision has been made for parking and traffic circulation within the site.

17. The development shall not operate unless in accordance with the approved Waste Management Plan.

Reason: In the interests of road safety and the convenience of road users.

Notification to Department (if relevant) – Not Required

Date of Notification to Department: N/A

Response of Department: N/A

Representations from Elected Members: No

ANNEX	
Date Valid	25/10/22
Date First Advertised	04/11/22
Date Last Advertised	04/11/22
Date of Last Neighbour Notification	02/11/22
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01 – Site Location Plan 03 – Existing Ground Floor Layout 04 – Existing Mezzanine Layout 05 – Existing and Proposed Front Elevation 06a – Proposed Site Layout Plan 07a – Proposed Floor Plan 08 – Existing and Proposed Rear Elevation	