

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Thursday 29 th June 2023	
Application ID: LA04/2023/3037/F	
Proposal: Section 54 application to vary condition 5 of reference Z/1996/0102 to allow for the sale of optometry and audiology products and equipment including spectacles, contact lenses and hearing aids.	Location: Unit 7a, Connswater Retail Park Belfast, BT5 4AF
Referral Route: Major development (Section 54 application to vary a permission for Major development)	
Recommendation: Approval	
Applicant Name and Address: Paddy Brennan Connswater RP Unlimited	Agent Name and Address: Thomas Ellison TSA Planning 20 May Street Belfast
<p>Executive Summary:</p> <p>Planning approval Z/1996/0102/F was granted in August 1996 for '<i>Erection of retail warehousing, leisure building, bank, shop, fast food restaurant and office with associated car parking</i>'.</p> <p>This application seeks to vary Condition 5 of planning permission Z/1996/0102/F under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 5 currently restricts sales from the retail warehousing to a) DIY materials, products and equipment, b) Garden materials, plant and equipment, c) Furniture and soft furnishing, carpets and floor coverings and electrical goods and d) Such other items as may be determined in writing by the Planning Service as generally falling within the category of 'bulky goods'.</p> <p>The varying of Condition 5 seeks to amend the type of goods that are permitted to be sold from Unit 7a to include optometry and audiology products and equipment. This to facilitate the relocation of Specsavers from the shopping centre to unit 7a due to their lease expiring in January 2025. The varying of the condition to include optometry and audiology products and equipment would relate only to unit 7a ensuring that only businesses of an opticians and audiology use would be permitted into these premises, with all other units remaining as approved.</p> <p>The subject site is already within Class A1 Retail Use, subject to a 'bulky goods' restriction. The varying of the condition would allow the subject site to continue to be a Class A1 use subject to controls over the type of goods sold.</p> <p>The Planning Service's Plans and Policy Unit have been consulted on the application; it notes that the applicant has not fully considered the sequential test as two centres have been left out. The agent has been made aware of this and is in the process of gathering the information. No representations were received.</p> <p>Regard is had to the public service that the proposal would provide, particularly the audiology element. Having regard to the Development Plan and other material considerations, and in the planning balance, the proposed development is considered acceptable.</p>	

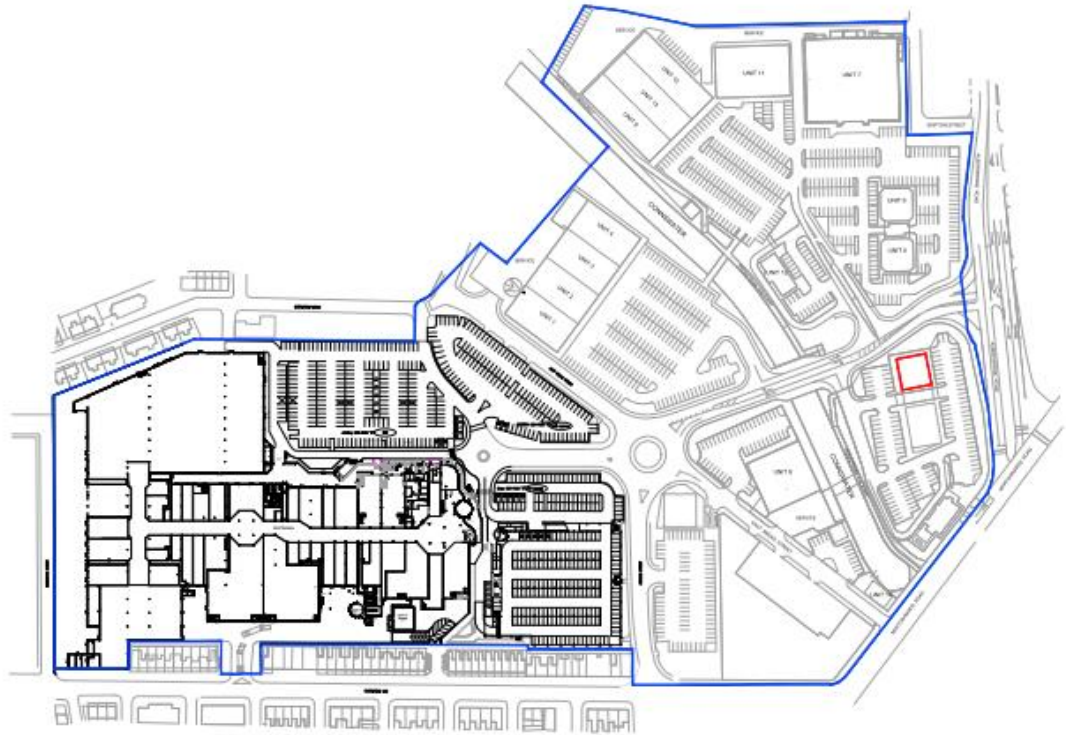
It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other matters which may arise.

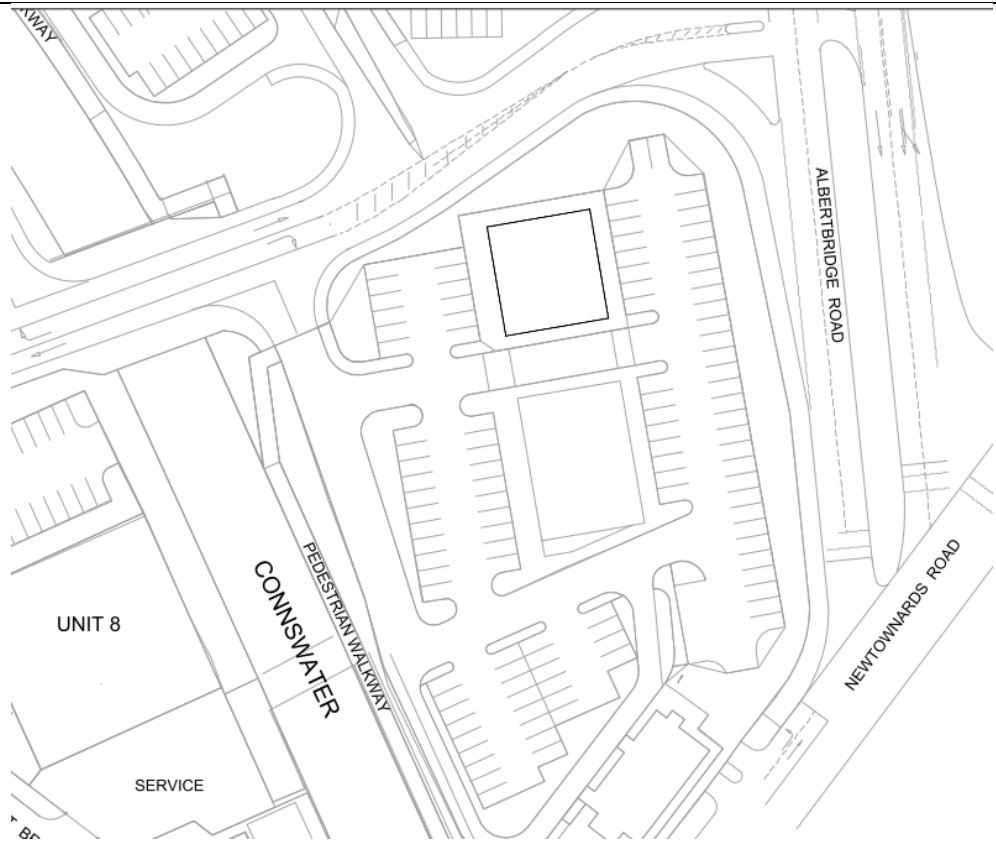
Officer Report

1.0

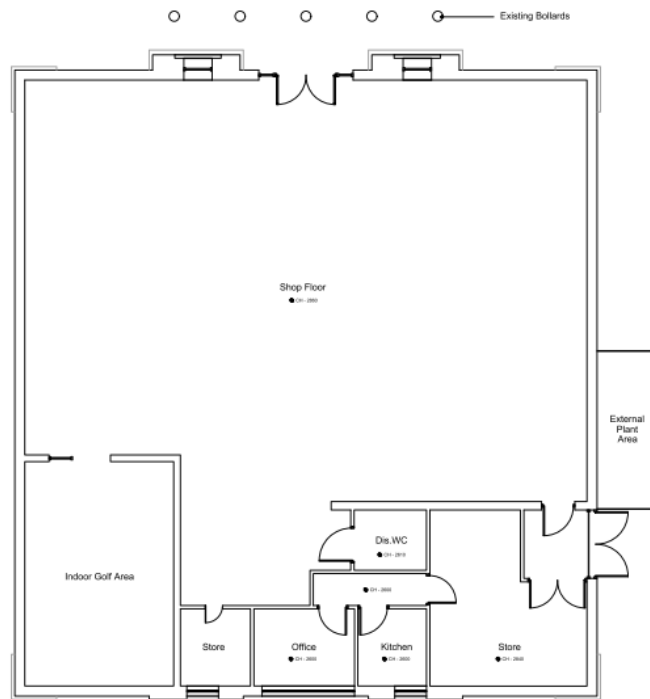
Drawings

Site Location Plan / Site Layout

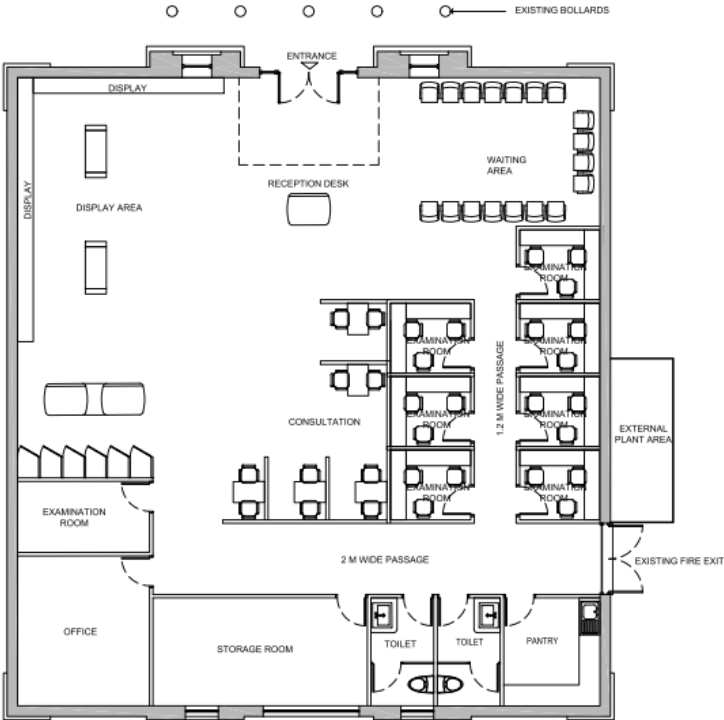




Existing Ground Floor Plan



Existing Ground Floor Plan

	<p>Proposed Ground Floor Plan</p>  <p>Proposed Ground Floor Plan</p>
<p>2.0</p>	<p>Characteristics of the Site and Area</p>
<p>2.1</p> <p>2.2</p>	<p>The site is located at Connswater Shopping Centre and the wider Retail Park, and relates to unit 7a of the latter. The subject site, unit 7a, is located to the north-west of Connswater Retail Park, directly south of Albertbridge Road Arterial Route. The building is single storey, detached and finished in red brick. A golf centre within unit 7a ceased its use in 2018 and the unit has been vacant since. Ulster bank is located east of the subject site and existing car parking on site is shared with the bank.</p> <p>The site is adjacent to, but outside of the district centre of Connswater with a community greenway to the south outside the site.</p>
<p>3.0</p>	<p>Description of Proposal</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p>	<p>The proposal is a Section 54 application to vary condition 5 of reference Z/1996/0102 to allow for the sale of optometry and audiology products and equipment including spectacles, contact lenses and hearing aids.</p> <p>Condition 5 currently restricts sales from the retail warehousing to a) DIY materials, products and equipment, b) Garden materials, plant and equipment, c) Furniture and soft furnishing, carpets and floor coverings and electrical goods and d) Such other items as may be determined in writing by the Planning Service as generally falling within the category of 'bulky goods'.</p> <p>The proposed variation of condition 5 is to facilitate the relocation of Specsavers from the shopping centre to unit 7a due to their lease expiring in January 2025. The variation of the condition to include optometry and audiology products and equipment would relate</p>

	only to unit 7a ensuring that only businesses of an opticians and audiology use would be permitted into these premises, with all other units remaining as approved.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Belfast Agenda
4.4	Relevant Planning History Application Site: East Bread Street / Albertbridge Road Reference: Z/1996/0102 Proposal: Erection of retail warehousing, leisure building, bank, shop, fast food restaurant and office with associated car parking (Outline Permission) Decision: Permission Granted (August 1996)
4.5	Application Site: Land bounded by Connswater River, New Link Road, Albertbridge Road and Newtownards Road, Belfast BT5 Reference: Z/1996/0102T Proposal: Erection of single storey golf shop Decision: Permission Granted (December 1996)
4.6	Application Site: Unit 7a Connswater Retail Park Reference: LA04/2019/2007/F Proposal: Change of use from A1 (Bulky Goods) retail to Café/Restaurant use including alterations to elevations. Decision: Permission Granted (December 2019)
5.0	Consultations and Representations
5.1	Statutory Consultations None Required.
5.2	Non-Statutory Consultations BCC Plans & Policy team – requested further information
5.3	Representations The application was advertised on 12 th May 2023 and neighbour notified on the 5 th May 2023. No representations have been received.
6.0	PLANNING ASSESSMENT
	<u>Development Plan Context</u>
6.1	Section 6(4) of the Planning (Northern Ireland) Act 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.
6.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted
6.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
6.6	<u>Retail impact</u>
6.7	Condition 5 of permission Z/1996/0102 states: <i>“The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed below and for no other purpose, including any other purpose in Class 1 of the Schedule of the Planning (Use Classes) Order (NI) 1989.</i> <i>(a) DIY materials, products and equipment.</i> <i>(b) Garden materials, products and equipment.</i> <i>(c) Furniture and soft furnishings, carpets and floor coverings and electrical goods.</i> <i>(d) Such other items as may be determined in writing by The Planning Service as generally falling within the category of “bulky goods.”</i> <i>Reason: To control the nature, range and scale of the commercial activity to be carried out at this location.”</i>
6.8	The proposed amended wording of condition 5 is: <i>“The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed below and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015.</i> <i>a) DIY materials, products and equipment.</i> <i>b) Garden materials, plant and equipment.</i> <i>c) Furniture and soft furnishing, carpets and floor coverings and electrical goods.</i> <i>d) Optometry and audiology products and equipment including spectacles, contact lenses and hearing aids. (Retail Warehouse Unit 7a only)</i> <i>e) Such other items as may be determined in writing by the Planning Service as generally</i>

	<i>falling within the category of “bulky goods”</i>
6.9	The variation of condition 5 is to amend the type of goods that are permitted to be sold from unit 7a to include optometry and audiology products and equipment. This to facilitate the relocation of Specsavers from the shopping centre to unit 7a due to their lease expiring in January 2025. The variation of the condition to include optometry and audiology products and equipment would relate only to unit 7a ensuring that only businesses of an opticians and audiology use would be permitted into these premises, with all other units remaining as approved.
6.10	It is noted that the bulky goods restriction has already been removed at Unit 7a on previous approval LA04/2019/2007/F for a change of use from A1 (bulky goods) retail to a café/restaurant. This permission has not been enacted and the unit is currently vacant.
6.11	The proposal would support the relocation of Specsavers from Connswater Shopping Centre (District Centre) to the adjacent Retail Park (outside District Centre). Policies RET1 (Establishing a centre hierarchy) and RET2 (Out of centre Development) of the Plan Strategy apply. Policy RET 2 states that the sequential approach directs development to the town centre before considering an edge of centre site and that preference will be given to edge of centre land before considering an out of centre site.
6.12	A sequential test and supporting information have been provided by the agent and the information is summarised below: <ul style="list-style-type: none"> • The existing lease for Specsavers ends in 2025 • Trading hours restricted in Shopping Centre not allowing customers to make appointments after 6pm • The existing store serves more than 30,000 customers in surrounding postcodes which represents a third of the relevant population • The offer includes an audiology service which has limited obtainability from other providers in the area. • The new unit will allow the business and jobs to be retained within the local area • The proposal involves substantial investment • Retail sales accounts for just half floorspace and the relocation is not considered detrimental to the vitality and visibility of Connswater District Centre. • Three independent opticians have been shown within the vicinity on a map, however, none offer audiology unlike Specsavers. • Audiology is required to meet the needs of the local population with the demographic in the locality aging. • A preference would be to remain within the existing District Centre, however, there are no suitable available units which are available and a suitable size.
6.12	The Planning Service’s Plans and Policy Unit has been consulted on the application; they note that the applicant has not fully considered the sequential test as Hollywood town centre and Kings Square local centre have been left out. The agent has been made aware of this and is in the process of gathering the information – officers will provide a verbal update on this issue at the Committee meeting.
6.13	Notwithstanding, Kings Square is approximately 2.2 miles from Connswater District Centre and Hollywood is over 4 miles. The applicant states that the identified premises of Unit 7a will provide a specialised audiology service which is lacking within the area. It appears to officers that there are three audiologists in the area with the closest being the Hearing Partnership which is approximately 0.4 miles from the site and Hidden Hearing, which is 1.1 miles away. In the planning balance, given that the proposal would provide a

	public service to the more localised area, that the proposal is not for general retail sales and that the retail use would be restricted as such, the unit is considered an appropriate and acceptable site which will support the needs of the local community. A condition will be required which ensures that an appropriate element of the floorspace is dedicated to the audiology services provision, given that this is part of the reasoning for departure from policy.
6.14	There are no proposed external design changes, any signage proposals should be subject to a separate advertisement consent application.
6.15	It is considered that sufficient car parking is provided within the existing parking to the front and rear of the site. The variation of condition 5 does not conflict with car parking provisions within Parking Standards.
7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that 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.
7.2	The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission.
DRAFT CONDITIONS:	
<p>1. The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed below and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015.</p> <p>a) DIY materials, products and equipment. b) Garden materials, plant and equipment. c) Furniture and soft furnishing, carpets and floor coverings and electrical goods. d) Optometry and audiology products and equipment including spectacles, contact lenses and hearing aids. (Retail Warehouse Unit 7a only) e) Such other items as may be determined in writing by the Planning Service as generally falling within the category of “bulky goods”</p> <p>Reason: To control the nature, range and scale of the commercial activity to be carried out at this location</p> <p>2. [Condition to be finalised in relation to ensuring an appropriate element of the floor space is used for audiologist purposes].</p> <p>Reason: The retail unit is outside the District Centre and non-bulky goods retail sales has only been allowed because the proposal includes audiology services to the public.</p>	
INFORMATIVES:	
<ul style="list-style-type: none"> • This decision relates to the following approved drawing numbers: 01, 02, 04 • Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council’s Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk. 	

ANNEX	
Date Valid	05/04/2023
Date First Advertised	12/05/2023
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses) 1 CONNSWATER LINK, BALLYMACARRET, BELFAST BT5 4AF 328-338 ALBERTBRIDGE ROAD, BALLYMACARRET, BELFAST, BT5 4GX 356 ALBERTBRIDGE ROAD, BALLYMACARRET, BELFAST, BT5 4GX 367 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, BT4 1AJ 369 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, BT4 1AJ 310 ALBERTBRIDGE ROAD, BALLYMACARRET, BELFAST, BT5 4GX CONNSWATER RETAIL PARK, 1 CONNSWATER LINK, BALLYMACARRET, BELFAST CONNSWATER RETAIL PARK, 2 CONNSWATER LINK, BALLYMACARRET, BELFAST CONNSWATER RETAIL PARK, 4 CONNSWATER LINK, BALLYHACKAMORE, BELFAST CONNSWATER RETAIL PARK, UNIT 14 EAST BREAD STREET, BALLYHACKAMORE BELFAST	