

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 th September 2024	
Application ID: LA04/2024/1086/F	
Proposal: Variation to the wording of Condition 4 of Outline Planning Approval Z/1990/0127, to allow for the sale of bulky and non-bulky goods for a charity shop	Location: Unit 1, Connswater Retail Park, Belfast, BT5 5DL
Referral Route: Major development (Section 54 application to vary a permission for Major development).	
Recommendation: Approval	
Applicant Name and Address: Connswater RP Unlimited c/o 20 May Street Belfast BT1 4NL	Agent Name and Address: Thomas Ellison TSA Planning 20 May Street Belfast BT1 4NL
Date Valid:	24 th June 2024
Target Date:	20th January 2025
Contact Officer:	Lisa Walshe, Principal Planner (Development Management)
<p>Executive Summary:</p> <p>Planning approval Z/1990/0127 was granted on 9th October 1991 for ‘<i>Extension to Connswater Centre to include retailing, retail warehousing, business park, housing & car parking.</i>’</p> <p>This application seeks to vary Condition 4 of planning permission Z/1990/0127 under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 4 currently restricts sales on the type of goods that are allowed to be sold to “bulky goods”.</p> <p>To note, Condition 4 of planning permission Z/1990/0127 was previously varied under planning permission Z/2010/0974/F to permit the sale of convenience goods from Unit 1 for ‘Pound World’, which was the previous occupant of the premises.</p> <p>The varying of Condition 4 of planning permission Z/1990/0127 seeks to amend the type of goods that are permitted to be sold from Unit 1 to include the sale of “bulky” <u>and</u> “non-bulky goods”. This is to facilitate the occupation of Unit 1 Connswater Retail Park by Cancer Research UK in their new format store. The variation of the Condition to include “bulky” and “non-bulky goods” would relate only to Unit 1, with all other units remaining as approved.</p>	

Whilst the proposal is contrary to retail policy and the sequential test which seeks to direct retail development to the City Centre and other centres first, the proposal is considered acceptable because of the unique circumstances of the occupier, which is a charitable organisation and to facilitate their new format store.

Having regard to the Development Plan and other material considerations, and in the planning balance, the proposed development is considered acceptable.

Recommendation

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, provided that they are not substantive.

2.0	Characteristics of the Site and Area
2.1	The site is located at Connswater Shopping Centre and relates to Unit 1 of the retail park. The application site, Unit 1, is located to the north-west of Connswater Retail Park, directly northeast of East Bread Street.
2.2	The site consists of a large single storey building with four retail units, finished in white render to the bottom and white cladding to the top. The Unit was originally occupied by 'Lazer Electronics' as a "bulky goods" retailer and then occupied by discount retailer 'Pound World' 2011-2018. The Unit was re-cladded to match the immediately adjacent 'Lidl' supermarket finish in 2019 and was then most recently occupied by 'House Proud Furniture' in 2020.
2.3	The building fronts onto a shared car park with 'Lidl', with access also shared and taken from Connswater Link.
3.0	Description of Proposal
3.1	The proposal is a Section 54 application to vary Condition 4 of reference Z/1990/0127 to allow for the sale of "bulky" and "non-bulky goods".
3.2	Condition 4 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".
3.3	To note, Condition 4 of planning permission Z/1990/0127 was previously varied under planning permission Z/2010/0974/F to permit the sale of "convenience and comparison" goods from the Unit for Pound World, introducing 5no. floorspace conditions for a range of different type of goods.
3.4	The proposed variation of Condition 4 of reference Z/1990/0127 is to accommodate the occupation at Unit 1 Connswater Retail Park by Cancer Research UK in their new format store. The variation of the Condition to include "bulky" and "non-bulky goods" would relate only to Unit 1 with all other units remaining restricted for bulky goods sales 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 ("Departmental Development Plan") 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)
4.4	Other Material Considerations Belfast Agenda

	Relevant Planning History
4.5	Application Number: Z/1990/0127 Decision: Permission Granted Decision Date: 9 October 1991. Proposal: Extension to Connswater Centre to include retailing, retail warehousing, business park, housing & car parking
4.6	Application Number: Z/2010/0974/F Decision: Permission Granted Decision Date: 11 March 2011. Proposal: Extension to Unit 1 Connswater Retail Park, relocation of the existing entrance and variation of condition 5 of planning approval Z/1990/0127 under Article 28 of the Planning (NI) Order 1991 to allow for the sale of convenience and comparison goods.
5.0	Consultations and Representations
5.1	Statutory Consultations None Required.
5.2	Non-Statutory Consultations Planning Service Plans and Policy team – No response required. DfI Roads – No objection.
5.3	Representations The application was advertised on 5 th July 2024 and neighbour notified on the 24 th June 2024. 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 below:
6.5	Policy RET1 Establishing a centre hierarchy Policy RET2 Out of centre development Policy RET3 District centres, local centres and city corridors Policy TRAN1 Active travel Policy TRAN2 Creating an accessible environment Policy TRAN4 Travel Plan Policy TRAN6 Access to public roads

	<p>Policy TRAN8 Car parking and service arrangements</p> <p>6.6 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.</p> <p><u>Retail impact</u></p> <p>6.7 The main issue in the consideration of this application is the retail sequential test which seeks to direct new retail development to existing centres first.</p> <p>6.8 Condition 4 of permission Z/1990/0127 states:</p> <p>“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.</p> <p>(a) DIY materials, products and equipment. (b) Garden materials, products and equipment. (c) Furniture and soft furnishings, carpets and floor coverings and electrical goods. (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>Reason: To control the nature, range and scale of the commercial activity to be carried out at this location.”</p> <p>6.9 The proposed amended wording of Condition 4 is:</p> <p>“The floorspace comprised in the retail warehousing shall be used only for the retailing sale and ancillary storage of the items listed hereunder, 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) Goods that are offered for sale by charitable organisation for the purpose of raising funds for that charity; and 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>6.10 The variation of Condition 4 is to amend the type of goods that are permitted to be sold from Unit 1 to include “bulky” <u>and</u> charity sales “non-bulky goods”. This is to accommodate the occupation at Unit 1 Connswater Retail Park by Cancer Research UK in their new format store, which includes both “bulky” and “non-bulky” goods sales. This variation would relate only to Unit 1 with all other units remaining as approved.</p>
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6.11	It is noted that there was planning approval to vary the Condition to allow for the sale of “convenience and comparison” goods at Unit 1 under Z/2010/0974/F. This permission was enacted under the use of the Unit by ‘Pound World’ 2011-2018, the previous occupier of the application site. The use remained as Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015.
6.12	The proposal would support the relocation of Cancer Research UK from 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 RET2 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.
6.13	<p>The applicant has provided the following locational justification for the proposal.</p> <ul style="list-style-type: none"> • This specific location provides the desired free car parking and convenience for customers purchasing and the public donating to the store. • The size of the unit is necessary to facilitate the new format charity store. • The proposed site provides appropriate service yard facilities for stock storage and management. • Connswater Shopping Centre is the closest District Centre to the site. • This will be the first superstore in Belfast able to accept and trade larger, bulkier furniture items, offering greater choice to Cancer Research UK customers and donors.
6.14	In terms of the sequential test, the applicant states that dBMAP identifies a local centre on Kings Road (Kings Square). There are two units available at this location but both units are too small to meet the needs of the business.
6.15	Some units identified as “Shopping/Commercial Area” in dBMAP are currently available to let, however, due to the applicant’s specific requirements regarding car parking and unit size, none of these locations are suitable for the proposed business model of ‘superstore’.
6.16	The application proposes a 60% maximum non-bulky, and 40% bulky split on goods to be sold at this store. Whilst this exceeds the recommendation set out in Policy RET 4 (70% bulky), the goods that will be offered for sale by the charitable organisation are for the purpose of raising funds for that charity.
6.17	Whilst the proposal does not accord with Policies RET1 and RET2 of the Plan Strategy, given the unique locational requirements of the intended occupier, which is a charitable organisation, the proposal is considered acceptable in the planning balance.
6.18	It is considered necessary to restrict the occupier to Cancer Research UK because of the unique requirements of the occupier.
	<u>Access and parking</u>
6.19	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 4 does not conflict with car parking provisions within Parking Standards. The access arrangements are considered to remain suitable. There is no objection from DfI Roads.

6.20	<p><u>Other issues</u></p> <p>There are no proposed external design changes; any signage proposals would be subject to a separate advertisement consent application.</p> <p><u>Creation of a new permission</u></p>
6.21	<p>The variation of Condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission.</p>
7.0	Recommendation
7.1	<p>Having regard to the development plan and other material considerations, and in the planning balance, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p>
7.2	<p>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, provided that they are not substantive.</p>
<p>DRAFT CONDITIONS:</p> <ol style="list-style-type: none"> 1. Unit 1 shall not be operated other than by Cancer Research UK (Charity Number). <p>Reason: The sale of non-bulky goods in this location has only been permitted because of the unique circumstances of the applicant, a charity which is operating a new charitable format shop.</p> 2. Unit 1 shall not be used other than for the retail sale and ancillary storage of the items listed hereunder, and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015. <ol style="list-style-type: none"> 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) Goods that are offered for sale by charitable organisation for the purpose of raising funds for that charity; and e) Such other items as may be determined in writing by the Planning Service as generally falling within the category of “bulky goods” <p>Reason: To restrict the nature of retail goods to be sold from the premises in view of the town centre first approach to retail development.</p> 3. Of the net floorspace hereby approved within Unit 1, no more than 60% (278 sqm) shall be used for the sale and display of “non-bulky comparison goods”. <p>Reason: To enable the Planning Authority to retain control over 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 centres.</p> 	