

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA04/2015/0160/F	Target Date:
Proposal: Variation of condition 4 (retail warehousing shall only be used for the sale of bulky goods) of planning permission Z/1990/0127 (extension to Connswater Centre to include retail warehousing, business park, housing _ car parking) to permit the sale of convenience goods and all types of comparison goods in Units 2 and 4 Connswater Retail Park (amended description).	Location: Units 2 3 and 4 Connswater Retail Park Belfast
Referral Route: Major application floorspace exceeds 1000 sqm	
Recommendation:	REFUSAL
Applicant Name and Address: Lidl NI GmbH	Agent Name and Address: Michael Burroughs Associates 33 Shore Road Holywood BT189HX
<p>Executive Summary:</p> <p>The proposal seeks to vary condition 4 (retail warehousing shall only be used for the sale of bulky goods) of planning permission Z/1990/0127 (extension to Connswater Centre to include retail warehousing, business park, housing & car parking) to permit the sale of convenience goods and all types of comparison goods in Units 2 and 4 Connswater Retail Park. The proposal is 2208 sqm in size, with a net floorspace of 1379 sqm. 1103 sqm (80%) would be for convenience goods, with 276 sqm (20%) for the sale of comparison goods.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> - The principle of a major foodstore at this location; - The economic impact of the proposal; - Impact on amenity / character of the area; - Impact on transport and other infrastructure. <p>The site is located within Connswater Retail Park in east Belfast, and comprises three empty Retail Warehouse units constructed from brick with sheet metal cladding and roofing.</p>	

Paragraph 6.270 states that *'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 appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'*

The policy goes on to state:

- Planning authorities must adopt a town centre first approach for retail and main town centre uses.
- 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.

The BMA retail strategy seeks to promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland and that 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.

The site is not subject to any zonings in BMAP, and whilst located within a complex of retail warehouse uses, it is outside the City/Town Centre and the District Centre designation of Connswater in BMAP.

The proposal is therefore sited in an 'out of centre' location.

The agent asserts than a 10 minute catchment is appropriate. This is considered overly restrictive given the size and scale of what is a major retail development. The catchment is therefore considered to include the City Centre, Ormeau Road and to the west due to the lack of such stores within this area. District Centres Cityside/Yorkgate, Park Centre, and Forestside are also therefore considered to be within the catchment due to the ease of access via road links including public transport.

A review of available vacant sites within the catchment area for the proposal identifies suitable sites within the primary retail core and city centre, at Castlecourt Shopping Centre and High Street adjacent to an existing Lidl store. Suitable available sites are also available within District Centres including Connswater itself, adjacent to the site.

Within the Connswater shopping centre, there are a number of vacant units including an area of the centre formerly occupied by Tesco (2104 sqm). This forms part of a larger vacant area / unit 5784 sqm in size. Surface level parking is available immediately adjacent to the site. This site is therefore considered capable of facilitating the proposal. The agent and landlord have indicated that this site is subject to Tesco ownership, and that negotiations are ongoing to secure a tenant/new owner however Tesco are limiting the nature of retailer via a leasehold.

Policy does not cite land ownership issues as a criterion for which sequentially preferable sites can be discounted – this is a private interest issue and not a matter of public

interest . This is a private land ownership issue and is not insurmountable.

There are a number of other vacant units within Connswater centre, including a former Dunnes store 1906 sqm in size. This unit would be insufficient in itself in size to accommodate the proposal, however vacant units adjacent to the Dunnes unit and within the centre could be readily reorganised to facilitate the proposal. Which in total could accommodate the needs of the current applicant. The Centre Management have confirmed flexibility and willingness in relation to possible reorganisation. There are no insurmountable reasons why this unit could not accommodate the proposal.

Other sites are also currently available within the Park Centre and Hillview District Centres which could also accommodate the proposal.

A review of available sites indicates sequentially preferable locations that could accommodate the proposal are available within the city centre and district centres. The proposal therefore fails the sequential test, and if approved would accordingly set an undesirable precedent.

In terms of 'retail impact assessment' it is considered that the proposal, when assessed individually and cumulatively with other extant retail permissions within the catchment, would not adversely affect the vitality and viability of protected centres within its catchment area.

The proposal will not adversely impact on the amenity of neighbouring properties or the locality. Car parking provision will be unaffected by the proposal and Transport NI have no objections in terms of access, traffic and associated issues.

Three letters supporting the application have been received, including a representation from Gavin Robinson MLA.

It is asserted that the application, if approved, would attract additional people/footfall to the Connswater area and have a positive impact. As discussed above, retail policy set out in the SPPS and BMAP requires retail uses to be directed to the city centre or protected centres where suitable sites are available. It is also considered that there are suitable sites within the Connswater Shopping Centre itself which could accommodate the proposal. If located within the centre, the proposal would attract customers to this protected centre directly – with shoppers required to pass existing stores to access either potential sites. It is considered less likely that frequent linked trips between the application site and the shopping/district centre would result if the proposal was approved.

One representation asserts that up to 40 jobs would be created, however this contradicts the 10 jobs indicated by the agent in their supporting retail studies.

The agent indicates that the proposal would result in the creation of 10 additional jobs. Whilst no doubt this would be welcome, it is not considered significant or sufficient to set aside the policy objections to this proposal in terms of failure to satisfy the sequential test and associated provisions within the SPPS and BMAP.

In relation to the planning history of the site and the unrestricted retailing permissible from Unit 3, the remaining units either side remain subject to bulky goods floorspace

restrictions. It would appear that bulky goods floor space restrictions were not re-applied to unit 3 in error. In any case, consideration and assessment of that application was subject to different policy considerations under PPS 5 and pre-dated the SPPS and associated introduction of the sequential test in September 2015. Notwithstanding the current planning status of unit 3 (698 sqm), the proposal constitutes a major planning application of 2208 sqm in size and will result in a new chapter in the planning history of these retail units.

Refusal of the application is recommended. Committee is requested to delegate the consideration of the final wording of the refusal reasons to the Director of Planning and Place.

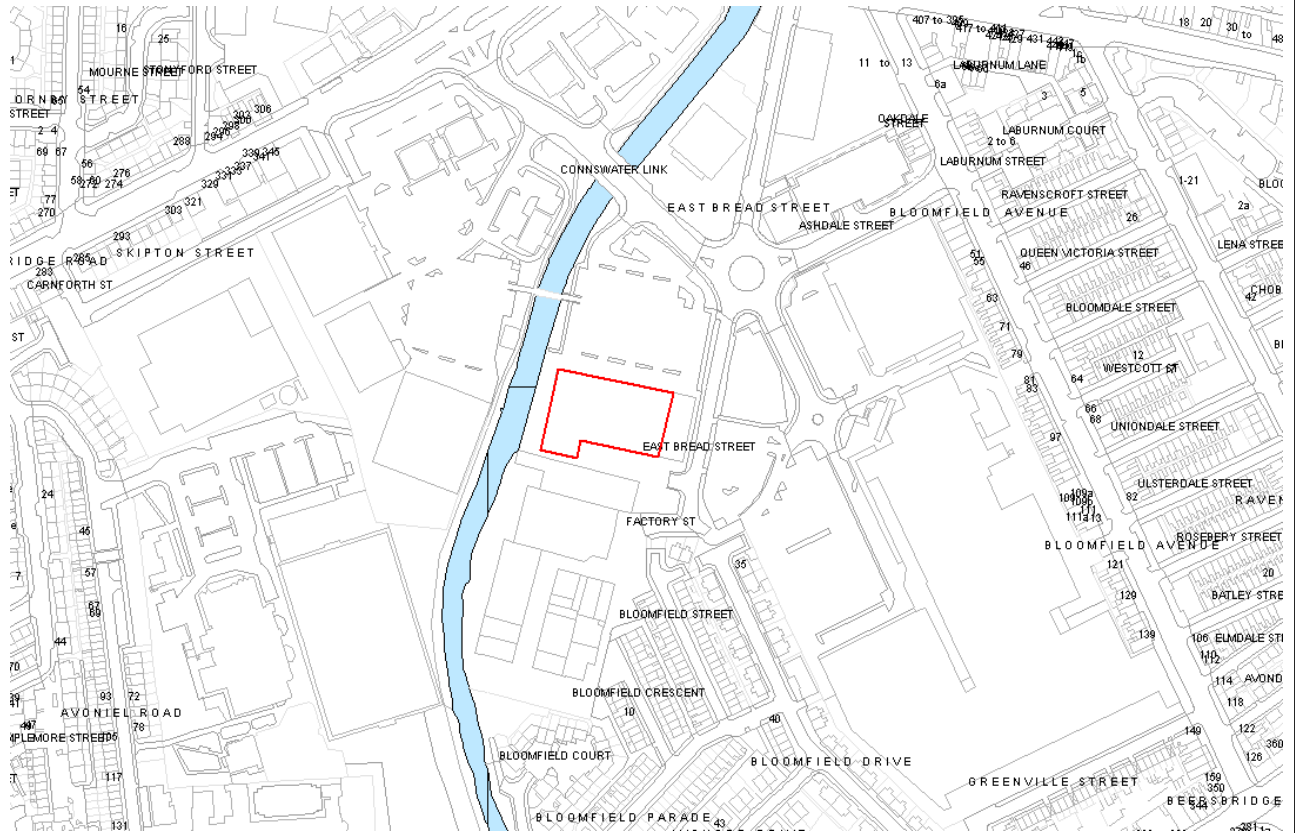
1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Belfast Metropolitan Area Plan due to its failure to comply with the requirements for sequential assessment which, if carried out, is reasonably likely to identify the availability of sequentially preferred sites within the City Centre and Connswater, Park Centre, and Hillview District Centres. The proposal, if approved, would therefore lead to an unjustified out of centre retail unit which would conflict with the objectives of focusing main town centre uses within town and district centres within the Strategic Planning Policy Statement and Belfast Metropolitan Area Plan and set an undesirable precedent for further unacceptable development.

Signature(s):

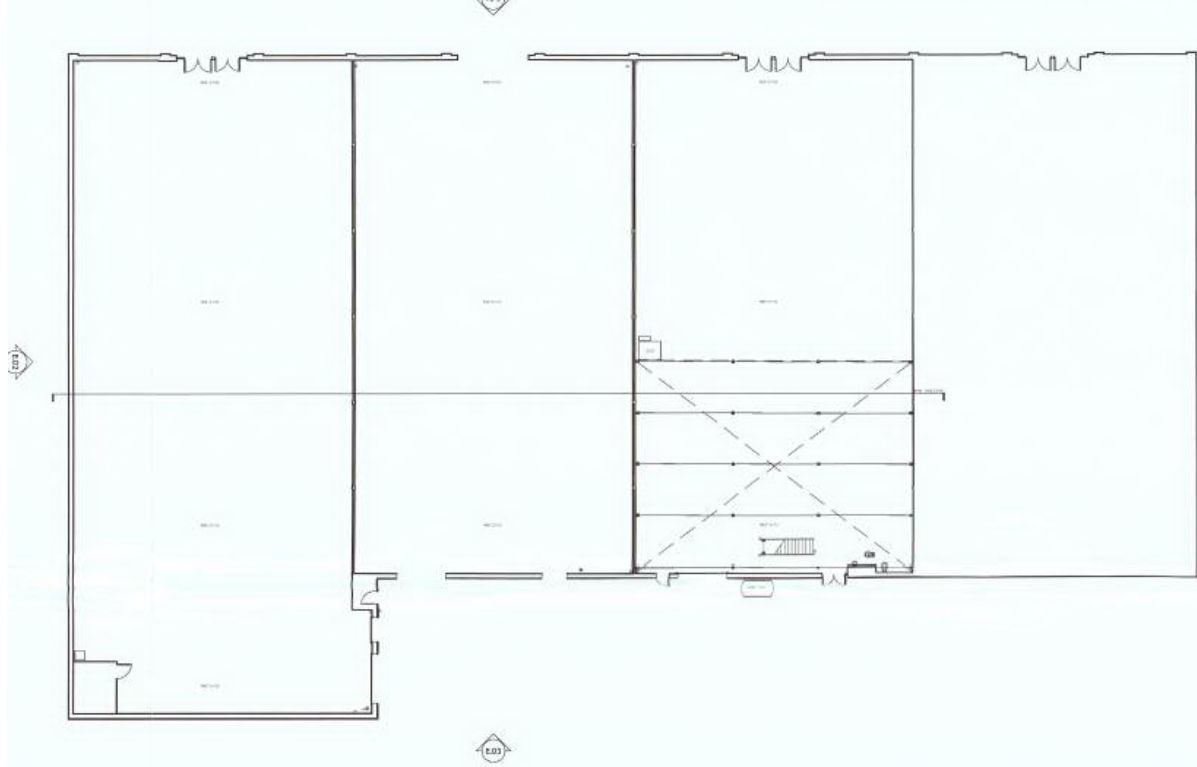
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Case Officer Report

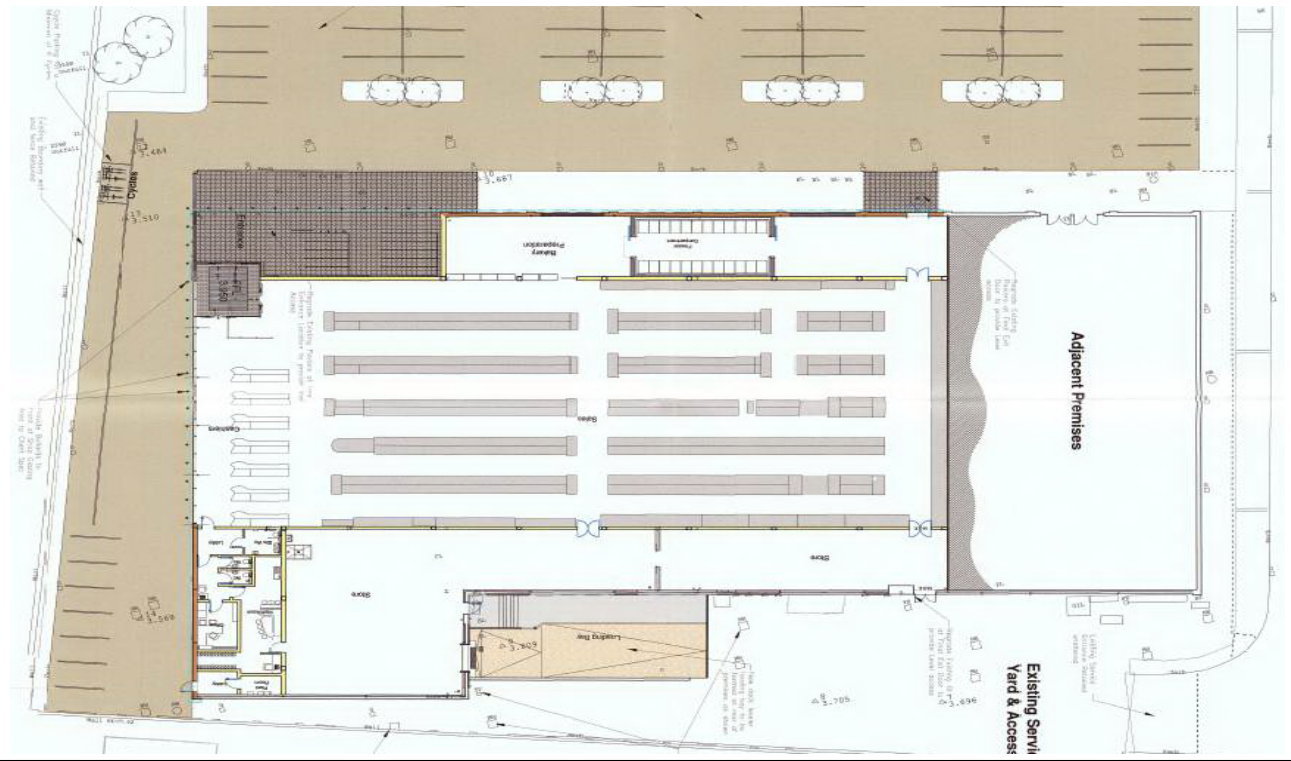
Site Location Plan



Existing Site Layout:



Proposed Site Layout:



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	NI Transport - Hydebank	No objections

Representations:	
Letters of Support	2 Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	Gavin J Robinson MP
Neighbour Notification Checked	Yes

1.0	<p>Description of Proposed Development</p> <p>Variation of condition 4 (retail warehousing shall only be used for the sale of bulky goods) of planning permission Z/1990/0127 (extension to Connswater Centre to include retail warehousing, business park, housing & car parking) to permit the sale of convenience goods and all types of comparison goods in Units 2 and 4 Connswater Retail Park.</p> <p>The proposal is 2208 sqm in size, with a net floorspace of 1379 sqm. 1103 sqm (80%) would be for convenience goods, with 276 sqm (20%) for the sale of comparison goods.</p>
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2.0	Description of Site
2.1	The site is located within Connswater Retail Park in east Belfast, and comprises three empty Retail Warehouse units constructed from brick with sheet metal cladding and roofing.
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Ref ID: Z/2014/1070/F Proposal: Proposed erection of retail unit to replace fire damaged unit including repairs to roofs of adjoining units and all associated works Address: Unit 3, Connswater Retail Park, Belfast, BT5 5DL, Decision: Granted Decision Date: 17.02.2015</p>
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
4.2	<p>Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS) PPS3: Roads Considerations; Development Control Advice Note 15 Vehicular Access Standards Belfast Metropolitan Area Plan 2015</p>
5.0	Statutory Consultee Responses
	Transport NI – no objections
6.0	Non Statutory Consultee Responses
	N/A
7.0	Representations
	<p>The application has been neighbour notified and advertised in the local press.</p> <p>Two representations were received supporting the proposal.</p> <p>G Robinson MP has submitted a letter of support for the application.</p>
8.0	Other Material Considerations
	The agent indicates that the proposal would result in the creation of 10 additional jobs and an investment of £2.5 million.

9.0	Assessment
9.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> - The principle of a major foodstore at this location; - The economic impact of the proposal; - Impact on amenity / character of the area; - Impact on transport and other infrastructure.
9.2	<p>Policy Considerations:</p> <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>
9.3	<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 PPS3, remain applicable under 'transitional arrangements'.</p>
9.4	<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>
9.5	<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 appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i></p>
9.6	<p>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.</p>
9.7	<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;

	<ul style="list-style-type: none"> - edge of centre; and - out of centre locations, only where sites are accessible by a choice of good public transport modes.
9.8	<p>Paragraph 6.276 states planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping, and ensure their role is complementary to the role and function of the town centre. In these centres, extensions should only be permitted where the applicant has demonstrated that no adverse impact will result on town centres in the catchment.</p>
9.9	<p>No guidance has been published to date by DoE to assist in interpretation and application of SPPS policy.</p>
9.10	<p>BMAP is the current development plan for the area. Part 9 regulation 32 and associated Schedule of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 states:</p> <p><i>‘during the transitional period a departmental development plan shall operate as the local development plan for the area for which it is made and shall be treated for the purposes of the 2011 Act and any other enactment relating to planning as being the local development plan for the area’.</i></p> <p>Whilst the BMAP has been successfully challenged in the High Court, it enjoys presumptive validity until such time as a decision on what remedy to grant has been taken by the court.</p>
9.11	<p>BMAP strategic retail policy for Belfast is set out at pages 54-58 Part 3 volume 1 and page 28 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; - 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. <p>Two other elements are cited, however these relates to areas outside of Belfast and are therefore not applicable.</p>
9.12	<p>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></p>
9.13	<p>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</p>

	<p>distinctive role of Belfast City Centre as the leading regional shopping centre. It refers to the Regional Development Strategy 2035 which states it <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></p>
9.14	<p>A list of district centres is designated on page 57 part 3 volume 1. 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 stating they 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.</p>
9.15	<p>Page 28 part 4 volume 2 refers to retailing in the city centre and designates the Primary Retail Core and Primary Retail Frontage under CC05 and CC06.</p>
9.16	<p>Pages 105-106 part 4 volume 2 refers 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></p>
9.17	<p>Planning History:</p> <p>The application site forms part of an Outline Approval reference Z/1990/0127, described as <i>'extension to Connswater Centre to include retailing, retail warehousing, business park, housing and car parking'</i>. Condition 4 of this approval restricted the nature of goods permissible to be sold to 'bulky goods' ie DIY materials and products, garden materials plant and equipment, furniture and soft furnishings, and electrical goods. This was approved on 15th October 1991.</p>
9.18	<p>More recently, unit 3 (the middle unit) which forms part of the application site, was subject to an application for reinstatement following fire damage. Z/2014/1070/F <i>Proposed erection of retail unit to replace fire damaged unit including repairs to roofs of adjoining units and all associated works</i> was approved 3rd February 2015. Due to an error, conditions on this approval did not include restrictions on the range of goods that could be sold from the unit.</p> <p><u>Consideration</u></p>
9.19	<p>It is convention in retail planning to divide the market into two sectors namely convenience and comparison.</p> <p>Convenience goods are typically items bought on a frequent basis and are essential for daily life. Examples include food, drink, tobacco, newspapers,</p>

	<p>magazines, stationary, cleaning materials, toilet goods.</p> <p>Comparison goods are items that are purchased infrequently, and luxury or lifestyle items that are typically bought through 'shopping around' and comparison between shops and products where price, quality and selection are a specific requirement. Comparison goods can also be subdivided into 'non-bulky' and 'bulky' goods.</p> <p>Examples of 'non bulky' comparison goods include books, clothing and footwear, jewellery, watches and clocks.</p> <p>Bulky goods include DIY materials, products and equipment, garden materials, plant and equipment, furniture and soft furnishings, carpets and floor coverings and electrical goods.</p>
9.20	<p>The proposal seeks to vary a planning condition of a previous permission in order to permit the sale of convenience and comparison goods from existing vacant retail warehouse units. Bulky goods are generally sold from such units, which is secured by planning condition such as in this case. However account must also be taken of the planning history of the site in which a restricted goods condition was not applied and thus part of the site (Unit 3/middle unit) benefits from unrestricted sale of types of goods.</p>
9.21	<p>The proposal is 2208 sqm in size, with a net floorspace of 1379 sqm. 1103 sqm (80%) would be for convenience goods, with 276 sqm (20%) for the sale of comparison goods. The proposal relates to a named operator Lidl, who are currently operating in a smaller unit within Connswater Retail Park of 750 sqm net floorspace. It should be noted however, that any planning permission cannot be linked to an operator, rather the scale and nature of retailing can only be linked to the site. Thus if permission was granted any operator could trade from the retail unit subject to compliance with any conditions deemed appropriate.</p>
9.22	<p>The site is not subject to any zonings in BMAP, and whilst located within a complex of retail warehouse uses, it is outside the District Centre designation identified for Connswater in the Plan. It is therefore sited in an 'out of centre' location. The merits of the boundaries of the District Centre designation would have been considered in detail at BMAP inquiry stage.</p>
9.23	<p>The agent submitted a retail statement with the application, and then submitted a Retail Impact Statement to the Council on 8th January 2016. Paragraph 6.283 of the SPPS states all applications above 1000 sqm...should be required to undertake a full assessment of retail impact.</p>
	<p>Catchment</p>
9.24	<p>The agent has argued that the catchment area (or area from which people/expenditure will be drawn/attracted to the proposal) for the proposal would be 10 minutes from the site, but has altered this to exclude Belfast City Centre (BCC) on the basis that residents of BCC would not travel to Connswater given a Lidl within the City Centre would satisfy any such demands.</p>

9.25	<p>It is considered erroneous to exclude the City Centre on this basis. Whilst it may be the case that city centre residents would not travel past the City Centre Lidl, it is also reasonable to assume that the City Centre Lidl also attracts shoppers from east Belfast given the larger store/offer available at this location in addition to possible linked trips with other city centre stores. Similarly the proposal would provide a larger store and associated range of goods than the city centre store, thus increasing its' appeal to shoppers.</p>
9.26	<p>The agent asserts than a 10 minute catchment is appropriate. This is considered overly restrictive given the size and scale of this major retail development. Foodstores of this scale would normally be subject to a 15 minute catchment, however it is considered in this urban location that influence within the 10-15 minute drive time in some areas will be diminished due to closer proximity of other retail stores/centres. In this regard the catchment is therefore considered to include the City Centre, Ormeau Road and to the west due to the lack of such stores within this area. District Centres Cityside/Yorkgate, Park Centre, and Forestside are also considered to be within the Catchment due to the ease of access via road links including public transport.</p> <p>Sequential Test / Available sites</p>
9.27	<p>The SPPS introduces a town centre first approach and a sequential assessment to town centre uses that are not in an existing centre, taking account of the catchment area of the proposal. Accordingly primary retail core and city centre vacant sites must be considered for suitability followed by those in other designated centres, in this case district and local centres designated by BMAP, before out of centre locations. Out of centre locations must also be accessible by a choice of good public transport modes.</p>
9.28	<p>Paragraph 6.289 require applicants to '<i>...identify and fully demonstrate why alternative site 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 guidance has been published by DOE to assist in the interpretation and implementation of the sequential test and associated polices 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> <p>(a) 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 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>

	<p>(b) 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.</p> <p>(c) Viable - whether there is a reasonable prospect that development will occur on the site at a particular point in time.</p>
9.29	<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>
9.30	<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 December 2012. This retains application of the sequential test, but now reads as follows (paragraph 24):</p> <p><i>Local planning authorities should apply a sequential test 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 Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.</i></p>
9.31	<p>In applying the sequential test, the nature of the developers 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>
9.32	<p>The agent has stated that they do not consider any suitable site exists within the catchment area of the proposal. However, it is considered that the catchment is larger than that suggested by the developer and that the city centre (within 10 mins drive time), and other areas (within 15 mins drive time), are within the catchment area. It is considered that they have arbitrarily identified the catchment to exclude the City Centre and other District Centres. Instead they have indicated that other sites would not be suitable or viable as the proposal is seeking to address a quantitative need in convenience shopping at Connswater District Centre identified by the Colliers Retail Report and exacerbated by the departure of Tesco. However the proposal is not located within the District Centre defined by BMAP, and is therefore an ‘out of centre’ location. It is erroneous to justify this proposal on the basis of a quantitative need identified for the protected District Centre.</p>

9.33	<p>A review of vacant sites within the city centre, district centres, and local centres within the catchment area has therefore been undertaken, using site surveys supplemented with property website searches, with availability confirmed with property companies. It is acknowledged, that the property market is a dynamic sector by nature, with site availability changing on an almost daily basis. It should also be noted that a business model operated by retailers is not justification for discounting sequentially preferable sites, the public interest is to ensure that city and other protected centres are vibrant and viable as articulated in the aim and objectives of the SPPS and BMAP.</p>
9.34	<p>City Centre</p> <p>Within the Primary Retail Core as identified in BMAP, unit 70 in Castlecourt was formerly occupied by TK Maxx. This unit is 2284sqm in size and is therefore sufficient to accommodate the proposal. Car parking is adjacent to the retail unit. It has not been demonstrated by the agent why this site is unsuitable.</p> <p>Lidl are present within the city centre at Hi Park Centre / 'inn shops' at High Street, which is also within the Primary Retail Core. There is a vacant unit immediately adjacent to this existing facility 1330sqm in size. This is slightly below the required net retail space of 1379 sqm, however with a degree of flexibility could accommodate the proposal in the form of an extension to the existing store. Together with the existing unit, the store would be 2352 sqm in size. Car parking is available within the Hi Park Centre building. It has not been demonstrated by the agent why this site is unsuitable.</p> <p>There are a large number of small sites available within the city centre, however the majority of these would not be suitable for the proposal by virtue of their size.</p> <p>There are a number of development opportunity sites identified within the city centre in BMAP. Many of these could easily accommodate the proposal, such as at the former Sirocco Works site, but would require the erection of new buildings. The former Mayfield leisure centre site could be converted to facilitate the proposal, however this could fail the viability test due to a recent approval for conversion to offices.</p>
9.35	<p><u>District Centres</u></p>
9.351	<p>Cityside / Yorkgate</p> <p>Cityside is within 10 minutes drivetime of the application site. There are two vacant units adjacent to each other within the main building – units E1 (506 sqm) and E2 (842 sqm). Together this would provide 1348 sqm. These sites are therefore insufficient to accommodate the proposal. Other vacant units within the centre are also insufficient in size to accommodate the proposal.</p>
9.352	<p>Connswater District Centre</p> <p>Connswater is designated in BMAP and includes the Connswater shopping centre and retail buildings between the shopping centre and the Newtownards Road. The</p>

	<p>application site is within an adjacent retail park that is not subject to any zonings.</p> <p>Within the shopping centre, there are a number of vacant units including an area of the centre formerly occupied by Tesco (2104 sqm). This forms part of a larger vacant area 5784 sqm in size. Surface level parking is available immediately adjacent to the site. This site is therefore considered capable of facilitating the proposal. The agent and landlord have indicated that this site is subject to Tesco ownership, and that negotiations are ongoing to secure a tenant/new owner however Tesco are limiting the nature of retailer via a leasehold. Policy does not cite land ownership issues as a criterion for which sequentially preferable sites can be discounted – this is not a public interest issue. This is a private land ownership issue and is not insurmountable.</p> <p>There are a number of other vacant units within the centre, including a former Dunnes store 1906 sqm in size. This unit would be insufficient in size to accommodate the proposal, however vacant units adjacent to the Dunnes unit and within the centre could be reorganised to facilitate the proposal. The Centre Management have confirmed flexibility and willingness in relation to possible reorganisation. There are no insurmountable reasons why this unit could not accommodate the proposal.</p> <p>It is also of note that the Landowner controls ownership of the application site and the Connswater Shopping Centre.</p>
9.353	<p>Park Centre</p> <p>Park Centre is located approximately 11 minutes drive time from the site and is a designated District Centre. Dunnes previously operated a foodstore approximately 3797 sqm in size from the shopping centre which is now vacant. There is also an extant permission Z/2010/1499/F approved 20.03.2013 for a retail unit 998 sqm at this location. This unit is of sufficient size to accommodate the proposal and has equally adequate facilities to the application site including car parking.</p>
9.354	<p>Hillview</p> <p>This is located off the Crumlin Road and is within the 10-15 mins drivetime from the site. This contains an Asda store and a terrace of vacant retail units. It is conceivable that these units could be amalgamated to facilitate the proposal and has equally adequate facilities to the application site including car parking.</p>
9.355	<p>Forestside</p> <p>Forestside is within Lisburn / Castlereagh Council area, and is located within the 10-15 minute drivetime area from the application site. Surveys indicate there are no sites/units of sufficient size to accommodate the proposal.</p> <p>The remaining District Centres of Dairyfarm, Kennedy Centre, and Westwood Centre (and other listed centres outside of Belfast City Council Area) would fall outside of the 15 minute drivetime and catchment area of the proposal.</p>

9.36	Arterial Routes and Local Centres
	<p>Arterial Routes and Local centre have been surveyed for suitable sites. There are no sites available that would match the criteria of the proposal, generally due to insufficient size. Kings Square off the Kings Road in east Belfast has also been examined and whilst a vacant unit is available, it is of insufficient size to accommodate the proposal.</p>
	<p>A review of available sites indicates sequentially preferable locations that could accommodate the proposal are available within the city centre and district centres. The proposal therefore fails the sequential test, and if approved would accordingly set an undesirable precedent.</p>
	Retail Impact
9.37	<p>The proposal constitutes a major retail application as the proposal exceeds 1000sqm floorspace. At the time of submission, retail policy was set out in PPS5, and paragraph 60 required major proposals to be accompanied by retail impact information. The agent submitted a retail statement. 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 1000sqm not proposed in a town centre. A retail impact statement was received on 8th January 2016.</p>
9.38	Retail Impacts cited by the Agent:
9.381	(i) Retail impact on convenience goods shops
	<p>The RIA estimates that the majority of the additional turnover (£1.6m) required to sustain the increased convenience goods floorspace will be diverted from the nearby Tesco superstore on Castlereagh Road, which is within 5 minutes drive of the site, and from Lidl on Castlereagh Road, which is within 5-10 minutes drive. Lidl Castlereagh Road would have the highest impact of 8.8%. Lidl City Centre, would have an impact of 1.7%, whilst Tesco Castlereagh Road would have an impact of 1.5%.</p>
	<p>Discount stores within Connswater District Centre (Poundland and Poundstretcher) are the next highest impacts identified, which would be subject to a 4.2% and 4.4% impact. The balance will be diverted from the full range of other convenience goods stores across the catchment, including B&M Bargains within Connswater.</p>
9.382	(ii) Impact on comparison goods shops
	<p>The proposal includes an element of comparison floorspace (276 sqm). The RIA states that this element would turnover approximately £1.45m.</p>
	<p>The RIA estimates that the majority of turnover (17%) will be diverted from Tesco on Castlereagh Road, with the next highest diversion from B&M Homestore (16%), followed by the adjacent Poundworld (8%). In terms of Retail Impact this translates to impacts of 5.6% on Tesco, 2.2% on B&M, with Poundworld</p>

	<p>estimated to experience the highest retail impact of 12.7%. These stores/locations are all located out of centre.</p> <p>In relation to protected centres, the agent asserts that 29% of the proposal turnover would be diverted from Connswater District Centre, equating to an impact of 1.5%. 5% of the proposal turnover would be diverted from the City Centre equating to an impact of 0.01%.</p> <p>Consideration:</p>
9.39	<p>The findings of the RIA and associated supporting information have been fully assessed. Council would not agree with the majority of diversions cited within the RIA and has undertaken assessment of impacts based on its' own assumptions and testing of the information presented.</p>
9.40	<p>In terms of convenience impact, it is considered that the proposal is likely to draw the majority of trade from Lidl City Centre, Tesco and Lidl Castlereagh Road, and Iceland on Newtownards Road by virtue of a combination of proximity and similarity factors. Following assessment of the economic information, on balance, it is considered that the majority of trade will be drawn from unprotected locations and as such the scale of impact on protected centres is not likely to be significant.</p>
9.41	<p>In relation to comparison impacts, the Agent asserts that the majority of trade would be diverted from unprotected centres. Following assessment of the economic information it is considered that the proposal is unlikely to draw a significant amount of trade away from any protected centres within the catchment area.</p>
9.42	<p>In terms of retail impact, account must also be taken of the extant permission on the site for unrestricted retailing within unit 3, which is 713sqm in size. It is acknowledged that this approval would account for some of potential diversion of trade/impact likely from the proposal.</p>
9.43	<p>It is also considered that the proposal, when assessed individually and cumulatively with other extant retail permissions within the catchment, would not adversely affect the vitality and viability of protected centres within its catchment area.</p>
9.44	<p>Amenity</p> <p>Given the variation of condition nature of the proposal, and that the use will essentially remain as class A1 retail, it is not considered that the proposal will result in any detriment to amenity of existing properties adjacent to the site.</p>
9.45	<p>Access, Parking and Transport:</p> <p>In relation to traffic, access, and parking issues, Transport NI was consulted and is satisfied with the parking and access arrangements. Accordingly the proposal is considered compliant with requirements in PPS3 and associated guidance.</p>

<p>9.46</p> <p>9.47</p>	<p>Other Considerations:</p> <p>The agent indicates that the proposal would result in the creation of 10 additional jobs. Whilst no doubt this would be welcome, it is not considered significant or sufficient to set aside the policy objections to this proposal in terms of failure to satisfy the sequential test and associated provisions within the SPPS and BMAP.</p> <p>In relation to the planning history of the site and the unrestricted retailing permissible from Unit 3, the remaining units either side remain subject to floorspace restrictions. Floorspace restrictions were not re-applied to unit 3 in error. In any case, consideration and assessment of that application was subject to different policy considerations under PPS 5, and pre-dated the SPPS and associated introduction of the sequential test in September 2015. Notwithstanding the current planning status of unit 3 (698 sqm), the proposal constitutes a major planning application of 2208 sqm in size and will result in a new chapter in the planning history of these retail units.</p> <p>Representations</p> <p>Three letters supporting the application have been received, including a representation from Gavin Robinson MLA.</p> <p>One representation asserts that up to 40 jobs would be created, however this contradicts the 10 jobs indicated by the agent in their supporting retail studies.</p> <p>It is asserted that the application, if approved, would attract additional people/footfall to the Connswater area and have a positive impact. As discussed above, retail policy set out in the SPPS and BMAP requires retail uses to be directed to the city centre or protected centres where suitable sites are available. It is also considered that there are suitable sites within the Connswater Shopping Centre itself which could accommodate the proposal. If located within the centre, the proposal would attract customers to this protected centre directly – with shoppers required to pass existing stores to access either potential sites. It is considered less likely that frequent linked trips between the application site and the shopping/district centre would result if the proposal was approved.</p>
<p>10.0</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended due to the availability of sequentially preferable sites with the city centre and district centres identified in BMAP.</p>
<p>Reasons for Refusal:</p> <p>Delegation of final refusal reasons to Director of Planning and Place Requested:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Belfast Metropolitan Area Plan due to its failure to comply with the requirements for sequential assessment which, if carried out, is reasonably likely to identify the availability of sequentially preferred sites within the City Centre and 	

Connswater, Park Centre, and Hillview District Centres. The proposal, if approved, would therefore lead to an unjustified out of centre retail unit which would conflict with the objectives of focusing main town centre uses within town and district centres within the Strategic Planning Policy Statement and Belfast Metropolitan Area Plan and set an undesirable precedent for further unacceptable development.

Signature(s)

Date:

ANNEX	
Date Valid	22nd April 2015
Date First Advertised	5th June 2015
Date Last Advertised	31st December 2015
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 2 Bloomfield Street,Ballyhackamore,Belfast,Down,BT5 5AU, The Owner/Occupier, 4 Bloomfield Street,Ballyhackamore,Belfast,Down,BT5 5AU, The Owner/Occupier, Connswater Ind Est,Connswater Link,Ballymacarret,Belfast,Down,BT5 4AF, The Owner/Occupier, Connswater Link,Ballymacarret,Belfast,Down,, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, UNIT 1,Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL, The Owner/Occupier, Unit 14-15,Factory Street,Ballyhackamore,Belfast,Down,BT5 5AW, The Owner/Occupier, Unit 2,Connswater Retail Park,Factory Street,Ballyhackamore,Belfast,Down,BT5 5DL,</p>	

Date of Last Neighbour Notification	22nd December 2015
Date of EIA Determination	N/A
ES Requested	No

Planning History

Ref ID: Z/2014/1070/F

Proposal: Proposed erection of retail unit to replace fire damaged unit including repairs to roofs of adjoining units and all associated works

Address: Unit 3, Connswater Retail Park, Belfast, BT5 5DL,

Decision: Granted

Decision Date: 17.02.2015

Ref ID: LA04/2015/0161/F

Proposal: Alterations to elevations of retail units 2, 3 and 4 involving re-cladding of front elevation using alucobond and render, glazed curtain walling along west elevation, new entrance pod and trolley park, loading bay, condenser units and relocation of fire escape doors.

Address: Units 2, 3 and 4 Connswater Retail park, 3 Connswater Link, Belfast, BT5 5DL,

Decision: TBA

Decision Date:

Ref ID: Z/1989/0655

Proposal: Extension to Connswater Shopping Centre to include retailing, business park, housing and car parking

Address: CONNSWATER INDUSTRIAL ESTATE EAST BREAD STREET, BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/2005/1752/F

Proposal: Demolition of 3 no. existing retail units, construction of 2 no. new retail units and re-cladding of 6 no. existing retail units and amendment to previously approved extension to unit 11 (ref. Z/2002/0966/F)

Address: Connswater Retail Park, Albertbridge Road, Belfast

Decision:

Decision Date: 03.07.2006

Ref ID: Z/1997/0304

Proposal: Erection of three retail warehouses

Address: ARCHES RETAIL PARK ALBERTBRIDGE ROAD BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/2009/0382/F
 Proposal: Variation of condition 04 of planning permission Z/1990/0127.
 Address: Unit 2, Connswater Retail Park, Connswater, BT05 5AA.
 Decision:
 Decision Date: 14.05.2009

Ref ID: Z/2011/0352/F
 Proposal: New shopfront entrance and mezzanine floor installation
 Address: Unit 1, Connswater Retail Park, Bloomfield Avenue, Belfast, BT5 5DL,
 Decision: PG
 Decision Date: 31.08.2012

Ref ID: Z/2010/0974/F
 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.
 Address: Unit 1 Connswater Retail Park, 3 Connswater Link, Belfast, BT5 5DL,
 Decision:
 Decision Date: 11.03.2011

Drawing Numbers and Title

Drawing No. 01, 04

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department: