

Development Management Report Committee Application

Summary	
Committee Meeting Date: 16 May 2017	
Application ID: LA04/2016/2489/F	
Proposal: Construction of a retail warehouse unit with internal mezzanine floor along with associated site works.	Location: Shane Retail Park Boucher Road Belfast BT12
Referral Route: Planning Committee – Major retail scheme over 1000sqm	
Recommendation:	Approval
Applicant Name and Address: MAM SRP Acquisition Ltd C/O maples Corporate Services Limited PO Box 309 Ugland House Grand Cayman	Agent Name and Address: Strategic Planning 1 Pavilions Office Park Kinnegar Drive Holywood
<p>Executive Summary:</p> <p>Planning permission is sought for the erection of a retail warehouse building. The proposal is 1688sqm for the sale of bulky goods with internal mezzanine floor and associated general site works. No operator has been named and the agent has confirmed this is a speculative proposal.</p> <p>The site is within the designated development limits for the city within the Area Plan (BMAP 2015) and is unzoned white land located within the Boucher Road area of the city and within the Shane Retail Park site. Located to the west by the M1 motorway, to the east by Boucher Road, to the north Boucher Road Playing Fields and to the south by residential properties fronting Stockmans Lane.</p> <p>The site itself occupies a small plot of 0.3 hectares from the overall plot of the retail park which is approximately 7.5 hectares.</p> <p>Key issues in the assessment of this application</p> <ul style="list-style-type: none"> • Principle of retail development at this site • Design of proposal • Impact on neighbouring amenity • Visual impact • Traffic, movement and parking • Flooding • Environmental issues • Landscaping <p>The main policies considerations are set out in the Strategic Policy Statement, BMAP, PPS3, and PPS15.</p> <p>A review of available sites indicates sequentially preferable locations that could accommodate the proposal are available within the primary retail core, city centre, and district centres. The proposal therefore fails the sequential test as set out in the SPPS.</p>	

Following this assessment in terms of retail impact, it is considered that the proposal would not significantly impact on Belfast City Centre or other protected centres. 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.

The SPPS requires applicants to provide an assessment of need in the absence of an up-to-date development plan at paragraph 6.282. Such an assessment has not been provided, however the agent has indicated the 'need' is making best use of a brownfield site, supporting and providing employment, directly and indirectly. It has not been demonstrated that there is a need for additional retail floorspace at this location.

In relation to the planning history of the site, two retail units were previously approved on this site in October 2009. Whilst the permission expired in 2014 and the application site is now partially occupied by a Costa Coffee unit it is considered material.

The proposal is acceptable in terms of design and would not adversely impact on amenity.

No objections have been received from relevant consultees including TNI, NIEA, Environmental Health, Rivers Agency or NI Water.

The Council has received no representations regarding the proposal.

Recommendation

It is considered exceptionally, in this case, given the history of the site and net reduction of floorspace proposed to the units previously approved, the likely limited retail impact of the proposal, the potential for creation of 15 jobs, the lack of objection from consultees and the public, outweigh the non-compliance with the sequential test in this case. In addition, the restriction to 'bulky goods' sales is compatible with the other units in the Retail Park.

Approval of the application is recommended subject to the conditions set out in section 10 below.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0	<p>Description of Proposed Development Planning permission is sought for the erection of a retail warehouse building. The proposal is 1688 sqm in size with internal mezzanine floor and associated general site works. No operator has been named and is a speculative proposal. This has been confirmed by the agent.</p>
2.0	<p>Description of Site. The site is located within the south east corner of an existing car parking area servicing the associated retail park, as such it is an area of level ground laid out in tarmac hard-standing. The retail park contains a row of large units housing, home furniture outlets, a toy sales and Homebase DIY. Located beside the proposed site location is a carpet sales outlet and a large coffee shop. Beyond the site is a row of residential dwellings which is separated from the retail park by a vegetation buffer zone of mature trees and hedging.</p>

Planning Assessment of Policy and other Material Considerations

3.0	<p>Planning History Z/2008/1563/F - Erection of 2 no retail warehouse units comprising a gross floorspace of 2000 square metres. Approved on 14.10.2009.</p>
4.0	<p>Policy Framework</p>

4.1	Belfast Metropolitan Area Plan (BMAP 2015) Strategic Planning Policy Statement (SPPS) Planning Policy Statement 3: Roads Considerations (PPS3); Planning Policy Statement 15: Flood Risk (PPS15);
5.0	Statutory Consultee Responses
	NIWater (NIW) – no objection Northern Ireland Environment Agency (NIEA) – no objection TransportNI (TNI) – no objection Rivers Agency – no objection
6.0	Non Statutory Consultees Responses
	Environmental Health Services (EHS) – no objection
7.0	Representations
7.1	No objections have been received regarding proposal however a number of issues were raised during the Proposal of Application Notice (PAN) process, to be discussed within report.
8.0	Other Material Considerations
	LDP – Preferred Options Paper Belfast City Centre Regeneration and Investment Strategy
9.0	Assessment
	<p>Key issues in the assessment of this application</p> <ul style="list-style-type: none"> • Principle of retail development at this site • Design of proposal • Impact on neighbouring amenity • Visual impact • Traffic, movement and parking • Flooding • Environmental issues • Landscaping <p>The site is within the city development limits as designated within BMAP 2015 the presumption is in favour of development subject to planning considerations as detailed below.</p>
9.0	<u>Principle of Retail Development at this site</u>
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 retail warehouse at this location; - The economic impact of the proposal; - Impact on amenity / character of the area; - Impact on transport and other infrastructure. <p>Policy Considerations:</p>
9.2	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 ‘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’.

9.3	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'.
9.4	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.
9.5	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 '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.'
9.6	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.
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; - edge of centre; and - out of centre locations, only where sites are accessible by a choice of good public transport modes.
9.8	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.
9.9	<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>
9.10	<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.
9.11	Two other elements are cited, however these relates to areas outside of Belfast and are therefore not applicable.
9.12	Policy R1 states that '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'. The supplementary note goes on to say that '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.'
9.13	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 states it '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.'
9.14	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.
9.15	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.
9.16	Pages 105-106 part 4 volume 2 refers to retailing in outer Belfast. This designates the District Centres under BT010. The supplementary text states '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.'
9.17	<p>Consideration</p> <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, 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>
9.18	<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>
	<p>The Proposal</p>
	<p>The proposal seeks to erect a retail warehouse for the sale of bulky goods on an area of Shane Retail Park that is currently set out/identified for car parking. The proposal is 1688 sqm in size. Key requirements of the proposal are identified in the retail statement as:</p> <ul style="list-style-type: none"> - Site in an existing retail park, capable of accommodating 1688sqm of floorspace; - Free onsite parking;
9.19	<ul style="list-style-type: none"> - On site servicing capable of accommodating 40ft articulated lorries; - Prominent location;
9.20	<p>The proposal does not identify any named operator. Accordingly, it is speculative and the agent has confirmed this is the case through correspondence on file.</p>
9.21	<p>The site is not subject to any zonings in BMAP, and whilst located within a complex of retail warehouse uses, it is outside any retail centre designations the Plan. It is therefore sited in an 'out of centre' location.</p>
9.22	<p>Paragraph 6.283 of the SPPS states all applications above 1000 sqm...should be required to undertake a full assessment of retail impact. The agent submitted a retail statement with the application</p>
	<p>Catchment</p>
	<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 20 minutes from the site. This is considered reasonable given the bulky goods nature of the proposal. The majority of the Belfast City Council Local Government Area is identified as within the 5 minute drive time of the site in the Retail Statement. Accordingly, a number of protected centres fall within the catchment area including:</p> <p>Belfast City Centre; District Centres: Park Centre, Westwood Centre, Kennedy Centre, Dairy Farm, Cityside/Yorkgate, Hillview, Connswater;</p>
	<p>Due to the 20 minute drive time, there are also a number of centres outside the City Council Boundary:</p>
	<p>Town Centres of Lisburn, Carryduff, Newtownabbey, Ballyclare, Carrickfergus, and Holywood; District Centres: Forestside</p>
9.23	<p>Sequential Test / Available sites</p> <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. District centres are protected centres, and whilst not specifically listed in para 6.289 of the SPPS, it must be read in</p>

9.24	<p>conjunction with para 6.276 which requires authorities to 'retain and consolidate' such centres. Out of centre locations must also be accessible by a choice of good public transport modes.</p>
9.25	<p>Paragraph 6.289 require applicants to '...identify and fully demonstrate why alternative site are not suitable, available and viable'. Of importance is the legal case of Tesco Stores v Dundee City Council [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>
9.26	<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 '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.'</p>
9.27	<p>The agent has stated that they do not consider any suitable site exists within the catchment area of the proposal.</p> <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>
9.28	<p>City Centre</p> <p>As the proposal constitutes building a unit – vacant sites have been considered in addition to existing vacant retail units.</p>
9.29	<p>Primary Retail Core:</p> <p>Former BHS store Castle Place. This building has been vacant since at least July 2016 (source LDP POP) and is approx. 2016 sqm (21700 sqft) It is of sufficient size to accommodate the proposal and is currently being marketed as 'To let' by a commercial estate agency. This store previously included the sale of bulky goods, and accordingly adequate servicing arrangements are available. Whilst free parking is not available, it is not considered that this is sufficient justification to render this site unsuitable. This site is sequentially preferable. The retail statement does not identify this site, or why it is unsuitable.</p>
9.30	<p>Former Leisureworld Site Queens Street. This cleared site is in use as a temporary car park. It is of sufficient size to accommodate the floorspace proposed. This site is sequentially preferable. The retail statement does not identify this site or why it is unsuitable.</p> <p>Development Opportunity Site BMAP CC016 – Land to North of Castlecourt.</p> <p>BMAP identifies this site as a retail-led regeneration site and largely comprises a car-park and a number of commercial properties. The retail statement discounts this largely on grounds of timescales required to plan and construct, and no live or approved planning application for the site. Given the speculative nature of the proposal, it is not considered that</p>

9.31	<p>this should exclude this site. This is sequentially preferable to a speculative out of centre site.</p>
9.32	<p>Development Opportunity site CC017 – Cathedral Way.</p> <p>This site benefits from an extant approval for retail as part of a wider regeneration scheme. The proposal has not yet been implemented. The retail statement discounts this site on grounds of timescales for implementation and uncertainty regarding implementation. It is accepted that this would not be a suitable site on grounds that significant comprehensive redevelopment is necessary to implement this permission.</p>
9.33	<p>Victoria Square / Castlecourt</p> <p>Within the Primary Retail Core as identified in BMAP, the agent identifies unit 70 in Castlecourt which was formerly occupied by TK Maxx as unsuitable. This unit has been occupied for several months by Toys R Us – a bulky goods retailer. It is therefore no longer available.</p>
9.34	<p>There are a number of smaller units within Castlecourt and Victoria Square that are vacant, however these would not be suitable by virtue of their size.</p> <p>The Agent refers to Hi Park Centre / ‘inn shops’ at High Street, which is also within the Primary Retail Core. There is a vacant unit 1330sqm in size. This is below the required net retail space of 1688 sqm and is not therefore suitable.</p>
9.35	<p>City Centre Remainder</p> <p>Site at North Street Junction with Carrick Hill</p> <p>This site comprises a former Bingo Hall with adjacent Car Park. It is identified in BMAP as a Gateway Site, and is immediately adjacent to the Primary Retail Core. It is owned by Department for Communities and was recently marketed for an expression of interest. The site is of sufficient size to accommodate the proposal and has parking available on site. The retail statement does not identify this site or why it is unsuitable.</p>
9.36	<p>Site at Hope Street/Great Victoria Street</p> <p>This site has been vacant for several years and was previously used as a temporary car park. It is approximately 1 hectare in size. It is sufficient in size to accommodate the proposal. The retail statement does not identify this site or why it is unsuitable.</p>
9.37	<p>There are a large number of small sites available within the city centre including the Primary Retail Core, however the majority of these would not be suitable for the proposal by virtue of their size.</p> <p>District Centres</p> <p>Park Centre</p> <p>This centre is identified by the Retail Statement as being located within 5 mins of the site. 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. There are 7 other vacant units within the centre, however these are</p>

9.38	insufficient in size to accommodate the proposal.
	Kennedy Centre
	This centre is identified by the Retail Statement as being located within 5 mins of the site. Site surveys indicate there are no vacant units of adequate site to accommodate the proposal within the centre.
9.39	
	Westwood Centre
	This centre is identified by the Retail Statement as being located within 5 mins of the site. A redevelopment of the centre has recently been completed and is currently occupied by Asda and B&M Bargains. 5 warehouse type units remain available – 4 are 638sqm in size with the remaining unit 586sqm in size. This totals 3138sqm in size. Whilst individually these units are insufficient in size amalgamation of the units could be undertaken to accommodate the proposal.
9.40	
	Cityside / Yorkgate
	Cityside is within 5 minutes drive time of the application site. There are two vacant units adjacent to each other within the main building – Unit C former Blue Ink unit (411sqm) and unit E1 (506 sqm). These unit are insufficient in size to accommodate the proposal even if amalgamated. Unit 6B (former world of furniture) is outside of the main building and is also vacant. This is 461sqm in size and is insufficient to accommodate the proposal.
9.41	
	Hillview
	This is located off the Crumlin Road and is within the 5 mins drive time from the site. This contains an Asda store and a terrace of 5 vacant retail units (units nos 2-6) each 834sqm in size. 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.
9.42	
	Connswater District Centre
	Connswater is designated in BMAP and includes the Connswater shopping centre and retail buildings between the shopping centre and the Newtownards Road.
	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. This site is currently being marketed as for/to let by a Commercial Estate Agency. Surface level parking is available immediately adjacent to the site. This site is therefore considered capable of facilitating the proposal.
	There are a number of other vacant units within the centre, including a former Dunnes store 1906 sqm in size. This unit would also be sufficient in size to accommodate the proposal. The remaining 9 vacant units would be insufficient in size to accommodate the proposal.
9.43	
	Forestside
	Forestside is within Lisburn / Castlereagh Council area, and is located within the 5-10 minute drive time area from the application site. Surveys indicate there are no sites/units of sufficient size to accommodate the proposal.
9.44	
	Arterial Routes and Local Centres

9.45	<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>Out of Centre</p>
	<p>Within Boucher Road, the former B&Q site/building is vacant. It is identified in the Retail Statement Impact section as 7296 sqm.</p>
	<p>Within Holywood Exchange the former BHS store is vacant and is 3520 sqm in size. This is located within the 10-20 minute drive time from the site.</p>
9.46	<p>Both of these site could 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. It is not therefore considered necessary to consider other centres outside of the Council Boundary.</p>
9.47	<p>Retail Impact</p>
	<p>The proposal constitutes a major retail application as the proposal exceeds 1000sqm floorspace. The SPPS in paragraph 6.283 stipulates that a full assessment of retail impact is required for development exceeding 1000sqm not proposed in a town centre.</p>
9.48	<p>Retail Impacts cited by the Agent:</p>
9.49	<p>The proposal comprises a gross floorspace of 1688sqm and the RIA estimates a sales area of 90% of gross at 1520 sqm. A turnover figure of £3890 per sqm is cited giving a turnover of £5.913m at base year (2016) and £6.69m at design year (2019).</p>
9.50	<p>The RIA estimates that the majority of turnover (60%) will be diverted from other stores within Boucher Road, 10% from Belfast City Centre, 5% from Cityside Retail Park within the 0-5min drive time.</p>
9.51	<p>Within the 5-10min drive time 10% of turnover would be drawn from Sprucefield, 5% from Abbeycentre.</p>
9.52	<p>From beyond 10 minutes drive time, the RIA indicates 10% of turnover would be drawn from Holywood Exchange.</p>
9.53	<p>In terms of Retail Impact this translates to impacts of 2.5% on Boucher, 1.5% on Belfast City Centre, 1.9% on Cityside, 0.7% on Sprucefield, 0.4% on Abbeycentre and 0.4% on Holywood Exchange.</p>
9.54	<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>
	<p>Following this assessment in terms of retail impact, it is considered that the proposal would not significantly impact on Belfast City Centre or other protected centres. It is also considered that the proposal, when assessed individually and cumulatively with other extant</p>

	<p>retail permissions within the catchment, would not adversely affect the vitality and viability of protected centres within its catchment area.</p>
9.55	<p>Need:</p> <p>The SPPS requires applicants to provide an assessment of need in the absence of an up-to-date development plan at paragraph 6.282. Such an assessment has not been provided, however the agent has indicated the 'need' is making best use of a brownfield site, supporting and providing employment, directly and indirectly. It has not been demonstrated that there is a need for additional retail floorspace at this location.</p>
9.56	<p>It is considered that the vacancy of the former B&Q unit on Boucher Road (7296sqm), in addition to the vacancy within the city centre and District Centres outlined above, is an indicator that there is no identifiable need for additional floorspace within Boucher across the city.</p>
9.57	<p>Other Considerations:</p>
9.58	<p>The agent indicates that the proposal would result in the creation of 15 jobs and an investment of £2m.</p>
9.59	<p>In relation to the planning history of the site, two retail units were previously approved on 14.10.2009. This permission expired in 2014 and the application site is now partially occupied by a Costa Coffee unit. Whilst the permission has expired it remains a material consideration.</p> <p>Design</p> <p>Good design is also a requirement of the SPPS; the proposal is for the construction of a two storey retail warehouse building which is to be finished with white block and terracotta brickwork at the lower level and a silver coloured cladding above. The front elevation is to contain six shop-front windows and a main entrance point into the building. The entrance is to project from the main body of the building and has canopies above the doorway and at roof level defining the entrance point. The height of the building is 9.0m to the ridge and 8.5 to the eaves and the roof level canopy is finished at 12.0m high. The building has a length of 43.0m and a width of 23.0m which is comparable to other units in the retail park. The designed is generally to match that neighbouring units this offer a good appropriate design solution for this location and is considered to be acceptable.</p>
9.60	<p>Neighbouring amenity</p> <p>The site occupies a plot close to the boundary with neighbouring residential properties, views were expressed at community consultation stage that there may be an impact on these properties. The building is to be located 10.0m from the boundary with an additional vegetation buffer zone of 5.0 – 10.0m deep. Each of the neighbouring dwellings have a substantially long rear garden area ensuring that the proposal will not significantly impact on each property. Overshadowing was also raised as an issue, it is considered that overshadowing will not affect the dwellings, the site is located to the north of these dwellings.</p>
9.61	<p>Visual Impact</p> <p>The impact of the proposal on the visual amenity is not at a level that would be considered inappropriate for this location. The site is a purpose built retail park catering for a mixture of retail uses that requires the use of larger premises. The proposed unit will be read in conjunction with the current units on site; and being of a similar design the proposal will not</p>

9.62	appear as an alien form of development that would detract from the existing visual amenity.
	<p>Traffic/car parking</p> <p>The site is located within an existing retail park with adequate ingress and egress arrangements onto the surrounding road network. At the community consultation stage concerns were raised that there was potential for increased traffic congestion exacerbating what is perceived to be an existing problem. TransportNI was consulted regarding the proposal and offered no objection subject to the inclusion of a parking space condition. An emphasis is drawn from this response that TNI are content with any perceived increase in traffic to the retail park. The provision of car parking spaces also formed part of TNI consideration, the provision was considered to be acceptable with a condition to protect servicing and circulation around the site.</p>
9.63	<p>Flooding</p> <p>Flooding within the area was also considered to be an issue raised at the community consultation stage. Planning Service consulted Rivers Agency for opinion on this issue the response indicates that there is no significant issue regarding flooding.</p>
9.64	<p>Environmental issues</p> <p>Environmental issues regarding noise, light and air pollution were issues of concern raised within the community consultation process. Regarding these issues Planning Service (EHS) consulted Environmental Health Service and the Northern Ireland Environment Agency (NIEA). Both consultees were content with the proposal offering conditions for the control of potential below ground contamination and EHS also offering advice to the applicant in the form of an informative for the control of noise that may impact on neighbouring residents and retail units.</p>
9.65	<p>Landscaping</p> <p>The proposal does not impinge on the existing level of landscaping provided at the retail park. Also, it will not result in the loss of the existing vegetation buffer zone that separates the site from the residential properties located on Stockman's Lane that share a common boundary with the site.</p>
9.66	<p>Pre community consultation</p> <p>For applications that fall within the category of major applications as prescribed in the Development Management Regulations, section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.</p> <p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice via a Proposal of Application Notice (PAN) that an application to develop is submitted. A PAN application regarding this proposal was submitted on the 27th May 2016 under reference LA04/2016/1147/PAN and was considered acceptable meeting statutory requirements.</p> <p>Where a PAN application is required it must be submitted to Council 12 weeks prior to the submission of any subsequent application. The applicant is also required to submit with any subsequent application a pre-application community consultation report. A Pre-community consultation report has been submitted with this application as per requirements. The report has confirmed the following:</p>

<p>9.67</p> <p>9.68</p>	<p>A public event took place on the 19th of October 2016 outside of unit 4 Shane Retail Park. The event was advertised within the Belfast Telegraph on the 7th October 2016 and on social media. Invitations was also sent to the existing businesses within the retail park, properties 71-143 Stockmans Lane (those sharing a common boundary with the site) and local political representatives; MP, MLAs and Council Members.</p> <p>Issues arising from public event are:</p> <p>Traffic and access – increase in numbers using site leading to greater traffic congestion. Height and overshadowing – potential impact on residential amenity Flooding – has been a problem over a number of years Environment – animal habitat to be protected Construction – noise and vibration impacting of residents during building operations Economic benefits - £2 million investment – 15 jobs created Zoning – additional retail unit within park is a reasonable proposal</p> <p>The above points were considered within the report.</p> <p>Representations</p> <p>No representations have been received in relation to the application.</p> <p>Conclusion</p> <p>The proposal is for a retail warehouse within an existing purpose built retail warehouse park. The principle of a larger retail warehousing development of 2 units was previously deemed acceptable in this location, including an acceptable level of retail impact considered under Planning Policy Statement 5, the Belfast Urban Area Plan and draft BMAP. BMAP was subsequently adopted in September 2014, whilst the approval was extant.</p> <p>Within the introduction the SPPS, retail policy focus has shifted with the introduction of the sequential test, retail impact, and assessment of need and away from a format and retail impact driven policy within PPS5. The proposal appears to fail the sequential test in so far as sites of sufficient size, both for new build or use of existing buildings, are available which Belfast City Centre and District Centre designated in BMAP, the function and role of which must be protected in the Plan and the SPPS.</p> <p>On balance, however, in this case, it is considered that the material considerations of the history of the site and net reduction of floorspace to the units previously approved, the likely limited retail impact of the proposal, the potential creation of 15 jobs, the lack of objection from consultees and the public, outweigh the non-compliance with the sequential test in this case.</p>
<p>10.0</p>	<p>Summary of Recommendation:</p>
<p>10.1</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended.</p>
<p>11.0</p>	<p>Conditions</p>
	<p>Delegation of final refusal reasons to Director of Planning and Place Requested:</p> <p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>

The gross floorspace of the retail unit hereby approved shall not exceed 1688 square metres. The net sales floorspace of the retail unit hereby permitted shall not exceed 1520 square metres when measured internally.

Reason: To enable the Council to retain control of the scale of development on the site.

The retail floor-space, hereby approved, shall be used only for the retail and ancillary storage of bulky durable goods of the items listed hereunder and for no other purpose, including any other purpose in Part A, Class A1 of the Schedule of The Planning (Use Classes) Order (Northern Ireland) 2015:-

- (a) DIY materials, products and equipment;
- (b) Garden materials, plants, and equipment;
- (c) Furniture and soft furnishings, Carpets and floor coverings and electrical goods;
- (d) Cycles, cycle accessories, safety equipment and ancillary cycle repairs;
- (e) Such other items as may be determined in writing by the Council as generally falling within the category of 'bulky goods'.

Reason: To enable the Council to control the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres in line with retail planning policy.

No internal operations increasing the floorspace available for retail use, including the installation of mezzanine floors (other than that hereby permitted and indicated on the approved plans), shall be carried out without the prior consent of the Local Planning Authority.

Reason: To enable the Council 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.

The retail unit hereby approved shall not be subdivided or otherwise modified to create additional units without the consent of the Local Planning Authority in writing.

Reason: To enable the Council to control the nature and scale of retailing to be carried out at this location so as not to prejudice the continued and future vitality and viability of existing centres.

No goods, merchandise or other material shall be stationed or displayed on or about the forecourt of the retail unit hereby permitted.

Reason: To safeguard the visual appearance and amenity of the area.

The development hereby permitted shall not become operational the car parking spaces and hard surfaced areas for manoeuvring have been constructed in accordance with the approved layout Drawing No. 03 'Proposed Site Layout' bearing the Belfast City Council Planning Office date stamp 17 November 2016 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

Prior to the occupation of the proposed development, the applicant shall provide to Planning Service, for approval, a Verification Report. This report must demonstrate that

the remediation measures outlined in the Preliminary Risk Assessment prepared by RPS group – titled “Proposed Restaurant Kiosk, Shane Retail Park, Belfast” report no (1BR0755/Nov 2016)) have been implemented.

The verification report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use. It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

In particular, this Verification Report must demonstrate:

Gas protection measures in accordance with CIRIA C665 Characteristic Situation 2 and BS8485:2015 have been installed throughout the building footprint of the proposed development.

In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Belfast City Council Planning Office for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of Human Health

No piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention”, available at: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf>

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

Elected Member Representation Received:

Councillor Graham Craig – Status Update
Councillor Declan Boyle – Status Update

Signature (s)

Date: