

Belfast LDP 2035 - Plan Strategy

Overview

We're developing the new Local Development Plan (LDP) which is the land use plan for Belfast up to 2035. The Plan will guide investment and set out policies and proposals for the use, development and protection of land across the city. Once adopted the plan will be used to determine planning applications. It will take approximately four years to develop and formally adopt the new LDP.

A series of consultation stages are built into the process for creating the LDP and are defined by legislation to help local people input into this Plan. We are currently undertaking the second stage of the consultation process in relation to the draft Plan Strategy.

Your opinions matter to us and we want to hear from you during the various stages throughout the preparation of the plan. While you can provide feedback using this form, we encourage you to use our online questionnaire via the Council's Consultation Hub at:

<https://yoursay.belfastcity.gov.uk/>. The consultation closes on 15th November 2018.

What is the LDP?

The LDP:

- Guides development
- Provides certainty and a framework for investment
- Facilitates sustainable growth
- Puts communities at the heart of the process
- Allows for speedier decision making under the new plan-led system

How will this impact on me?

Our LDP will have an impact on everyone who lives, works and visits Belfast because it will shape how the city will develop in the future. Your views are important so we'd like you to get involved in its preparation.

What is the Plan Strategy?

The Plan Strategy will be a strategic policy framework for the plan area as a whole across a range of topics. It will set out an ambitious but realistic vision for Belfast as well as the objectives and strategic policies required to deliver that vision. Establishing this strategic direction early in the plan process will provide a level of certainty on which to base key development decisions in the area as

well as the necessary framework for the preparation of the Local Policies Plan. You can find out more about the Plan Strategy, and access all relevant documents, on the Council's website at: www.belfastcity.gov.uk/LDP.

Accessibility

The relevant documents are available, on request, in alternative formats - Braille, audio, large print, easy read. The council will also consider requests to produce it in other languages. If you require the documents in these or other formats please contact us:

Belfast Planning Service
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street Belfast
BT2 8BP

Telephone: 028 9050 0510

Email: [**localdevelopmentplan@belfastcity.gov.uk**](mailto:localdevelopmentplan@belfastcity.gov.uk)

A. Data Protection

Belfast City Council is the Data Controller under the General Data Protection Regulation (GDPR) for the personal data it gathers for the purposes of sending regular email updates on the Local Development Plan from Belfast Planning Service.

It should also be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure and they will then be considered as part of the independent examination process.

The council accepts that you are providing your personal data on the basis of consent and are positively agreeing for the council to hold and further use it, publish it (without personal information such as name and email, but will include organisation). Belfast City Council must also share it with the Department for Infrastructure and whoever they appoint to undertake the independent examination.

Any personal details that you provide the Council will be handled in accordance with the GDPR and Data Protection Act 2018. As such we will only use your data for the purposes that you have given this information for and will only be shared where necessary to provide the service that you are contacting us about. If you would like further information in regards please see the website belfastcity.gov.uk/about/privacy

The personal data is held and stored by the council in a safe and secure manner and in compliance with Data Protection legislation and in line with the council's Records Retention and Disposal Schedule.

If you wish to contact the council's Data Protection Officer, please write to:

Belfast City Council,
City Hall Belfast,
BT1 5GS

or send an email to **records@belfastcity.gov.uk**

Q1. Please tick to confirm that you have read and understood the privacy notice above.

(Required)

I confirm that I have read and understood the privacy notice above and give my consent for Belfast City Council to hold my personal data for the purposes outlined.

Q2. Do you consent for us to publish your response?

Under planning legislation we are required to publish responses received in response to the Plan Strategy. On this page we ask for your consent to do so, and you may opt to have your response published anonymously should you wish.

Even if you opt for your comments to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the inspectorate they appoint to oversee the examination in public into the soundness of our plan. This will be done in accordance with the privacy statement above.

(Required)

Please select only one item

Yes, with my name and/or organisation

Yes, but without my identifying information

B. Your details

Q3. Are you responding as an individual, as an organisation, or as an agent acting on behalf of an individual, group or organisation?

(Required)

Please select only one item

- Individual *(Fill in the remaining questions in this Section, then proceed to Section C)*
- Organisation *(Fill in the remaining questions in this Section, then proceed to Section D)*
- I'm an Agent *(Fill in the remaining questions in this Section, then proceed to Section E)*

Q4. What is your name? MBA Planning

Title

First Name (Required)

Last Name (Required)

Q5. What is your telephone number?

Telephone number

Q6. What is your email address?

Email

Q7. Did you respond to the previous Preferred Options Paper consultation phase?

(Required)

Please select only one item

- Yes No Unsure

If yes, and you have your previous response ID (beginning ANON) please enter it here:

C. Individuals

If you are responding as an individual, please complete this Section, then proceed to Section E

Q8. What is your address?

Address Line 1 (Required)

Line 2

Line 3

City (Required)

Postcode (Required)

D. Organisation

If you have selected that you are responding as an organisational respondent, there are a number of pieces of information that we are legally required to gather from you.

Q9. If you are responding as a representative of a group or organisation, please complete this Section, then proceed to Section E.

Organisation (Required)

Your Job Title (Required)

Organisation address (if different from above):

Address Line 1 (Required)

Line 2

Line 3

City

Postcode (Required)

E. Agents

If you have selected that you are responding as an agent on behalf of other people/organisations, there are a number of pieces of information that we are legally required to gather from you.

Q10. Please provide details of the organisation or individual you are representing:

The name of the organisation or individual you are representing: (Required)

Lidl Northern Ireland GmbH

Client contact details:

Title

Mr

First Name (Required)

Paul

Last Name (Required)

Downey

Address Line 1 (Required)

Lidl Northern Ireland GmbH

Line 2

Nutts Corner

Line 3

Dundrod Road

City

Crumlin

Postcode (Required)

BT29 4SR

Telephone number (Required)

[REDACTED]

Email address (Required)

[REDACTED]

Q11. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?

(Required)

Please select only one item

Agent Client Both

F. Is the plan sound?

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

Q12. Do you consider the Plan Strategy to be sound or unsound?

(Required)

Please select only one item

- I believe it to be sound (*Proceed to Section G*)
- I believe it to be unsound (*Proceed to Section H*)

G. Sound

Q13. If you consider the Plan Strategy to be sound and wish to support the Plan Strategy, please set out your comments below, then proceed to Section I:

(Required)

Note: If you wish to attach any evidence to support your comments above, please enclose your document(s) with this form. However, if you wish to refer to specific sections within a separate report, this is best included within the above text box.

H. Unsound

Here we will be asking you to specify which part of the draft Plan Strategy you believe to be unsound and why.

Note: If you wish to notify us of more than one part of the plan that you consider to be unsound, each part should be listed separately. Complete this page in relation to one part of the plan only. You will then be able to make further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

Q14. To which part of the Plan Strategy does your representation relate?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. If you wish to notify us of more than one part of the plan that you consider to be unsound you can choose to submit further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

Relevant Section or Paragraph

Section 8.1 Inclusive Economic Growth and Section 8.2 Retail

Policy (if relevant)

Policy EC3, Policy EC4, Policy RET1, Policy RET2, Policy RET3 and Policy RET4

Q15. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6, available at: <https://www.planningni.gov.uk/index/advice/practice-notes/common-newpage-9.htm>

You can select more than one reason you believe this part of the draft Plan Strategy to be unsound. However, the soundness test(s) you select here should only relate to the relevant section, paragraph or policy identified above.

If you wish to notify us of more than one part of the plan that you consider to be unsound you can choose to submit further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

(Required)

Please select all that apply

- P1 - Has the development plan document (DPD) been prepared in accordance with the council's timetable and the Statement of Community Involvement?
- P2 - Has the council prepared its Preferred Options Paper and taken into account any representations made?
- P3 - Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?
- P4 - Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?
- C1 - Did the council take account of the Regional Development Strategy?

- C2 - Did the council take account of its Community Plan?
- C3 - Did the council take account of policy and guidance issued by the Department?
- C4 - Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?
- CE1 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils
- CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base
- CE3 - There are clear mechanisms for implementation and monitoring
- CE4 - It is reasonably flexible to enable it to deal with changing circumstances

Q16. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

See attached report.

Q17. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. **There will not be a subsequent opportunity to make a further submission based on your original representation.** After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

See attached report.

Note: If you wish to attach any evidence to support your comments above, please enclose your document(s) with this form. However, if you wish to refer to specific sections within a separate report, this is best included within the above text box.

I. Type of Procedure

Q19. Please indicate if you would like your representation to be dealt with by:
(Required)

Please select only one item

- Written representations (Choose this procedure to have your representation considered in written form only.)
- Oral hearing (Choose this procedure to present your representation orally at the public hearing event(s))

Unless you specifically request a hearing, an independent examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note however that an independent examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

MBA Planning

Town Planning & Licensing Consultants

Belfast Local Development Plan 2035

Response to Draft Plan Strategy

On behalf of Lidl Northern Ireland GmbH

November 2018

4 College House
Citylink Business Park
Belfast
BT12 4HQ

T: [REDACTED]
E: [REDACTED]
W: [REDACTED]

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Appendices

1. Extract of PAC Report on Magherafelt supermarket inquiry – comments relating to retail surveys (ref: 2014/C001)
2. Decision notice and Case Officer’s Report in respect of Home Bargains proposal at Holywood Exchange Retail Park (ref: Z/2014/0085/F)

1. Introduction

1. This is a response to the draft Plan Strategy (“dPS”) of the Belfast Local Development Plan 2035 on behalf of Lidl Northern Ireland GmbH (“Lidl”).
2. Lidl operate the principal chain of discount food stores in Northern Ireland. There are currently 38 and the final target is 50.
3. There are 6 stores in the Belfast City Council area – at High Street in the City Centre, Connswater Retail Park, Andersonstown Rd, Stewartstown Rd, Shore Rd and Castlereagh/ Montgomery Rd. The latter 3 stores are older specification supermarkets and Lidl will seek to improve or replace them in the near future. It also wants to add 4 new stores to its Belfast portfolio.
4. Lidl welcomes the preparation of a new LDP for Belfast and is keen to ensure that the LDP provides more certainty for its investment proposals.
5. However, Lidl is concerned that the evidence base for the retail section (8.2) of the dPS is not robust and that it and Policies RET1-4, EC3 and EC4 are not sound. These concerns are set out in this response.
6. Where possible, changes to these policies are suggested in order to assist the Plan process but the overall conclusion is that the draft Plan Strategy is not sound and should be reconsidered.
7. This response firstly sets out the relevant legislative and policy context and planning guidance issued by the Department. Among other things, it refers to relevant Development Plan Practice Notes (“DPPNs”), the Regional Development Strategy 2035 (“RDS”) and the Strategic Planning Policy Statement for Northern Ireland (“SPPS”).

2. Legislative & Policy Context

8. The legislative context is provided by the Planning Act (NI) 2011 (“the 2011 Act”) and The Planning (Local Development Plan) Regulations (NI) 2015 (“the LDP Regulations”). It is not necessary to set out all of the requirements here, although a number are particularly relevant to the issues set out in Section 3.
9. One of these is Regulation 12(2) of the LDP Regulations. It requires that development plan documents (“DPDs”) – defined as the PS and the local policies plan (“LPP”) – must provide a reasoned justification of the policies contained within them.
10. Section 8(5) of the 2011 Act is also relevant. It states that in preparing a PS, the Council must take account of the RDS and any policy or advice contained in guidance issued by the Department.
11. The SPPS is policy issued by the Department and DPPNs are guidance documents that set out planning advice.
12. DPPN7 provides advice on the Plan Strategy. Paragraphs 1.2 & 1.3 states that the PS should:
 - establish the strategic direction early in the plan process in order to provide “a level of certainty on which to base key development decisions in the area as well as the necessary framework for the preparation of the local policies plan”;
 - ensure that its objectives are integrated with, add value to and assist in the delivery of regional policy.
13. DPDs including the Plan Strategy must be tested to ascertain whether they are ‘sound’. The term sound is not defined in legislation however DPPN6 para 5.1 states that in the context of assessing DPDs, it may be considered within its ordinary meaning of ‘showing good judgement’ and ‘able to be trusted’ (paragraph 5.1).
14. DPPN6 states that the tests of soundness are based upon three categories: how the DPD has been produced; the alignment of the DPD with central government regional plans, policy and guidance; and the coherence, consistency and effectiveness of the content of the DPD.

The RDS

15. The RDS is an overarching planning framework that provides the strategic context for where development should take place. It sets out two types of strategic guidance:
 - Regional Guidance (“RG”), which applies to all parts of NI and is presented under the 3 sustainable development themes of Economy, Society and Environment;
 - Spatial Framework Guidance (“SFG”), which is in addition to the region-wide guidance and is tailored to each of the 5 components of the Spatial Framework. One of these relates to the Belfast Metropolitan Area.
16. **RG7** is to support urban and rural renaissance. It acknowledges that many places do not offer the quality of facilities required to meet the needs of local people and advocates promoting regeneration in areas of social need and improving and maintaining environmental quality in urban areas.
17. **RG9** is to reduce our carbon footprint and facilitate mitigation and adaptation to climate change. It is to be implemented by (among other things) reducing the need to use the car by ensuring that neighbourhoods have shops and other amenities close by to increase opportunities for walking, cycling or taking public transport.
18. **SFG3** is to ‘enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities’.
19. The supporting text (at para 3.46) acknowledges that *“the regeneration of inner and middle city communities will be strongly influenced by the focus on enhancing existing commercial centres and properties on arterial routes that provide a range of facilities for local needs”*. It advises that proposals for development of these centres/properties should continue to take account of their impact on the city centre shopping area as a whole and that caution should be exercised in relation to major retail proposals so as to prevent them having an adverse impact on City Centre shopping.
20. A further means of implementing SFG3 is to close the gap in quality of life for those living in deprived areas by (*inter alia*) promoting urban regeneration measures.

The SPPS

21. The SPPS is a statement of the Department's policy on important planning matters that should be addressed across NI. It was agreed by the NI Executive and was judged to be in general conformity with the RDS.
22. It has introduced a number of core planning principles, which includes supporting sustainable economic growth. It provides policy on a range of matters, including Economic Development, Industry and Commerce, and Town Centres and Retailing.
23. Its regional strategic objectives for facilitating economic development include:
 - support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;
 - promote mixed-use development and improve integration between transport, economic development and other land uses.
24. The SPPS encourages planning authorities to adopt a flexible approach to ensuring that economic development objectives are realised. For example, in relation to land currently or last used for economic development purposes, it states that councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits that outweigh the loss of economic development land.
25. Regional strategic objectives for town centres and retailing include:
 - secure a town centres first approach for the location of future retailing and other main town centre uses;
 - adopt a sequential approach to the identification of retail and main town centre uses in LDPs and when decision-taking;
 - ensure LDPs and decisions are informed by robust and up to date evidence in relation to need and capacity.

3. Is the Draft Plan Strategy Sound?

26. Lidl's main interest in the dPS is Section 8.2 Retail. Its evidence base is a Retail & Leisure Capacity Study prepared by Braniff Associates ("the Braniff Report") on behalf of the Council.
27. Among other things this includes a shopper survey, retail capacity assessment and planning policy recommendations. These policy recommendations are incorporated into the dPS with a few minor tweaks.
28. Lidl is concerned that the retail evidence base is fundamentally flawed for the reasons set out below. This section also considers Policies RET1-4 that flow from this and Policies EC3 & EC4 and concludes that they are unsound.

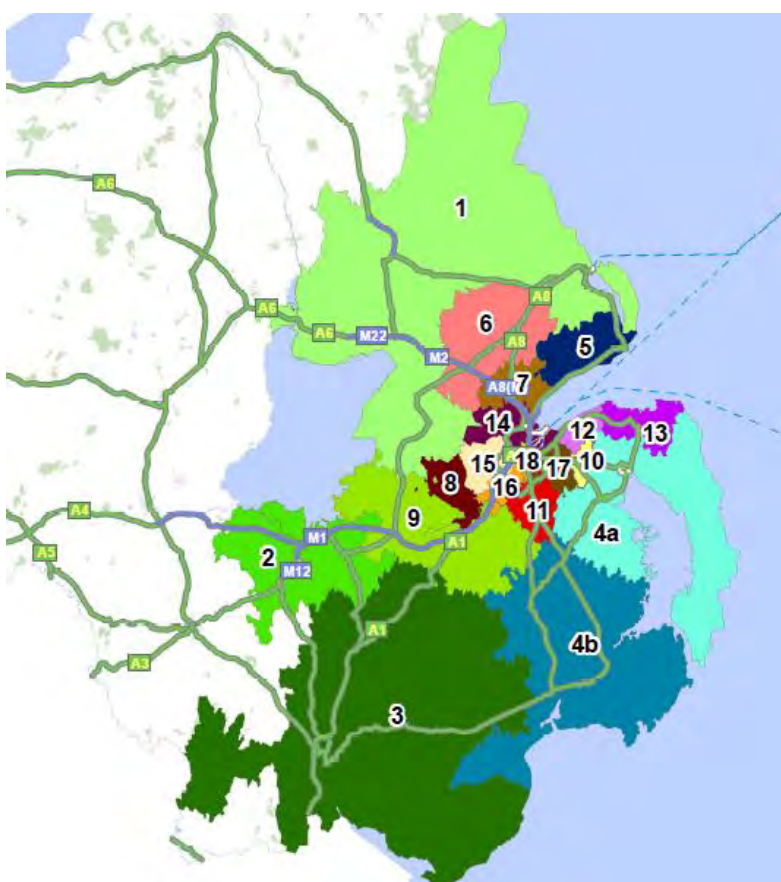
Fundamentally Flawed Retail Evidence Base – The Braniff Report

Inadequate survey

29. One of the first steps in assessing retail capacity over the course of a plan period is to ascertain the trading position of existing centres and stores within the plan area at the base year.
30. There are two main ways of estimating turnover – a shopper survey to assess market share and the sales density approach (estimating turnover per sqm having regard to company averages and on-site observations). However, as the PAC indicated in the Magherafelt supermarket inquiry (ref: 2014/C001), both approaches have limitations and it is best to utilise a mix of both (see **Appendix 1**). This is the most up-to-date PAC view on retail surveys.
31. It appears that no up-to-date survey of retail floorspace of stores/centres within the catchment has been undertaken to inform the dPS.
32. A shopper survey commissioned by the Council is included in the Braniff Report. However, it is fundamentally flawed in terms of its design and geographical coverage.
33. It only surveys shoppers from the Belfast City Council area despite the fact that Belfast attracts trade from a much larger geographical area.

34. In contrast, the last Belfast Retail Capacity Study that we are aware of, the 2012 JW Planning Report on behalf of the Department for Social Development, involved a survey of shoppers from the whole Belfast Metropolitan Area (“BMA”) plus Ards, Down, Craigavon, Antrim, Ballymena, Larne, Banbridge and Newry & Mourne – see map of survey area at Figure 1 below.
35. This Study found that over half (about 58%) of Belfast City Centre’s comparison shopping turnover is derived from shoppers beyond the Council boundary, underscoring the need consider a wider area.

Figure 1: JW Planning map of shopper survey area for 2012 Belfast Retail Capacity Study



36. The basis for the Council/ Braniff approach is explained at paragraph 6.12 of the Braniff Report:

Despite having a catchment appeal that extends beyond its Council boundaries the capacity assessment is restricted to the resident population within the City Council boundary (346,592 in 2017 according to the LDP). This approach is justified on the basis that other Councils will be undertaking their retail capacity studies for their own resident populations. This is particularly important in respect of neighbouring councils like Lisburn & Castlereagh and Antrim & Newtownabbey. They would have reason to contend that they are equally entitled to compete for a share of shopping expenditure generated by their own electoral populations.

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37. Whether other Councils consider they are entitled to retain trade within their area is not relevant. The fact is that Belfast currently attracts trade from well beyond the City Council area and will continue to do so.
 38. SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of commerce. The Council is not implementing this strategic guidance in only planning for retail growth of a local scale as opposed to a regional scale.
 39. In terms of design, the convenience goods aspect of the survey only asks where shoppers do 'most' of their main food/grocery shopping. The PAC found in the Magherafelt superstore inquiry that "such broad questions could result in not picking up significant expenditure trends" **(Appendix 1)**.
 40. There was no follow up question on what other stores were used, which is necessary given the current trend of shopping at discount retail stores in addition to the main supermarket retailers. Furthermore, there were no survey questions relating to top-up shopping, which is generally acknowledged to account for about 25% of all convenience spending.
 41. The survey therefore does not allow turnover of stores within the catchment to be accurately assessed.
 42. Nor does it provide a clear picture of shopping patterns given that the results are not broken down into zones. For example, it does set out where shoppers from the different areas of Belfast (North, South, East, West and City Centre) undertake their convenience goods shopping (again in contrast to the JW Planning Study) and so does not indicate whether their needs are being adequately met.

Capacity assessment flawed

43. The inadequate shopper survey and lack of retail floorspace survey means that the Braniff Report was unable to gauge the performance and turnover of existing centres and stores. Braniff then makes the flawed assumption that the retail market is in 'equilibrium' and stores throughout the catchment are, on average, trading at normal levels.

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44. An evidence base founded on uninformed assumption is not robust. One scenario is that stores are overtrading and there is a current need for additional retail floorspace. This would have to be added to any additional floorspace required over the plan period in order to provide an accurate estimate of floorspace requirements. However, there is no evidence of what the current position actually is.
45. A further assumption that undermines Braniff's estimate of retail capacity is that there does not appear to be any allowance made for an increase in the turnover of existing stores. Given that there will be a significant increase in spending on comparison goods, it would be expected that store turnover will also increase.
46. As noted above, the core problem with the Council's evidence base is that it does not plan for regional scale growth consistent with the RDS and its current trade draw. Retail capacity needs to be considered in a much wider context.
47. Notably this approach to planning for town centres and retailing is inconsistent with the dPS approach to employment, where future floorspace requirements are not estimated simply by looking at the job requirements of residents of the Belfast City Council area. They have been done in the RDS context of "*strengthening Belfast as the regional economic driver*".
48. For these reasons, the retail evidence base and Section 8.2 of the dPS are unsound. They do not comply with the following soundness tests:
- P4 in they do not comply with the RDS, contrary to Section 8(5) of the 2011 Act;
 - C1 in that they do not take account of the RDS;
 - CE1 in that they conflict with the dPS approach to employment floorspace requirements;
 - CE2 in that the strategy of only planning for local scale retail growth is not realistic or appropriate.

Policy RET1 – Establishing a centre hierarchy

49. Policy RET1 sets out a centre hierarchy that is to be maintained "to ensure that proposals for main town centre uses, including retail, are directed to the appropriate level of centre based on size, function and catchment".

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50. As noted above, Lidl wishes to improve its older retail facilities at Shore Rd, Stewartstown Rd and Castlereagh Rd – generally deprived areas with low levels of car ownership but accessible on foot to the large surrounding residential populations and accessible by bus given their location along arterial routes.
51. The Shore Rd store is within a shopping/commercial area but none of the stores are within designated ‘centres’. Nevertheless, they are important local neighbourhood stores that serve the convenience shopping needs of the local community.
52. Improvements may include refurbishment, extensions to stores, or replacement. They would be carried out in order to enhance the quality of these facilities for the local communities that they serve, improve their appearance, improve staff welfare facilities and increase storage space in order to make stores more efficient and sustainable by requiring less deliveries.
53. The principle of a supermarket is already established at these locations and the sequential test should not apply to applications to improve existing stores. It should only be relevant if a proposal would fundamentally change the nature of the existing retail facility.
54. Lidl is concerned that Policy RET1 as currently worded could apply to all retail proposals, including alterations and extensions that would not affect existing centres.
55. Applying this policy to such proposals would not serve any useful purpose. It would be inconsistent with:
- RG7 of the RDS as it would prejudice rather than promote urban regeneration in areas of social need;
 - SFG3 of the RDS as it would hinder the enhancement of existing properties on arterial routes that serve local needs (see RDS para 3.46).
56. This policy therefore does not comply with the following soundness criteria:
- C1 – because it does not take account of the RDS;
 - CE2 – because it is not realistic and appropriate.
57. This issue could be remedied by specifying that the sequential test will not apply to such proposals.
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Policy RET2 – Out of centre development

58. This requires proposals for main town centre uses outside of existing centres to (a) demonstrate that there is not a sequentially preferable site in, or on the edge of, centres having regard to criteria of suitability availability and viability, and (b) submit a retail impact assessment (“RIA”) and assessment of need for proposals that have a floorspace of 1000sqm or more.
59. There are three main points on this. First, the above argument in respect of Policy RET1 also applies to RET2 – the sequential test should not apply to proposals to improve existing out-of-centre retail facilities.
60. The second point relates to the assessment criteria for alternative sites – suitability, availability and viability. These considerations are explained at paragraphs 8.2.14 – 8.2.16 and so they will inform interpretation of RET2.
61. However, neither RET2 nor its justification and amplification indicate how proposals by retailers are likely to be considered in sequential terms if that retailer already has a store within the nearest centre, or if that centre already has a number of very similar retailers.
62. For example, in application Z/2014/0085/F which sought permission for mixed retailing in a former bulky goods unit at Holywood Exchange Retail Park to accommodate Home Bargains (classified as a supermarket), the Council noted that whilst the proposal could be accommodated at Connswater District Centre, it found that:
- “...there are a large number of discount retailers at [Connswater] including Wyse Byse, Poundstretcher, Poundland, Poundworld, B&M Bargains, Lidl, and it is considered that an additional discounter at this location will neither enhance nor maintain the commercial viability of the Connswater District Centre in the way another anchor food tenant would. It is therefore considered that the site at Connswater District Centre is not sequentially preferable in this instance” (Appendix 2).*
63. Equally in a case where a retailer already has a supermarket in the nearest designated centre, RET2’s justification and amplification should clarify that that centre is unlikely to be deemed sequentially preferable for reasons of unsuitability and viability. As indicated in the Home Bargains case, another store of the same retailer at the same centre is unlikely to enhance the centre.

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64. Providing such clarification would provide a level of certainty on which to base key development decisions, consistent with para 1.2 of DPPN7.
65. The third point relates to the requirement to submit a need assessment. The SPPS states (at para 6.282) that such an assessment should be provided *“in the absence of a current and up-to-date LDP”*. Policy RET3 is inconsistent with this – it is proposed to form part of an up-to-date LDP yet it would still require a need assessment.
66. The Barker Review of Land Use Planning in 2006 (commissioned by the Department for Communities and Local Government in England) concluded that development proposals should not be assessed on the basis of need as this is anti-competitive, impairs growth and leads to more limited choice and higher prices of goods. It concluded that *“requiring the demonstration of need can therefore be removed without weakening the overall policy of seeking to promote the vitality and viability of town centres”*.
67. The need test was dropped as long ago as 2009 in England with the publication of PPS4. Even though it is a requirement of the SPPS (if there is no up-to-date LDP), the SPPS does not actually state that proposals will be refused if need cannot be met. There is no evidence base to support the inclusion of a need test in the PS.
68. Policy RET2 does not comply with the following soundness criteria:
- C1 – because it does not take account of the RDS;
 - CE2 – because it is not realistic and appropriate and is not founded on a robust evidence base.

Policy RET3 – District centres, local centres and city corridors

69. This states that, beyond the city centre, a district centre first approach will apply to proposals for major retail development and other town centres uses.
70. This is unclear given the wording of Policy RET1 and the fact that it places Belfast City Centre primary retail core is at the top of the hierarchy. If a proposal’s catchment includes both the City Centre and a district centre, are applicants to search for alternative sites in the City Centre first and then edge-of-centre before considering district centres? Or does ‘beyond the city

centre' mean that once it is established that there are no sites in the City Centre, district centres should be considered next?

71. This approach does not flow from the SPPS which does not identify district centres as sequentially preferable locations and so clarification cannot be sought from it (not that this would be appropriate in any event – the PS should be clear from reading it alone without reference to other documents).
72. Our points in respect of the sequential test at RET2 are also applicable to the first part of RET3.
73. RET3 then states that within local centres, planning permission will be granted for retail development provided a number of criteria are met.
74. Criterion (a) is that any individual unit created (including by extension) does not exceed 500sqm gross external for convenience. The policy notes proposals in excess of this threshold will only be considered in exceptional circumstances where a clear quantitative need is met and the proposal does not have a significant adverse impact on existing centres. Criterion (b) also requires proposals to meet a local need or deficiency.
75. As we have noted in respect of Policy RET2, it has been found that the need test is anti-competitive, impairs growth and leads to more limited choice and higher prices. No robust evidence base has been provided to support such a policy requirement and it should be removed.
76. The other reason for the size threshold is the impact test. However, it is proposed to be a separate test – see criterion (c). There is no sound justification for the size threshold in these circumstances.
77. It should also be borne in mind that existing units in any new local centres designated in the LPP may already exceed 500sqm gross. The Lidl area on Shore Rd (currently a shopping/commercial area in BMAP) may be designated as a local centre given there are no designated centres in North Belfast north of Cityside District Centre.

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78. Lidl wish to ensure that any potential extensions to this and its other stores in the Belfast area are not prohibited by unreasonable and unfounded planning policies. There are likely to be local centres along arterial routes designated in the LPP (see para 8.2.21) and as currently drafted RET3 would prejudice the regeneration of these areas and hinder the enhancement of properties on arterial routes contrary to RG7 and SFG3 of the RDS.
79. We conclude that RET3 does not comply with the following soundness criteria:
- P2 in that the Council indicated in its Public Consultation Report on the Preferred Options Paper responses that it would 'reduce ambiguity of the sequential test' (page 74) but the opposite is true;
 - C1 in that it is contrary to components of the RDS;
 - CE1 in that the 'district centre first approach' is unclear;
 - C3 in that this approach is inconsistent with the SPPS;
 - CE2 in that the proposed size threshold and need tests are not appropriate and not founded on a robust evidence base.
80. Some of these issues could be remedied by removing the size threshold and need/deficiency tests. The district centre first approach needs to be clarified.

Policy RET4 – Retail warehousing

81. This states that in areas of retail warehousing planning permission will only be granted for further retail development where: (a) the primary use of the proposed unit (70% of gross floorspace or more) is for the sale of bulky comparison goods; and (b) the proposed development will not have a significant adverse impact on the city centre, district centres and local centres.
82. It further states that planning permission will be granted for a limited amount of convenience goods shopping to meet a local quantitative need and that the floorspace allocated to convenience goods in a proposed unit shall not exceed 300sqm net.
83. We have commented on the requirement to demonstrate need in other policies above. These comments are equally applicable to RET4.

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84. The justification and amplification at para 8.2.22 states that the arbitrary 300sqm threshold “is based on comparable studies in the UK”. These studies are not identified in the dPS or the Braniff Report so it cannot be concluded that the evidence base in respect of this is robust. In fact, there is no evidence that these ‘comparable studies’ actually support the policy approach.
85. RET4 conflicts with the sequential approach as set out in RET1 and RET2 which directs development to edge of centre sites after centres. A site in an ‘area of retail warehousing’ may be the most appropriate site for a supermarket in sequential terms but if larger than 300sqm, it would be contrary to RET4.
86. For example, Lidl recently opened a new supermarket in Connswater Retail Park which adjoins the designated boundary of Connswater District Centre. There were no suitable sites within the boundary of the Centre. However, had RET4 been in place, Lidl may have been dissuaded from pursuing the proposal as it would have been contrary to RET4. An otherwise policy compliant proposal and an investment beneficial to a protected centre would have been lost.
87. The Home Bargains consent at Hollywood Exchange Retail Park is another relevant example. The Council judged that it was not a harmful proposal – it would not adversely affect the vitality and viability of protected centres within its catchment area, there were no suitable sites within Hollywood or Belfast and Connswater District Centre was not sequentially preferable given that it already contained many discounters and another would not enhance or maintain the viability of the centre (**Appendix 2**). In approving the proposal, the Council had regard to the fact that the proposal would result in the creation of 50 new jobs.
88. That proposal would be contrary to RET4. RET4 has the potential to block economically significant retail proposals on sequentially preferable sites that are not harmful to protected centres.
89. The 300sqm size threshold is illogical. It does not flow from regional policy and we cannot see any basis for it.
90. RET4 does not comply with the following soundness criteria:
- C1 in that it is contrary to RG7 of the RDS because it will prejudice investment and urban regeneration;
-

- C3 in that it is contrary to the SPPS because it would not support sustainable economic growth (a core planning principle);
- CE1 because it conflicts with Policies RET1 & RET2;
- CE2 as it is not an appropriate policy and is not founded on a robust evidence base.

Policies EC3 & EC4

91. Policy EC4 states:

Zoned employment areas will be retained in employment use and will be the focus of economic regeneration and development opportunities likely to come forward during the plan period. Only in exceptional circumstances as outlined below will the loss of zoned employment land be considered acceptable.

Proposals for the use of zoned employment land or buildings, for other purposes, should clearly demonstrate that:

- a. The proposed use is complementary to the primary employment use of the area, providing a small scale-ancillary service to meet the day-to-day needs of local employees, subject to compliance with other plan policies; or*
- b. The proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development. In such cases alternative uses should:*
 - 1. Not adversely affect the city's overall capacity to meet future demand for employment land;*
 - 2. Be compatible with existing retained employment uses within their vicinity; and*
 - 3. Demonstrate that there is no likely future demand for employment use on the site. This would require evidence that it had been actively marketed for B1(b), B1(c), B2, B3 and B4 uses for a minimum of 18 months.*

92. This policy is inconsistent with the SPPS as it is too inflexible. A number of existing employment zonings were the sites of former manufacturing companies but over the last 25 years changes in global markets have resulted in these companies relocating to other parts of the world where labour is cheaper. At a local level many manufacturing jobs have been lost and replaced by higher skilled jobs in R&D, finance/banking and professional services.

93. The providers of these new jobs are choosing to locate in highly accessible locations within Belfast such as the Harbour Estate and Titanic Quarter. Many of the older employment areas such as Castlereagh Industrial Park are now considered to be low order secondary locations.

94. Policy EC4's approach of only considering alternative uses in exceptional circumstances is too restrictive. Provided there is no prejudice to the City's ability to meet likely future demand over the Plan period, there is no reason why alternative uses should not be permitted in such locations.

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95. Regeneration schemes are often retail led for viability reasons. For example, superstores were approved on the former Rolls Royce site in Dundonald (ref: Y/2010/0087/O) and on the Niche Drinks site in Derry (ref: A/2012/0261/O).
96. The requirement that alternative uses must be small scale and ancillary and that the site has also been actively marketed for 18 months is also unnecessary in circumstances where it can be demonstrated that there is an adequate supply of employment land. Such requirements could stymie investment and regeneration, working against the SPPS core planning principle of supporting sustainable economic growth.
97. In this context we also note that “there is a substantial oversupply of employment space within the Council area” as per para 4.26 of the dPS Technical Supplement 3 ‘Employment and Economy’.
98. Policy EC4 does not comply with the following soundness criteria:
- C1 as it is inconsistent with the RG7 of the RDS (urban regeneration);
 - CE2 as it is not an appropriate policy.
99. EC4 should be amended to remove the reference to uses only being considered acceptable in exceptional circumstances and to remove the requirement that proposals must be small scale and ancillary.
100. Part of Policy EC4 is duplicated in the last paragraph of Policy EC3. This paragraph should be deleted for the reasons set out above.

4. Conclusion

101. While a number of the dPS retail policies could be amended, our key concern is that the evidence base from which the policies flow is fundamentally flawed. The dPS is therefore unsound and should be withdrawn.

Appendix 1

Extract of PAC Report on Magherafelt supermarket inquiry – comments relating to retail surveys (ref: 2014/C001)

Commission References: 2014/C001, 2014/C002, 2014/C003
Department References: H/2010/0245/F, H/2011/0104/O, H/2011/0145/F

PLANNING APPEALS COMMISSION
THE PLANNING (NI) Order 1991
Article 31

Conjoined hearing into:

Application H/2010/0254/F Proposed demolition of existing buildings and construction of a food superstore with car parking and servicing and associated access and other works on lands at 58a and 60 Moneymore Road and to the rear of 7 Killyfaddy Road, Magherafelt for Merit Investments and Properties Limited

Application H/2011/0104/O Proposed demolition of existing furniture store and erection of supermarket, associated parking and amended access at Castledawson Road, Magherafelt for Forbes Furniture Group

Application H/2011/0145/F Proposed demolition of existing filling station and retail units (with dental surgery above) to provide food superstore, replacement dental surgery and replacement filling station at 40 Ballyronan Road, Magherafelt for Corbo Limited

Report by
Commissioners A Beggs & M Watson

Hearing Dates: 10-13 & 20 March 2015

Report Date: 22 June 2015

pac
Planning Appeals
Commission

lower expenditure levels were predicated on their smaller catchment. On that basis, the differences in the RIAs up to this point are not considered further.

38. Significant differences appeared in relation to the existing and proposed turnover of shops due to the distinct methodologies taken. For example, the Department identified floorspaces and applied average turnovers to these areas, adjusting the averages upwards or downwards to reflect local trading conditions and shopping environments. Regard was had to a 2014 shopper survey, and assumptions were then made in respect of changes to sales density and growth patterns between the base and design years. Merit however relied on a 'market share' approach, assessing turnover and market shares in existing shops/centres by means of a more recent December 2014 telephone household survey before applying informed judgements.
39. Previous PAC decisions and recommendations have supported the market share approach which has the advantage of assessing a catchment's actual shopping characteristics. It can also provide a better understanding of outflow and stores trading above or below a benchmark level. However, like any RIA methodology this approach is imperfect. Household telephone surveys confined to the catchment do not get an idea of inflow into an area. As Merit's agent accepted, the market share approach tends to underestimate the turnover of less frequently visited stores. In this case, for example, the survey questions asked where 'most' main food and top up shopping was done. Such broad questions could result in not picking up significant expenditure trends. We are not convinced that Merit's evidence fully addressed this concern, and their amended RIA tables and their evidence as presented at the hearing suggests that initially insufficient consideration had been given to issues such as inflow and the turnover of smaller shops.
40. While commercial confidentiality usually prevents their being divulged, some actual turnovers were presented. Of these, and for those shops within town centres, one actual turnover was significantly less than that any RIA had predicted. Another shop had a higher turnover than predicted in any RIAs, in some cases quite significantly so. One shop had a turnover close to that noted in some RIAs but significantly smaller than in other RIAs. The introduction of these figures inevitably caused reassessments taking place during the hearing. This evidence does not invalidate any of the RIAs, but does highlight that RIAs are not an exact science and that caution must be exercised when making decisions based on them. Overall, however, we have some understanding for the view of the Department's retail witness who advocated using a mix of the company average and market survey approaches as a methodology.
41. In relation to the Merit proposal their figure of a £20.7m convenience turnover was robust. Similarly, the Forbes discounter proposal's convenience turnover figure of £4.4m appears robust. The issue of trade draw, the understanding of where (geographically) a proposal's turnover would come from, is a fundamental element of the RIA process. While Castlefarm forwarded a reduced figure, we agree with those who judged that the proposals could draw about 10% of their trade from outside the catchment. No catchment is a closed system and Magherafelt, being a market town with a strong education provision, will be an attractor for people living over 15 minutes away.

Appendix 2

Decision notice and Case Officer's Report in respect of Home Bargains proposal
at Hollywood Exchange Retail Park (ref: Z/2014/0085/F)



Belfast Planning Service
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: Z/2014/0085/F	
<p>Proposal: Variation of condition 8 of outline permission Z/1995/1088 (The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 1989:-</p> <ul style="list-style-type: none"> (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) Such other items as may be determined in writing by the Department as generally falling within the category of "bulky goods") and condition 2 of reserved matter approval Z/2002/0719 (The floorspace comprised in the retail warehousing shall be used for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 1989:- <ul style="list-style-type: none"> 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. Such other items as may be determined in writing by the Department as generally falling within the category of "bulky goods"), to allow mixed retailing in units F and G combined 	<p>Location: Holywood Exchange Retail Park, Airport Road West Belfast BT3 9EJ</p>
Referral Route: Committee – major application	
Recommendation:	APPROVAL

Applicant Name and Address: Friends Life Limited c/o agent	Agent Name and Address: Hobart and Heron Strand Studios 3 150 Holywood Road Belfast BT4 1NY
Executive Summary: The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> - The principle of the sale of a different range of goods from this location, - Impact on the city centre and other centres afforded protection by planning policy; - Impact on amenity. <p>The proposal is for a variation of planning conditions attached to two previously granted permissions Z/1995/1088 and Z/2002/0719. The conditions in question both restricted the scope / range of goods that may be sold from the retail units to 'bulky goods'. The proposal seeks to vary these conditions to allow the operator to sell convenience goods from 58.5% [1059sqm] of the sales area, bulky comparison from 30% [643 sqm] and non-bulky comparison 11.5% of the sales area [208 sqm].</p> <p>The site is located at Holywood Exchange Retail Park in east Belfast which comprises 11 retail units. The site consists of two of the 11 units - F and G which are vacant and have been since construction.</p> <p>The site is located within the development limits of Belfast in the Belfast Metropolitan Area Plan and is not subject to any zonings. The application has been assessed against relevant planning policies including the Belfast Metropolitan Area Plan, and the Strategic Planning Policy Statement, PPS3: Roads Considerations and associated supplementary guidance.</p> <p>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. There are no suitable alternative sites within protected centres to accommodate the proposal. The proposal will not adversely impact on the amenity of neighbouring properties or the locality. Car parking provision will be unaffected by the proposal.</p> <p>The site has been vacant since construction and the proposal will result in the creation of up to 50 jobs.</p> <p>Representations from 3 elected representatives have been received. No objections have been received.</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved subject to conditions.</p>	
Signature(s): Date: 10 November 2015	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	HQ Retail Unit	Superseded by further Consultation

Representations:

Letters of Support	2
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	J Cochrane MLA G Robinson MP R Newton MLA

Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>The proposal is for a variation of planning conditions attached to two previously granted permissions Z/1995/1088 and Z/2002/0719. The conditions in question both restricted the scope / range of goods that may be sold from the retail units to 'bulky goods':</p> <p>The floorspace comprised in the retail warehousing shall be used for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 1989:-</p> <ul style="list-style-type: none"> 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. Such other items as may be determined in writing by the Department as generally falling within the category of "bulky goods". <p>The proposal seeks to vary these conditions to allow the operator to sell convenience goods from 58.5% [1059sqm] of the sales area, bulky comparison from 30% [543 sqm] and non-bulky comparison 11.5% of the sales area [208 sqm].</p>
2.0	<p>Description of Site</p>
2.1	<p>The site is located at Hollywood Exchange Retail Park in east Belfast which comprises 11 retail units. The site consists of two of the 11 units - F and G which are vacant and have been since construction. The units occupy a mid terrace location within the block and are of typical retail warehouse design. There is a large surface level car park to the front, with a service yard area to the rear.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>No planning history on the application site save for original permissions this application seeks to vary.</p>
4.0	<p>Policy Framework</p>
4.1	<p>Belfast Metropolitan Area Plan 2015</p>
4.2	<p>Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS) PPS5: Retailing and Town Centres; PPS3: Roads Considerations; Development Control Advice Note 15 Vehicular Access Standards</p>
5.0	<p>Statutory Consultee Responses</p>
	<p>None required</p>
6.0	<p>Non Statutory Consultee Responses</p>
	<p>DoE Planning HQ – Retail Impact Assessment requested and submitted. Retail Unit were re-consulted with the RIA but did not respond/comment prior to re-organisation of Local</p>

	Government on 1 st April 2015.
7.0	Respresentations
	The application has been neighbour notified and advertised in the local press. Two letters of support have been received from J Cochrane MLA and R Newton MLA.
8.0	Other Material Considerations
	Creation of approximately 50 jobs; Investment of £1m to fit out/modify existing building.
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 the sale of a different range of goods from this location; - Impact on the city centre and other centres afforded protection by planning policy; - Impact on amenity. <p>Retail policy Considerations</p>
9.2	The SPPS was introduced in September 2015 and 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.
9.3	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 paras 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states PPS3 [and a number of others] remain applicable under 'transitional arrangements', whilst PPS5 has been superseded by retail policy within the SPPS.
9.4	The Retail element of the SPPS sets out regional strategic objectives including direction of retail development to town centres and the introduction of the sequential test for main town centre uses that are not in an existing centre.
9.5	Notwithstanding the introduction of the SPPS, regional retail policy considerations were set out in PPS5 at the time of submission of the application until September 2015. Supporting information was submitted during the processing of the application to address the requirements of PPS5.
9.6	BMAP sets out a retail strategy at page 54 which essentially promotes town centres as the preferred location for retailing and seeks to control the scale of retailing outside town and city centres in order to protect vitality and viability of protected centres. R1 states that primary retail cores will be the preferred location for comparison and mixed retailing, and such developments outside primary retail cores will only be permitted where it can be demonstrated no suitable site exists within this area. Policy R2 goes on to say that proposals will not be granted for proposals likely to result in an adverse impact on the role of Belfast City Centre.
9.7	The proposal essentially seeks to alter the range of goods sold from existing vacant retail warehouse from which so called 'bulky goods' may only be sold as defined in the planning condition. The proposal seeks to retain the ability to sell bulky comparison goods

	<p>albeit from 30% of the sales area or 543 sqm. This element is therefore acceptable given the existing use / range of goods permissible for sale rights on the site. The remaining convenience and non-bulky elements therefore require careful assessment.</p> <p>Retail Impact</p>
9.8	<p>As the site is located in an out of centre location, a Retail Impact Assessment was submitted in support of the proposal. The findings of the RIA and associated supporting information have been fully assessed. It is considered following assessment of this information that the proposal is unlikely to draw a significant amount of trade away from any protected centres within the catchment area. The proposal is instead likely to draw the majority of its trade from Sainsburys Holywood Exchange and Tesco Knocknagoney, both of which are located out-of-centre and thus afforded no policy protection in line with the provisions of BMAP and the SPPS.</p>
9.9	<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> <p>Alternative sites / sequential test</p>
9.10	<p>PPS5 required an assessment of vacant sites within town centres that may be suitable for the proposal. The SPPS supersedes this requirement with the introduction of the sequential test. From survey inspections it is evident that there are no sites of suitable size to accommodate the proposal within either Belfast or Holywood primary cores or centres. It is acknowledged that there is availability of an alternative site which could potentially accommodate the proposal within the Connswater Shopping Centre which is identified as a District Centre within BMAP. However, there are a large number of discount retailers at this locality including Wyse Byse, Poundstretcher, Poundland, Poundworld, B&M bargains, Lidl, and it is considered that an additional discounter at this location will neither enhance nor maintain the commercial viability of the Connswater District Centre in the way another anchor food tenant would. It is therefore considered that the site at Connswater District Centre is not sequentially preferable in this instance.</p>
9.11	<p>Amenity</p> <p>Given that the proposal will remain in retail use and taking account of the similar uses adjacent and in the locality, the proposal will not adversely impact on the amenity of neighbouring properties or the locality.</p>
9.12	<p>Traffic, Access, and Parking</p> <p>Traffic, access and car parking provision will be unaffected by the proposal. Accordingly the proposal is compliant with PPS3 and associated guidance.</p>
9.13	<p>Economic Considerations</p> <p>It is noted that the site has been vacant since construction and that the proposal will result in the creation of up to 50 jobs. This is also a material consideration and afforded weight.</p>
9.14	<p>Following the above assessment it is considered that proposal is compliant with relevant policies. I recommend granting of permission subject to the time limit condition of 5 years, and restricting the floorspace and range of goods conditions</p>

10.0	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions
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Conditions/Reasons for Refusal:

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

The floorspace comprised in the retail warehousing units F and G and indicated on drawing 01 date stamped received 24th January 2015 shall be used for the retail sale and ancillary storage of the items listed hereunder and for no other purpose including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) Order 2015.

Of the net retail floorspace not more than 58.5% [1059sqm] of the sales area shall be used only for the retail sale of convenience goods and for no other purpose.

Convenience goods for this purpose are hereby defined as:

- a. food, drink and alcoholic drink;
- b. tobacco, newspapers, magazines and confectionary;
- c. stationary and paper goods;
- d. toilet requisites and cosmetics;
- e. household cleaning materials;
- f. other retail goods as may be determined in writing to Belfast City Council Planning Authority as generally falling within the category of 'convenience goods'.

Of the net retail floorspace not less than 30% [543 sqm] of the sales area shall be used only for the retail sale of bulky comparison goods and for no other purpose. Bulky comparison goods for this purpose are hereby defined as:

- 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. Such other items as may be determined in writing by the Belfast City Council Planning Authority as generally falling within the category of "bulky goods".

Of the net retail floorspace not more than 11.5% [208 sqm] of the sales area shall be used only for the retail sale of non bulky comparison goods and for no other purpose.

Reason: To enable the Council to control the nature and scale of retailing to be carried out at this location.

Signature(s)

Date: 10/11/2015

ANNEX	
Date Valid	24th January 2014
Date First Advertised	14th February 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 Depot Road, Sydenham Intake, Belfast, Down,, The Owner/Occupier, 302 Airport Road West Sydenham Intake Belfast The Owner/Occupier, 306 Airport Road West Sydenham Intake Belfast Robin Newton MBE MLA 59 Castlereagh Road Ballymacarret Belfast The Owner/Occupier, Tesco Filling Station, Knocknagoney Road, Knocknagoney, Belfast, Down, BT4 2PW The Owner/Occupier, Unit 1, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 10, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 11, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 2, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 3, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 4, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 5, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 6, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 7, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 8, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, The Owner/Occupier, Unit 9, 304 Airport Road West, Sydenham Intake, Belfast, Down, BT3 9EJ, Judith Cochrane MLA</p>	
Date of Last Neighbour Notification	
Date of EIA Determination	

ES Requested	Yes /No
Planning History	
<p>Ref ID: Z/2006/1216/F Proposal: Erection of a new 29,000sqm retail development for the sale and display of bulky furniture, and homeware goods with ancillary facilities including restaurant and associated storage together with car parking, access, servicing and landscaping. Address: Land Adjacent to Hollywood Exchange Retail Park, Airport Road West, Belfast. Decision: Decision Date: 22.12.2006</p>	
<p>Ref ID: Z/2010/1382/F Proposal: New external plant enclosure, bin store and new external vents to existing retail unit Address: Units H and J, Hollywood Exchange, 303 Airport Road West, BT3 9EJ, Decision: Decision Date: 08.12.2010</p>	
<p>Ref ID: Z/2010/0893/F Proposal: Alterations to existing front facade Address: Belfast Harbour Estate, Site D5 Airport Road West, Belfast Units Part J & H, BT3 9ED, Decision: Decision Date: 13.09.2010</p>	
<p>Ref ID: Z/2008/0330/F Proposal: Minor alterations to the front and rear facades replacing sliding doors with hinged escape doors & amalgamation of units A, B, C, & D into one unit selling bulky goods. Address: Belfast Harbour Estate, Development site D5, Airport Road West Decision: Decision Date: 05.06.2008</p>	
<p>Ref ID: Z/2002/0719/RM Proposal: Retail park, fast food unit, associated carparking, service yards and landscaping. Address: Belfast Harbour Estate- 'Development Site D5', Airport Road West, Belfast Decision: Decision Date: 18.10.2005</p>	
<p>Ref ID: Z/2004/1292/F Proposal: Variation of conditions 07 & 08 of planning permission Z/1995/1088/F for the use of Unit H of the retail warehousing at Hollywood Exchange for the sale of home furnishings and fashion and the inclusion of an additional 335.3 sqm of floorspace for a</p>	

mezzanine floor.

Address: Unit H, Holywood Exchange, Airport Road West, Belfast Harbour Estate, Belfast,

Decision:

Decision Date: 29.06.2005

Ref ID: Z/2005/1927/F

Proposal: Variation of Condition 07 of planning approval Z/1995/1088.(creation of mezzanine floor in units k and l)

Address: D5 Airport Road West, Belfast Harbour Estate (Holywood Estate)

Decision:

Decision Date: 21.08.2006

Ref ID: Z/2008/0387/F

Proposal: Variation of condition 7 of application no Z/1995/1088 to enable the installation of mezzanine floor space.

Address: Holywood Exchange Retail Park, Airport Road, Belfast

Decision:

Decision Date: 11.07.2008

Ref ID: Z/1990/0078

Proposal: Retail Warehousing & leisure with associated car parking and service access

Address: BELFAST HARBOUR COMMISSIONERS LAND AT HOLYWOOD ROAD BELFAST BT4

Decision:

Decision Date:

Ref ID: Z/2013/0183/F

Proposal: Removal of condition 7 of planning approval Z/2002/0719/RM

Address: Belfast Harbour Estate (D5) Airport Road West, Belfast,

Decision: PG

Decision Date: 17.06.2013

Drawing Numbers and Title

01, 02

Notification to Department (if relevant) N/A

Date of Notification to Department:

Response of Department:



APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: Z/2014/0085/F

Date of Application: 24th January 2014

Site of Proposed
Development:

Hollywood Exchange Retail Park
Airport Road West
Belfast
BT3 9EJ

Description of Proposal:

Variation of condition 8 of outline permission Z/1995/1088 (The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 1989:-
(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) Such other items as may be determined in writing by the Department as generally falling within the category of "bulky goods") and condition 2 of reserved matter approval Z/2002/0719 (The floorspace comprised in the retail warehousing shall be used for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 1989:-
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. Such other items as may be determined in writing by the Department as generally falling within the category of "bulky goods".), to allow mixed retailing in units F and G combined

Applicant: Friends Life Limited
Address: c/o agent

Agent:
Address: 79 Marlborough Park North
Belfast
BT9 6HL

Drawing Ref: 01, 02,



Belfast City Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The gross retail floorspace of the retail unit hereby approved shall not exceed 2015.5 square metres when measured internally.

Reason: To enable the Planning Authority to retain control over the nature, scale, and range of retail activities at this location and ensure that the role and function of protected centres are not prejudiced.

3. The net retail floorspace of the retail unit hereby approved shall not exceed 1811 square metres when measured internally.

Reason: To enable the Planning Authority to retain control over the nature, scale, and range of retail activities at this location and ensure that the role and function of protected centres are not prejudiced.

4. No less than 543 square metres of the net retail floorspace of the retail unit hereby approved shall be used for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) Order 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. Such other items as may be determined in writing by the Belfast City Council Planning Authority as generally falling within the category of "bulky goods".

Reason: To enable the Planning Authority to retain control over the nature, scale, and range of retail activities at this location and ensure that the role and function of protected centres are not prejudiced.

5. No more than 1059 square metres of the net retail floorspace of the retail unit hereby approved shall be used for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) Order 2015.

- a. food, drink and alcoholic drink;
- b. tobacco, newspapers, magazines and confectionary;
- c. stationary and paper goods;



- d. toilet requisites and cosmetics;
- e. household cleaning materials;

- f. other retail goods as may be determined in writing by Belfast City Council Planning Authority as generally falling within the category of 'convenience goods'.

Reason: To enable the Planning Authority to retain control over the nature, scale, and range of retail activities at this location and ensure that the role and function of protected centres are not prejudiced.

- 6. No more than 208 square metres of the net retail floorspace of the retail unit hereby approved shall be used for the retail sale and display of non-bulky comparison goods.

Reason: To enable the Planning Authority to retain control over the nature, scale, and range of retail activities at this location and ensure that the role and function of protected centres are not prejudiced.

- 7. No internal operations increasing the floorspace available for retail use, including the installation of mezzanine floors, shall be carried out without the prior consent of Belfast City Council Local Planning Authority.

Reason: To enable the Planning Authority to retain control over the nature, scale, and range of retail activities at this location and ensure that the role and function of protected centres are not prejudiced.

- 8. The gross retail floorspace within the unit hereby approved shall not be subdivided into separate units without the prior consent of the Belfast City Council Local Planning Authority.

Reason: To enable the Planning Authority to retain control over the nature, scale, and range of retail activities at this location and ensure that the role and function of protected centres are not prejudiced.

- 9. 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.

- 10. No trading from the retail unit hereby permitted shall commence until a floor plan to scale detailing the layout of the store has been submitted to the satisfaction of Belfast City Council Local Planning Authority.

Reason: To ensure an appropriate form of development and to enable the Planning Authority to retain control over the nature, scale, and range of retail activities at this location.

Informatives

- 1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.



2. The applicant's attention is drawn to:
 - i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and
 - ii. the Code of Practice for Access for the Disabled to buildings.
3. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note ""Access for People with Disabilities"" available from Divisional Planning Offices.
4. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
5. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
6. This decision relates to planning control only and does not dispense with the necessity of obtaining any other approval which may be necessary under other legislation

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

7. It is the responsibility for the developer / house builder to find out about the nearest public watermain, foul sewer and storm sewer / watercourse that has the capacity to service the proposed development. Copies of existing water and sewer records can be obtained from NI Water. There is a nominal charge for this service.

Guidance can be given to developers / house builders about how the proposed development can be served by a public watermain or sewers. To find out how proposed development can be serviced with water and sewer infrastructure, developers and house builders can submit a Pre-Development Enquiry.

If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NIW Water to extend the public watermain or foul / storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.

If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services



Business Line 08458770002 and ask for the Developers Services Co-ordination Team. Copies of our Application Forms can be obtained by contacting the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopment.asp and Forms.

Director of Planning and Place

Dated: 16th December 2015