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Committee and Members' Services Section
3rd Floor, Adelaide Exchange
24-26 Adelaide Street
Belfast BT2 8GD



11th February, 2009

SPECIAL MEETING OF DEVELOPMENT COMMITTEE

Dear Councillor

The above-named Committee will meet in the Council Chamber, 3rd Floor, Adelaide Exchange on Tuesday, 17th February, 2009 at 12.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

PETER McNANEY

Chief Executive

AGENDA:

1. Routine Matters
 - (a) Apologies
2. Belfast City Centre Management's 2009/2010 Business Plan

To receive a presentation from representatives of Belfast City Centre Management in relation to its 2009/2010 Business Plan and to take such action thereon as may be determined

3. Belfast Chamber of Trade re Sprucefield Planning Application (Pages 1 - 5)

To receive a presentation from representatives of the Belfast Chamber of Trade in relation to the planning application for the development of a John Lewis Department Store and retail units at Sprucefield (report herewith)

**Belfast City Council**

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| Report to: | Special Development Committee |
| Subject: | Sprucefield Centre Ltd Planning Application |
| Date: | 17 February 2009 |
| Reporting Officer: | Marie Thérèse McGivern, Director of Development ext 3470 |
| Contact Officer: | Shirley McCay, Head of Economic Initiatives ext 3459 Keith Sutherland, Planning & Transport Policy Manager ext 3578 |

Relevant Background Information

The Development Committee on the 10 December 2008 agreed to receive a presentation from the Belfast Chamber of Trade and Commerce in respect of their concerns in relation to the current Sprucefield Centre Ltd application for further retail development at Sprucefield. The basis for the request and the details of the proposed development were set out in the report of 10 December 2008 which is included as **Appendix 1** for information.

The adverse implications for the surrounding retail centres, arising from the proposed development, combined with the changed economic conditions highlights the necessity for a precautionary approach to both retail development and the application of policy. The advice contained in the previous report suggested that the Council, in recognition of the limited application modifications and changed economic climate, maintained the previously adopted positions both in respect of the objection to the application and the recommendation that the proposed development be subject to a Local inquiry.

The Committee resolved that in advance of the presentation and taking account of the changed economic situation it would not be appropriate, at that stage, for the Council to reiterate the previously adopted position in respect of the proposed application.

Key Issues

The modifications to the current planning application represent very minor changes from the previously submitted proposals that were the subject of objections from a number of organisations and the Council. The clearly identifiable adverse implications for the retail core of Belfast and the surrounding city and town centres therefore remain extant.

It should also be noted that the approval of the proposed application would have significant adverse implications for retail policy generally within the metropolitan area.

With regard to the retail policy Committee may wish to note that Planning Service in October 2008 requested the early release of that part of the Planning Appeals Commission (PAC) BMAP Report relating to strategic retail issues. The Commission recently confirmed that it took the view that this was a discrete issue and, as the public sessions of the inquiry were complete, it could comply with the Department's request. Whilst the Commission recently confirmed that it had issued the report to the Department on 21st January 2009 both organisations have stated that the findings and recommendations contained within the report will not be made available to the public at this stage.

The Belfast Chamber of Trade and Commerce and Independent Belfast Retailers, along with a number of other objectors within the wider region, have indicated that they will be pursuing objections to the current Sprucefield Centre Ltd application. The Belfast Chamber of Trade and Commerce propose to make a presentation to the Committee in respect of the concerns arising from the proposed development and the potential impacts on the wider region over the short and longer term investment horizons.

The Chamber may also wish to take the opportunity to explore the potential for the development of similar working arrangements to those previously adopted whereby objectors shared a coordinated approach to the participation in any future public inquiry to reduce the potential cost of such an action.

Notwithstanding the above the Department it is suggested that the previous recommendation to the Committee remains the most appropriate course of action and the Council position, of objection to the proposed development and request for a Local Inquiry to be convened, be maintained.

Resource Implications

There are no direct resource implications arising from this report.

Recommendations

Members are requested to:

- maintain the previously adopted positions and approve the submission of an objection to the proposed development at Sprucefield including a recommendation that the proposed development be subject to a Local inquiry.

Appendices

Appendix 1 Development Committee Report.10 December 2008

APPENDIX 1: Background -10th December 2008 Development Committee Report**Relevant Background Information**

Sprucefield Centre Ltd submitted a revised application for a significant retail Development (including John Lewis Partnership) at Sprucefield in August 2008. The current proposed scheme will comprise:

- John Lewis Department Store of 22,300 m² (covering four floors);
- 19 individual retail units with a total area of 22,500 m² (no more than four of the units to be less than 250 m² and the majority more than 500 m²);
- 7 food units totalling 1,580 m²;

There is little difference in the size of the proposed development when considered against the previous application, submitted in June 2004. The 2004 application comprised: a JLP department store of (20,656 m²) and 29 retail units (22,548 m²). The most significant change to the proposal is the reduction in the number of the proposed retail units with unspecified occupiers from 29 to 19 units, although it should be noted that there is in no change in the actual retail area.

The history of the most recent application is summarised below:

- The Council with several other objectors lodged objections to the original planning application to develop a John Lewis Department Store and 29 additional shop units at Sprucefield. The objections was based on the fact that the application ran contrary to both the current (RDS) and proposed planning policy (BMAP) and was likely to damage the retail led regeneration of Belfast and other adjoining centres.
- On 1 June 2005, the then Environment Minister Lord Rooker announced his intention to grant planning permission for the 2004 Sprucefield retail application under the provisions of Article 31 of the Planning (NI) Order 1991. Under the provisions of Article 31 the DOE has three options, issue a notice of opinion to refuse, issue a notice of opinion to approve or call a Public Inquiry by the Planning Appeals Commission. In this instance the decision by the Environment Minister Lord Rooker was to issue a notice of opinion to approve.
- The Council with other objectors challenged the process and Ministerial decision through judicial review proceedings. This challenge was successful with the ruling stating that the Ministerial decision to approve the application was made without recourse to a Local Inquiry and against the advice of his professional advisors.
- Sprucefield Centre Ltd subsequently resubmitted the application for the proposed John Lewis Store and 29 additional retail units and in 27 March 2007, the new Environment Minister David Cairns again announced his intention to grant planning permission. Leave was again granted for a number of objectors including Belfast City Council to have the Minister's intention to approve the scheme judicially reviewed. In light of the announcement that the Minister was minded to approve the application against the advice of Planning Service, Sprucefield Centre Ltd withdrew the application in July 2007.
- At the time of withdrawal Sprucefield Centre Ltd stated that they would enter into pre-application with Planning Service on a revised scheme. The planning application for the revised scheme was submitted August 2008 with the adjoining retail units reduced in number from 29 to 19, as outlined above.

The Council, during the BMAP Public inquiry, strongly supported Draft BMAP policy R4 "Sprucefield Regional Shopping Centre" which stated that planning permission would only be granted for retail development which would not adversely impact on the vitality and viability of existing City and Town Centres and restricted the type of goods to be sold to bulky comparison goods. The Council counter objected to the representations that sought to change or weaken the provisions of Policy R4 participated at the public inquiry on that basis.

Key Issues

The options for the consideration of the current planning application and the utilisation Article 31 remain unaltered, albeit that the responsibility for the decision rest with an Assembly Minister. The application is again likely to be considered under the provisions set out in Article 31 of the Planning (NI) Order 1991, by virtue of the scale and impact. Whilst confirmation of the approach has yet to be published it is anticipated that the application will go to a Public Enquiry as the previous reliance solely on the Ministerial decision to issue a notice of opinion was successfully challenged.

The minor modification of the development proposal does not address the principal concerns in relation to the potentially adverse impacts on general retail policy and the surrounding traditional retail centres. It should also be noted that there could, in the current economic climate, be a potential greater adverse impact on the surrounding centres as the projected levels of expenditure are reduced. The total retail area of the latest proposal remains broadly similar to the 2004 and 2007 applications at around 45,000 m². The principal modifications relate to the changes to the unspecified new retail units which have increased in size but reduced in number.

The Committee may wish to consider whether these minor amendments to what would be a significant expansion of the Sprucefield centre, to accommodate the John Lewis Development and adjoining retail units, requires any modification of the Council's currently adopted position. The Council as outlined above objected to the previous applications, the two Ministerial decisions approving the applications and was a counter objector in respect of representations to modify or weaken the Draft BMAP policy for Sprucefield at the recent Public Inquiry.

However, in recognition of the clearly identified adverse implications for the retail core of Belfast and the surrounding city and town centres and retail policy generally it is suggested that the Council maintains the previously adopted positions both in respect of the objection to the application and the recommendation that the proposed development be subject to a Local inquiry.

In respect of the level of engagement in any formal processes relating to the determination of the application it should be noted that the Belfast Chamber of Trade and Commerce and Independent Belfast Retailers, along with a number of other objectors within the wider region, have indicated that they will be pursuing objections to the current Sprucefield Centre Ltd application. Correspondence has been received from the Belfast Chamber of Trade and Commerce requesting an opportunity to address the Committee and outline their concerns in respect of the proposed development and the potential impacts of the Sprucefield Centre Ltd proposals. The Chamber may also wish to take the opportunity to explore the potential for the development of similar working arrangements to those previously adopted whereby

objectors shared a coordinated approach to the participation in any future public inquiry to reduce the potential cost of such an action.

Resource Implications

There are no direct resource implications arising from this report.

Recommendations

Members are requested to:

- accede to the request from the Belfast Chamber of Trade and Commerce for an opportunity to address the Committee on concerns in relation to the Sprucefield Centre Ltd application,
- maintain the previously adopted positions and approve the submission of an objection to the proposed development at Sprucefield including a recommendation that the proposed development be subject to a Local inquiry.

Committee Minute (D 750)

“During discussion in the matter, several Members expressed the view that, given the current economic situation and without having heard the views of the Belfast Chamber of Trade and Commerce, it would be unwise for the Committee, at this stage, to maintain its previously agreed position regarding the Sprucefield planning application. Accordingly, the Committee agreed to receive a deputation from the Belfast Chamber of Trade and Commerce at a future meeting and to reconsider, after that presentation had been heard, its position regarding the proposed development at Sprucefield.”