

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date: 14 November 2023</b>	
<b>Application ID:</b> LA04/2023/3491/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed Retail Warehouse Unit with associated Car Parking and Site Works.	<b>Location:</b> 47 Boucher Road, Belfast, BT12 6HR
<b>Referral Route:</b> Major Application	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> P Dillen Weaverton NI 6b Upper Water Street Newry BT34 1DJ	<b>Agent Name and Address:</b> Eamonn Loughrey Inaltus Limited 15 Cleaver Park Malone Road Belfast BT9 5HX
<p><b>Executive summary</b></p> <p>The application seeks planning permission for a proposed retail warehouse unit with associated car parking and site works.</p> <p>The site is located at 47 Boucher Road and is a vacant plot located within an area of light industrial, warehousing/distribution and retail warehousing. The site is a basic rectangular shape with a service road access of the Boucher Road. The boundary treatment consists of wire mesh fencing. The site is sandwiched between Boucher Road to the south, Boucher Place to the north, the Door Store retailer to the west and DFS furniture store to the east. The character of the area is one of commercial businesses.</p> <p>The site is situated on white-land within the Belfast Urban Area Plan 2001 and the draft Belfast Metropolitan Area Plan 2015.</p> <p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> <li>• Principle of retail warehousing at this location</li> <li>• Impact on the character and appearance of the area</li> <li>• Provision of car and cycle parking</li> <li>• Access</li> </ul> <p>There have been 6 no. total objections from three planning consultants acting for the operators and owner of the neighbouring premises, the Doorstore and DFS Furniture. Issues of concern relate to character / context, building line, sufficient car parking, principle of retail development and loss of small landscaped area.</p>	

**Recommendation**

Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.

It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.

Case Officer Report

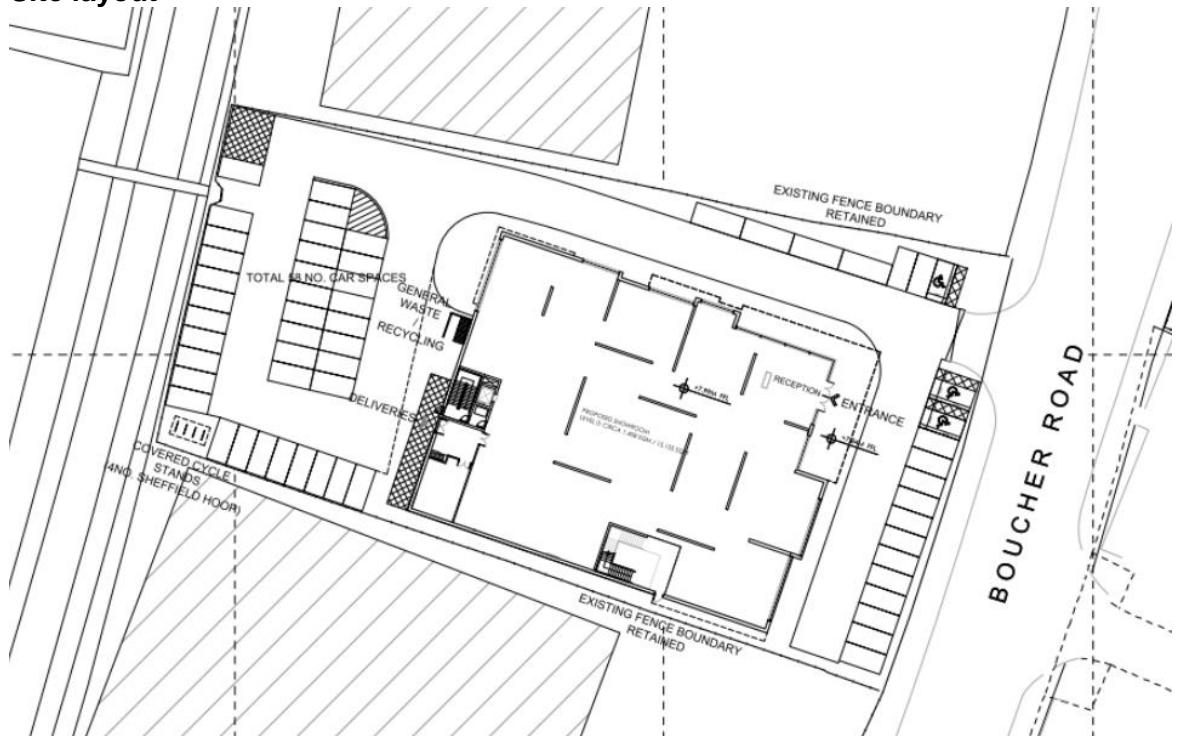
1.0

Drawings

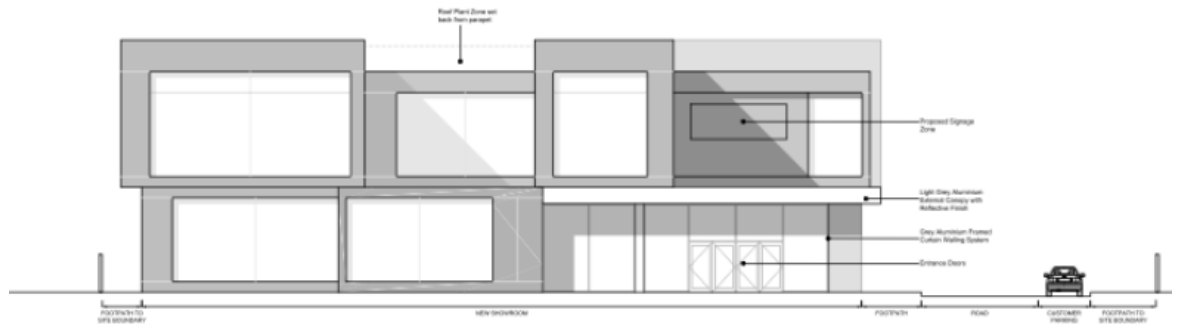
Site Location Plan



Site layout



**Front Elevation**



**3D visual**



<p><b>2.0</b></p>	<p><b>Characteristics of the Site and Area</b></p>
<p>2.1</p>	<p>The site is a vacant plot located within an area of light industrial, warehousing/distribution and retail warehousing. The site is a basic rectangular shape with a service road access of the Boucher Road. The boundary treatment consists of wire mesh fencing. The site is sandwiched between Boucher Road to the south, Boucher Place to the north, the Door Store retailer to the west and DFS furniture store to the east. The area is characterised primarily by commercial businesses.</p>
<p><b>3.0</b></p>	<p><b>Description of Proposal</b></p>
<p>3.1</p>	<p>The application seeks full planning permission for a proposed retail warehouse unit with associated car parking and site works.</p>

4.0	<b>Planning Policy and Other Material Considerations</b>
4.1	<p><b>Development Plan – operational policies</b></p> <p>Belfast Local Development Plan, Plan Strategy 2035</p> <ul style="list-style-type: none"> <li>- DES 1 Principles of urban design</li> <li>- RET 1 Establishing a centre hierarchy</li> <li>- RET 2 Out of centre development</li> <li>- RET 4 Retail warehousing</li> <li>- TRAN 1 Active Travel</li> <li>- TRAN 6 Access to public roads</li> <li>- TRAN 8 Car parking and servicing arrangements</li> <li>- ENV1 Environmental quality</li> <li>- ENV2 Mitigating environmental change</li> <li>- ENV5 Sustainable drainage systems (SuDS)</li> </ul>
4.2	<p><b>Development Plan – zoning, designations and proposals maps</b></p> <p>Belfast Urban Area Plan (2001) BUAP  Draft Belfast Metropolitan Area Plan 2015 (v2004)  Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p><b>Regional Planning Policy</b></p> <p>Regional Development Strategy 2035 (RDS)  Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p><b>Planning History</b></p> <p>No relevant history but approval has been granted on site for a small format convenience goods store under ref. Z/2011/0359/O &amp; LA04/2015/0387/RM</p>
5.0	<b>Consultations and Representations</b>
5.1	<p><b>Statutory Consultations</b></p> <p>DfI Roads Service – no objection  DfI Rivers Agency – no objection  NI Water – no objection</p>
5.2	<p><b>Non-Statutory Consultations</b></p> <p>BCC Environmental Health – no objection  BCC Policy Advice (Retail) – no objection</p>
5.3	<p><b>Representations</b></p> <p>The Council received objections from three planning consultants acting on behalf of the Door Store, DFS Furniture and the owner of the DFS premises. The issues raised include:</p> <ul style="list-style-type: none"> <li>- Issues with scale and siting of the proposed development</li> <li>- Proposal is contrary to Policy DES1 of the Plan Strategy, as it does not respond positively to the local context.</li> <li>- Proposal does not respect the established building line along this part of Boucher Road.</li> </ul>

	<ul style="list-style-type: none"> <li>- Nearby developments provide parking at the front of the premises, as did the previous approval on the application site. Proposal does not respect this characteristic.</li> <li>- Removal of landscaping strip at front of site.</li> <li>- Proposal sitting further forward on site obscures views of neighbouring sites and impacts potential to attract customers.</li> <li>- Proposed parking provision is below the standards, as set out in 'Parking Standards'. Only 40% of the required parking is being provided.</li> <li>- No HGV tracking included on plans.</li> <li>- 6 cycle spaces are required for the proposal.</li> <li>- Parking at rear of site reduces surveillance, safety and security.</li> <li>- Issues raised with Retail Impact Assessment and potential impact on competitors.</li> <li>- A need for the proposal has not been demonstrated and is contrary to Policy RET2 of the Plan Strategy.</li> </ul> <p>The points raised will be discussed in the report below.</p>
<b>6.0</b>	<b>PLANNING ASSESSMENT</b>
	<p><b>Development Plan Context</b></p> <p>6.1 Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>6.2 Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> <p>6.3 The Development Plan is the Belfast Local Development Plan, which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The Belfast LDP is in two parts: Part 1 is the Plan Strategy, which was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals map for Belfast and has yet to be published.</p> <p>6.4 Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p> <p>6.5 Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker.</p> <p><b>Impact on the character and appearance of the area</b></p> <p>6.6 The proposal is a contemporary designed retail building which will be situated in an area of largely utilitarian retail warehousing and distribution centres which have large shed like appearances. Policy DES 1 requires the promoting of diversity of land uses that provides active frontages to ensure vibrancy throughout the day. The proposal will offer a more active frontage than many of the surrounding sites with car parking, in the main, being</p>

	towards the rear of the unit and large display windows allowing views into the building and for display purposes creating interaction between the building and the public realm.
6.7	The objectors also referred to policy DES 1, specifically stating that the proposal does not respond positively to the local context and character through an urban form that addresses matters such as building line and rhythm. The proposed retail unit is designed to be closer to the road frontage than several neighbouring properties. It is the objectors' opinion that the neighbouring units creates an established building line, the breaking of which they consider to be contrary to the policy.
6.8	Officers, however, offer a contrary opinion that the wider area around the Boucher commercial area has little in the way of established building lines, sheds and buildings have been erected to suit the needs of the operator with little regard to establishing building lines. This is demonstrated within the current site, the previous building on site, Gilbert-Ash offices, was closer to the road frontage than the neighbouring Door Store and DFS. It is also noted that Gilbert-Ash had a large structure of conservatories erected to the front of the offices, set back by approximately 10.5 metres, leading to the conclusion that the site, when in operation, did not form part of an established building line.
6.9	The proposed building is set back from the road by approximately 14 m. The set back of surrounding buildings along this 'building line' ranges from approximately 15 metres (KFC) and 16 metres (Lynas Foodstore) to 30 metres (DFS / Sofology and the Door Store). Furthermore, if one considers the opposite side of the road, the set back of buildings ranges from approximately 0.5 metres (Thrifty Car hire) to 24 metres (Building at 15 Wildflower Way) to 48 metres (Halfords / Puregym).
6.10	The objectors also raised the surrounding character having the building set back from the road frontage and the car parking located between the road and the building, a design feature dating from when the area was primarily dedicated to light industrial and distribution warehousing. This design feature is very much the case for a large group of businesses within the Boucher Road area. However, it is not considered a characteristic that is worthy of protection. The policy refers to on-site parking and refuse storage provision and requires these areas not to have a negative impact at street level which would result in the creation of dead frontage. As stated previously, it is considered the proposal will offer a more active street frontage with the building situated towards the public road and the expanse of parking area to the rear which is considered to be more in accordance with policy requirements.
6.11	On balance, it is considered the proposal will have no significant negative impact on the surrounding context and character. The proposal is considered an enhancement to the wider area, providing a building of contemporary design merit to an area of otherwise utilitarian buildings that place an over emphasis on parking to the public realm.
	<b>Retail policy considerations</b>
6.12	Policy RET1, establishing a centre hierarchy, is designed to ensure that proposals for main town centre uses are directed to the appropriate level of centre based on size, function and catchment. Such proposals are considered in the following order of preference: Belfast city centre primary retail core and frontage, Belfast city centre, District centres followed by Local centres. Policy RET2 for out-of-town centre development sets out two distinct areas to be satisfied; Proposals must demonstrate that there are no sequentially preferable sites in line with the hierarchical order and a Retail impact assessment (RIA) and statement of need should be submitted for proposals that have a gross floorspace over 1000 sq m.

6.13	The applicant has submitted a sequential test showing the availability of retail units that offers sufficient floor space comparable to the proposed. It is noted that the applicant considers the proposal does not require a Sequential test based on policy RET 4, however areas of retail warehousing referred to in the policy have not yet been designated. Until such time as the LPP is adopted, Policy RET4 will have limited weight due to the lack of designated areas.
6.14	The applicant has not identified any potential city centre sites, however has identified appropriately sized units that are located within the District Centres of the Park Centre and the Hillview Centre. The applicant has discounted each of the sites as being unsuitable to meet their needs. It is noted within the glossary of the Plan Strategy that 'they are generally located on routes that are convenient and easily accessible to the local community by all modes of travel'. The nature of the proposal is for a flagship comparison goods store seeking a large catchment area; consequently, a District centre, which are designed to meet local needs are generally not viewed as an ideal location for a flagship store for the sale of bulky goods.
6.15	The applicant in the sequential test also refers to a Supreme Court ruling at para. 1.6 in which the judgement considered what was meant by a proposal in the context of a policy. The thrust of the Judge comments is to consider what the developer is proposing and not to impose an alternative which is something less than what is being sought. It is clear within this application that what is being proposed is a new build, modern design retail warehouse seeking a large catchment area and not a business that would sit comfortably within a district / local centre designed to meet a local need.
6.16	Notwithstanding the above, the unit within the Park Centre is located in the heart of the shopping centre and the applicant does not consider it a suitable location as the proposal seek to develop a modern flagship store and not convert an existing store with a generic layout. The site at Hillview has 5 vacant retail units, however the applicant states it is not a suitable location for a flagship store as the site is isolated and has a history of poor business performance. The applicant notes that both sites have localised catchment areas, which underpins the above point that district centres are designed to meet local needs.
6.17	Having regards to the above reasoning, it is considered that the proposal satisfies the policy with regards to sequential test.
6.18	Part (b) of the policy requires the submission of a Retail impact assessment (RIA) for proposals which have a gross floorspace greater than 1000sq m. The applicant submitted an RIA, with advice sought from the LDP Economy and City Centre (LDP ECC) team regarding the key findings within the assessment. LDP ECC advised that although the representative data held by the LDP team differed from that presented by the applicant, the overall information leads to the conclusion that trade diversions and retail impact within the catchment area from the proposal will not have an impact on protected centres.
6.19	Part (b) of the policy also requires an assessment of need, this also was assessed by LDP ECC. The conclusion of the assessment was the applicant had established a quantitative need for the proposal. The need statement showed an estimated turnover, for the proposal, of £10.92 million and the figures retained by the LDP team showed a spending growth of £26million in the catchment area, a quantitative need being confirmed. Regarding qualitative need, the applicant has indicated that introducing a new retailer to the city will increase the retail profile of Belfast and broaden the offer of available household goods. LDP ECC stated that it is difficult to argue that there is an



	<p>under provision of this type of retailing within the local area and should this applicant not take up the premises it would be hard to sustain a refusal for other bulky goods retailers given the findings of the impact assessment.</p> <p><b>Environmental considerations</b></p>
6.20	<p>Policy ENV1 of the Plan Strategy states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality. Development must not result in an adverse impact on the environment, including ground contamination, air and water quality, noise and light pollution.</p>
6.21	<p>The proposed site has been tested with existing ground conditions being presented within the Generic Qualitative Risk Assessment (GQRA). The report indicated the ground contained contaminants of asbestos; BCC Environmental Health was consulted with the GQRA. A condition for the submission of a verification report for the control of the contaminants, as detailed within the GQRA, has been recommended. The report shall be submitted and approved prior to the operation of the development.</p>
6.23	<p>The site is located close to the M1 Air Quality Management Area; an assessment from the applicant has indicated that the expected number of vehicle movements will not necessitate the submission of an Air Quality Assessment. It is proposed that only one HGV will be at the site on a weekly basis and the number of cars attracted to the site, given the bulky retail use within the surrounding area, will be cars already within the location.</p>
6.24	<p>The site location within an area of light industrial, distribution and retail warehousing should prevent there being an issue of noise or light pollution that would be detrimental to residential uses.</p>
6.25	<p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce Green House Gases by promoting sustainable patterns of development. It is acknowledged that the site has been cleared of existing buildings for a considerable period resulting in no proposed demolition. The proposed building will be fully insulated to prevent heat loss and solar panels are proposed to reduce the reliance on fossil fuels.</p>
6.26	<p>ENV5 requires new development to include, where appropriate, SUDs measures to manage surface water discharge. The proposal has the agreement within NI Rivers Agency for the discharge of surface water into the Blackstaff river that runs to the rear of the site. The acceptable drainage assessment includes oversize infrastructure and a retention tank that controls the rate of discharge into the river. The site being for a commercial use requiring the provision of car parking and servicing space limits the potential for other forms of SUDs measures. On balance, it is considered the proposed surface water discharge is acceptable and policy compliant.</p> <p><b>Water and Sewage provision</b></p>
6.27	<p>NI Water was consulted on the proposal and initial comments recommended refusal of the proposal and advised Planning Service to await the outcome of Waste Water Impact Assessment. A second response was received following the assessment offering no objection to the proposal.</p> <p><b>Traffic and Parking</b></p>

6.28	Policy TRAN1 states that planning permission will be granted for major retail development that take account of walkers and cyclists. The site is located on a public highway and although not benefiting from a convenient access to public transport, it nonetheless is serviced by a regular bus service that walkers can take advantage of. The public highway provides sufficient access to footpaths and crossing points. The proposal includes the provision of covered cycle parking for those using this method of transport. In accordance with policy TRAN2, the proposal provides a level access to the premises that is suitable for all. The applicant has indicated within the Plan Strategy Statement that the premises will be DDA compliant with the use of dropped kerbs and tactile paving at the entrance to the premises.
6.29	The proposal is considered to satisfy policies TRAN7 & TRAN8 in that the site access is in place and was designed to meet the needs of the commercial site. Policy TRAN8 requires the provision of adequate car parking to serve the site. This issue was referred to by objectors who indicated that there was insufficient parking provision with reference to DoE Parking Standards document. The policy seeks the provision of adequate car parking and appropriate servicing arrangements, however it further states <i>'the emphasis will be to allow parking provision that will assist in reducing reliance on the private car'</i> .
6.30	The published Parking Standards indicate that for a premises of this scale, 145 spaces is required. The applicant within their Travel Assessment has put forward the argument in using the parking provision at other similar businesses within the vicinity of the site a floor space to parking space ratio would equate to 1 space for 50 sq m of floor space which would, in this case, equal 58 spaces as currently proposed. DfI Roads Service has indicated, following an assessment of all parking information and objector's comments, that there is no objection to the proposal indicating satisfaction with the parking provision. On balance, it is considered that the proposal satisfies policy TRAN8 in providing an adequate supply of car parking, cycle parking and servicing space for the proposal. Furthermore, it is not considered that parking at the rear will result in a detriment to safety, security or surveillance.
<b>7.0</b>	<b>Recommendation</b>
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.
<b>DRAFT CONDITIONS:</b>	
<p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p><b>Reason:</b> As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The gross retail floor space of the retail store hereby approved shall not exceed 2891 square metres.</p> <p><b>Reason:</b> To safeguard the vitality and viability of the City Centre and other Centres within the catchment.</p>	

3. The net retail floor space of the retail store hereby approved shall not exceed 2599 square metres.

**Reason:** To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

4. No internal operations, including the construction of mezzanine floor, increasing the floor space available for retail use or subdivision to form additional units shall be carried out without the prior written consent of the Council.

**Reason:** To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

5. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, the floor space hereby approved shall not be used other than for the sale of the goods listed below, save for the sale of items incidental to those goods.

- a) DIY materials, products and equipment
- b) Garden materials, plants and equipment
- c) Furniture and soft furnishings, carpets and floor coverings
- d) Cycles, cycle accessories, safety equipment and ancillary cycle repairs
- e) Electrical goods
- f) Such other goods generally falling within the category of "bulky goods" to be first agreed in writing by the Council.

**Reason:** To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

6. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.

**Reason:** To ensure that adequate provision has been made for parking and traffic circulation within the site.

7. The vehicular access shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted.

**Reason:** To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

8. The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site.

**Reason:** To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

9. Prior to the operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the EZ LIVING Proposed Commercial / Retail Development Located on Lands at 47

Boucher Road, Belfast P1308 - PHASE 1 PRELIMINARY RISK ASSESSMENT (PRA) and PHASE 2 GENERIC QUANTITATIVE RISK ASSESSMENT (GQRA). Dated – 16 March 2023 have been installed.

The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and the CAR-SOILTM Control of Asbestos Regulations 2012 Interpretation for Managing and working with Asbestos in Soil and Construction and Demolition Material.

In particular, the Verification Report must demonstrate that:

- a) The final site layout is as per Appendix A, Site Development Plan, by Like Architects & Project Management Project title: 47 Boucher Rd, Belfast Proposed Site Plan AP MM 18.01.23 1:500 1914-02 100-03.
- b) A minimum 500mm capping system has been emplaced in soft landscaped areas formed from material that is demonstrably suitable for use (commercial).

**Reason:** To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

## ANNEX

<b>Date Valid</b>	16 JUNE 2023
<b>Date First Advertised</b>	27 JUNE 2023 (NN) 7 JULY 2023 (Adv)
<b>Date Last Advertised</b>	N/A

### Details of Neighbour Notification (all addresses)

15 WILDFLOWER WAY, MALONE LOWER, BELFAST, ANTRIM, BT12 6TA  
 49 BOUCHER ROAD, BALLYMURPHY, BELFAST, ANTRIM, BT12 6HR  
 53 BOUCHER ROAD, BALLYMURPHY, BELFAST, ANTRIM, BT12 6HR  
 56-58 BOUCHER PLACE, BALLYMURPHY, BELFAST, ANTRIM, BT12 6HT  
 60 BOUCHER PLACE, BALLYMURPHY, BELFAST, ANTRIM, BT12 6HT  
 LESLIE RETAIL PARK BOUCHER ROAD, MALONE LOWER, BELFAST, ANTRIM, BT12 6HH