



Belfast City Council

Report to: Development Committee

Subject: Sprucefield Centre Ltd Planning Application

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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, on 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 and participated at the public inquiry on that basis.

Key Issues

The options for the consideration of the current planning application and the utilisation of 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 Inquiry 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.

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