

Gemma McAuley

From: 25 May 2022 03:38
Sent: Planning;
To:
Cc:
Subject: LA01/2021/0933/F - Unit 12 & 13 and Front of Unit 17 Riverside Centre, Castleroe Road, Coleraine - Email 1 of 3
Attachments: 2015_A0129.pdf.pdf; Diamond-Centre-Coleraine-Brochure.pdf; Coleraine, Hanover Place, Unit 1.pdf; 2019-BROCHURE---25-Church-Street2.pdf; The Chronicle 2nd February 2017.pdf; DOE BTY03 Meting House.pdf; Additional Objection_24_05_2022.pdf
Importance: High

Dear Planning Department & Chair

Following previous objections from Retail NI, we note that the above application remains with a recommendation to approve.

Please find attached additional evidence and consideration of this application, which seeks to facilitate an existing town centre retailer to an out of centre site.

I also note Coleraine was on UTV last night as more independent local retailers close their doors. Increase in vacancy and loss of vitality.

[Heartbreak for butchers as small businesses feel force of cost-of-living crisis | UTV | ITV News](#)

I trust that the Council will consider this matters fully, as the burden of evidence against this recommendation is considerable, as are the shortcomings in the consideration.

Kind regards

Andy Stephens

Matrix Planning Consultancy
Saba Park
14 Balloo Avenue
Bangor
Co. Down
BT19 7QT

45



<https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.matrixplanningconsultancy.com&umid=5e7ac5d5-932c-4da9-ae33-7c2b5a5950e8&auth=89b25e08eb55419b045a269f5553735f0173174a-5ba51d14688ed55d7998256431382ec07e1eb6a9>



Planning Appeals
Commission

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2015/A0129
Appeal by:	Kelvin Properties Ltd
Subject of Appeal:	The refusal of full planning permission
Proposed Development:	Relocation of an approved retail showroom (including amended elevations) in substitution for planning permission C/2009/0824/F, along with general site works
Location:	Land adjacent to Unit 10 (Pets at Home), Riverside Regional Centre, Castleroe Road, Coleraine
Planning Authority:	Causeway Coast and Glens Borough Council
Application Reference:	C/2014/0206/F
Procedure:	Informal Hearing on 28 January 2016
Decision by:	Commissioner McShane, dated 6 June 2016

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether:
 - the proposal is in accordance with the local development plan;
 - the impact of the proposal on the vitality and viability of Coleraine town centre would be acceptable both in its own right and in terms of the precedent it would create; and
 - there is a need for the development at this location.
3. The appeal proposal seeks planning permission to erect a new retail showroom adjacent to Pets at Home, Riverside Centre, Coleraine. The proposal is described as a relocation and substitution of a previous planning approval for a retail showroom on a site located north of Burger King, Riverside Centre. The Appellant proposes that permission C/2009/0824, which was granted full planning permission on 12 May 2010 and which had no restriction placed on the form of retailing to be carried out from it, be the subject of an unopposed revocation order, issued by the Planning Authority, with no compensation claimed by him.
4. The Appellant, in seeking to rely on the revocation of the May 2010 approval, argues that that planning permission remains extant based upon a number of access and other site works that it is claimed took place on 6 May 2015. The Planning Authority witness stated that he was not in a position to confirm the date the works took place and while recognising that it is a matter of judgement as to whether a material start has been made to a development he pointed out that the

proper channel for establishing such a matter was for the Appellant to apply for a Certificate of Lawful Development (LDC).

5. There is a dispute between the parties as to whether the claimed works took place prior to 11 May 2015 and as to whether the nature of those works amounts to a commencement of development. This set of circumstances is distinguishable from appeal decision 2004/A420. In that appeal the date of commencement of works and their extent were not disputed by the Department. In any event, the settled Commission position is that there is, as argued by the Planning Authority, a legal process introduced by statute that should be followed. Sections 169 – 174 of the 2011 Act provide the relevant legislation in respect of LDCs; replacing Articles 83A-F of 1991 Order as introduced by the Planning (Amendment) (NI) Order 2003 (no.430). The statutory scheme involves the initial determination of lawful use by application to the planning authority for the issue of a certificate. If the application is refused, the right of appeal to the Commission is provided for. In such circumstances, it would not be appropriate to sidestep the LDC process. Consequently, no weight can be attached to the argument that the appeal proposal can be treated as a substitute for an extant permission and the assessment of whether there is a justifiable basis to allow an unrestricted retail unit on the appeal site must be made in that context.
6. The appeal must be determined in accordance with the local development plan, so far as material to the application, unless any other material considerations indicate otherwise. The local development plan in this instance is the Northern Area Plan (NAP), which was adopted in 2015.
7. The NAP states that the Riverside Centre, which is unzoned, has developed with a particular commercial role accommodating a range of retailing commonly found in out-of-town centre sites. It goes on to state that it will seek to ensure that any future development there is complementary to, rather than competing with, the town centres, and does not adversely affect the vitality and viability of the latter. The NAP's focus is on maintaining a vibrant, compact, multi-functional town centre and to this end a town centre boundary for Coleraine is defined in which "normally all retail development will be required to locate".
8. The appeal site is extensive measuring approximately 7 hectares. The 464sqm retail unit proposed would be located adjacent to Pets at Home and would use existing car parking. There is no specific end user in mind, however it is proposed that the unit could include any of the following: a pharmacy; local convenience store; dry cleaners; hire shop; barbers/hairdressers; travel agent; baby products/equipment; outdoor leisure goods or bed retailer. These are unrestricted Class A1 town centre retail uses. Any of these uses would compete with businesses in the town centre and in that sense would not be complementary to the town centre.
9. It was estimated that the likely impact of the proposal on Coleraine town centre, assuming a worst case scenario that the diversion by the proposal from the town centre was 100%, would be 6%. This was not disputed. Similarly, there was no dispute that impacts on town centres below 10%-12% are considered acceptable.
10. Notwithstanding this, the Planning Authority is concerned about precedent. If the appeal proposal were to be allowed, the Planning Authority would find it difficult to

resist future applications for small scale unrestricted Class A1, retail units at the Riverside Centre. There was no persuasive argument as to how the precedent would be limited. Therefore, allowing the appeal would create an undesirable precedent and such a self evident precedent would pose an unacceptable threat to the vitality and viability of Coleraine town centre. Accordingly, the appeal proposal is not in accordance with the NAP.

11. The Strategic Planning Policy Statement for NI (SPPS), published in September 2015, provides strategic subject planning policy for a wide range of planning matters, including town centres and retailing. It cancelled Planning Policy Statement 5: Retailing and Town Centres and Planning Policy Statement 1: General Principles.
12. The SPPS states that it is important that planning supports the role of town centres and contributes to their success. The premise that underpins the regional strategic retail objectives and policy, which must be taken into account in the preparation of LDPs and in the determination of planning applications, is the *town centres first approach* (my emphasis). Notwithstanding the Planning Authority's reference to Paragraph 6.279, which is primarily about retailing in the countryside, the concern of the Planning Authority is that the appeal development would have an adverse impact on Coleraine town centre, given its proposed size, unrestricted Class A1 use and out of centre location. It has already been concluded that the proposal is not in accordance with the NAP as the unacceptable precedent that it would create would pose a threat to the vitality and viability of the town centre. It therefore follows that the proposal is completely at variance with the town centres first approach of the SPSS.
13. The NAP, notwithstanding its adoption in September 2015 and its end date of 2016, has not been prepared with regard to the new regional policies in the SPPS. Accordingly, it is not an up-to-date plan. Therefore, as required by Paragraph 6.282 of the SPPS, an assessment of need must be prepared. There is no conflict between this paragraph and Paragraph 6.283, which requires applications for retail developments above a threshold of 1000sqm, which are not proposed in town centre location and are not in accordance with the LDP, to undertake a full assessment of retail impact *as well as* (my emphasis) need.
14. The needs assessment provided by the Appellant explained his need to locate a retail unit in a commercially attractive part of the Riverside Centre; but this only explains how the appeal development would benefit the developer. He pointed to the need to provide a small scale retail unit to meet the needs of the local resident population; however, the Appellant has not specified what the specific end use is, explained why it is needed at this particular location or provided evidence on the needs of the local population. The construction of the retail unit would generate employment; however, this would also be the case if it were to be built within the town centre or at an edge of centre location. The needs assessment provided is insufficiently robust and does not outweigh the threat posed to the vitality and viability of Coleraine town centre of allowing a small scale, unrestricted Class A1 retail use outside the town centre and the undesirable precedent it would create.
14. The appeal proposal is not in accordance with the NAP or regional retail policy within the SPPS. The Planning Authority has sustained its objection to the proposal and the appeal must fail.

The decision is based on the following drawings:-

- APP Drawing SL01 (DOE Drawing No 01): Site Location Map (Scale 1:2500)
- APP Drawing SK02 (DOE Drawing No.03 (REV A): Proposed Site Plan (Scale 1:500)
- APP Drawing SK04 (DOE Drawing No.05): Proposed Plan (Scale 1:100)
- APP Drawing SK06 (DOE Drawing No.07): Proposed Elevations (Scale 1:100)

COMMISSIONER DMCSHANE

List of Appearances

Planning Authority:-
Mr M Wilson Causeway Coast and Glens Borough Council

Appellant(s):-
Mr W Orbinson QC instructed by Strategic Planning
Mr M Kelly Strategic Planning

List of Documents

Causeway Coast and Glens Borough Council:
'A' Planning Authority's Statement of Case and Appendices

Strategic Planning:
'B' Appellant's Statement of Case and Appendices

Documents Submitted at Hearing
'PAC1' Email correspondence, dated 12 May 2015 and attached photographs
'PAC2' Letter from NIE, dated 7 May 2015
'PAC3' PAC Decision 2014/A420
'PAC4' Extract from Planning Order
'PAC5' Letter from Strategic Planning, dated 25 January 2016
'PAC6' Letter from Bruce Shaw, dated 29 April 2016

To Let



diamond
shopping centre

Diamond Shopping Centre, Coleraine



tdk commercial
property
consultants
028 9024 7111
www.tdkproperty.com



Excellent town centre location fronting onto the town's **prime retail** pitch, one of Coleraine's main pedestrian routes and overlooking the River Bann.

Summary

High specification Shopping Centre with tenants including:

- USC
- Sports Direct
- TK Maxx
- New Look
- Burger King
- Claire's Accessories

Excellent town centre location fronting onto the town's prime retail pitch, one of Coleraine's main pedestrian routes and overlooking the River Bann.

The majority of floor space, approximately 60%, is let to national covenant retailers.



Prime Location

The subject property is located on a prominent site that abuts Hanover Place, Bridge Street and Abbey Street, within the main commercial/retail core of Coleraine town. The prime retailing pitch is pedestrianised and is defined by the Diamond and Bridge Street.

Description

The Diamond Centre comprises a Net Internal floor area of approximately 124,000 sq ft. The centre opened in 2002 and is arranged to provide accommodation over lower ground, ground and first floor levels. The centre is made up of a mix of local and national retailers and is anchored by a 28,000 sq ft USC Department Store, 25,000 sq ft TK Maxx and includes a further 24 unit shops. Other national tenants include New Look, Phones 4 U and Claire's Accessories.

Coleraine is a provincial town situated approximately 55 miles (88 km) north west of Belfast, 25 miles (40km) north east of Londonderry and 28 miles (45 km) north west of Ballymena. The town is located in close proximity to the North Antrim coastal towns of Portrush, Portstewart, Castlerock and Ballycastle and is the closest commercial conurbation to the tourist north coast area which has traditionally serviced visitors in peak seasons. Coleraine is a university town with a major campus of the University of Ulster.

Belfast International Airport is located approximately 45 miles (72 km) to the south east along the A26 and M2 motorway network close to the town of Antrim.



The **Diamond Centre** comprises a Net Internal floor area of approximately 124,000 sq ft.



Retailing in Coleraine

Coleraine Town Centre

The retailing provision in Coleraine is focused on the town centre. The central retailing area is fully pedestrianised providing a pleasant family friendly shopping experience.

The town's main car parks are located adjacent to the central pedestrianised area, providing c.1300 car park spaces.

The Diamond Centre is the town's only enclosed shopping centre and forms one end of the town's prime retail pitch which stretches from The Diamond through to Kingsgate Street.

Retailers represented in the town's prime pitch include M&S (Simply Food), Argos, Next, Waterstones, Boots, Top Shop etc.

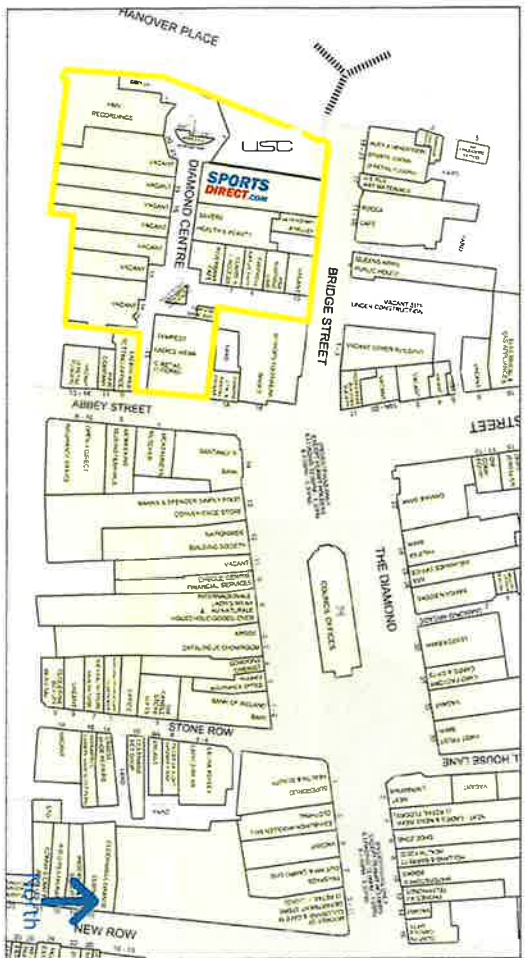
The town has a number of strong independent retailers including Moores Department Store, Dixons Department Store and Bishops Shoes.



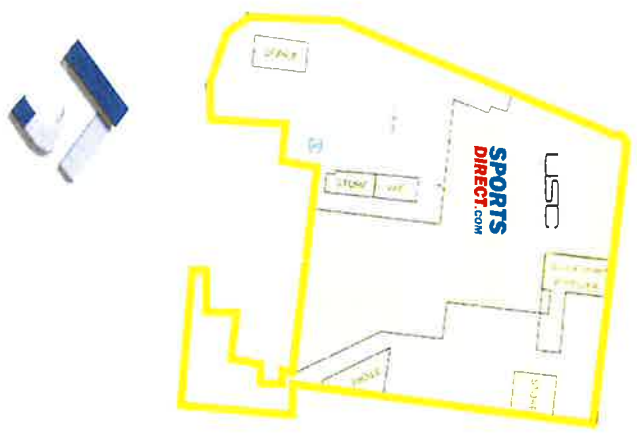
The Coleraine Borough has a primary catchment of **57,343** with a secondary catchment of **101,914** persons.



Ground Floor



Lower Ground Floor



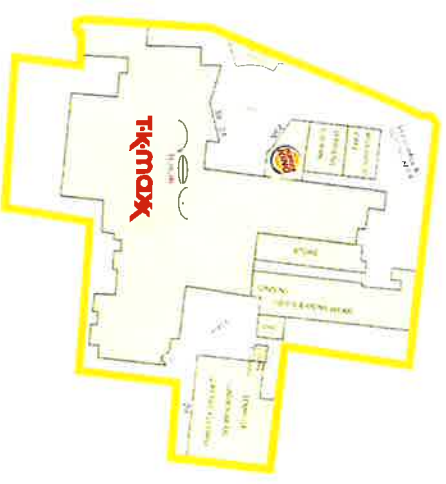
diamond shopping centre

Accommodation

Units ranging from 180 sq ft to 10,350 sq ft are available for immediate occupation.

Please contact TDK for further information.

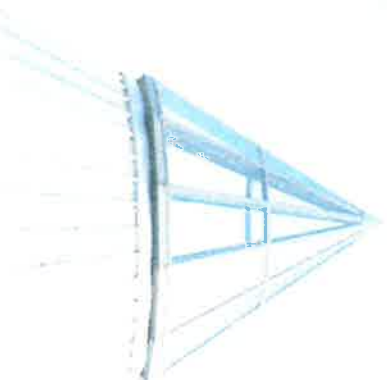
First Floor



Contact



diamond
shopping centre
coleraine



tdk commercial
property
consultants

028 9024 7111

www.tdkproperty.com

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nre

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**Chartered Surveyors
& Estate Agents**

Unit 1, Hanover Place, Coleraine



Retail

Asking Rent - Price On Application

- Extensive Town Centre Retail Premises with the benefit of on site car parking.
- Located on a high profile retail position within close walking distance to the town centre.
- Gross internal area of approx c. 17,864 sq ft (1,659.65 sq m)
- Neighbouring occupiers including Kwik Fit, KFC and Tesco.
- The property lends itself to a variety of commercial uses or sub division into multiple units subject to planning permission.
- This property will suit a variety of commercial operators given the extensive ground floor retail space on offer.



EPC:



Net Internal Area

Net Internal Area:
c.17,864 sq ft (c.1,659 sq m)
Ground Floor:
c. 17,314 sq ft (c.1,608 sq m)
First Floor:
c. 550 sq ft (c.51.5 sq m)

Lease Details

Rent:
Price on Application
Lease Details:
Terms Negotiable
Rates:
Tenant Responsible
Insurance:
Landlord to insure, tenant to reimburse
Repairs:
Full Repairing
VAT:
All outgoings and rentals are quoted exclusive of but may be liable to VAT
NAV:
£72,100
Non-Domestic rate in the £
0.568776
Viewing:
Strictly by appointment through joint agents

Northern Real Estate & Osborne King



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-MISREPRESENTATION CLAUSE: Northern Real Estate give notice to anyone who may read these particulars as follows:

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5. Any areas, measurements or distances referred to herein are approximate only.
6. Where there is reference in the particulars to the fact that alterations have been carried out or that a particular use is made of any part of the property this is not intended to be a statement that any necessary planning, building regulations or other consents have been obtained and these matters must be verified by an intending purchaser.
7. Descriptions of the property are inevitably subjective and the descriptions contained herein are given in good faith as an opinion and not by way of statement of fact.



FOR SALE/TO LET
25 Church Street, Coleraine, BT52 1AW

Prime Retail Unit extending to 13,211 sq-ft
(Can Be Sub Divided)



LOCATION

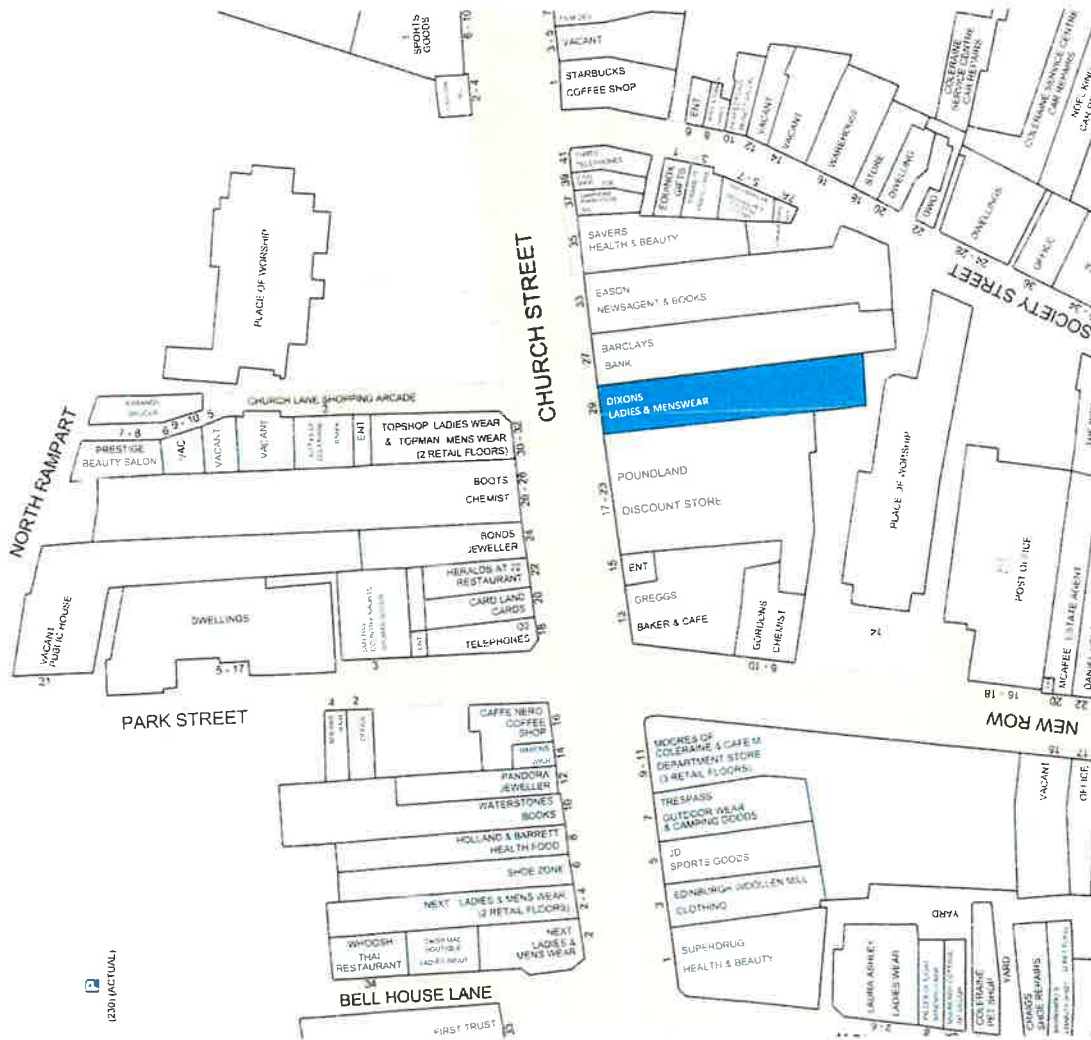
Coleraine is one of Northern Ireland's leading provincial towns located in the north west of the Province and situated c.56 miles north of Belfast and c.30 miles east of Londonderry. It has a primary catchment of 57,000 people and a wider catchment in excess of 125,000. Coleraine provides the main commercial and retail facilities for the surrounding towns of Ballymoney, Portlough, Portstewart, Bushmills and the Causeway Coast Region. The town centre as such provides a prime focus for retail trade regionally as the capital of the Causeway Coast with over 2.0m visitors annually to the region. Coleraine is also home to the main campus of the University of Ulster with nearly 6,000 students and c.1,300 staff. The town has major road and rail links to all other parts of Northern Ireland providing excellent connection services for tourists, commuters and students.

The subject property is located within the main pedestrian area of the town. Surrounding retailers include Topshop, Boots, Poundland, DV8, Greggs, Savers and the iconic Moores Department Store which facilitates a number of retailers including Dorothy Perkins, Miss Selfridge, Monsoon and Accessorize.

DESCRIPTION

The subject property offers well appointed retail accommodation arranged over 4 floors currently with a café on the second floor. The property benefits from excellent wide frontage and a feature foyer area providing exceptional window display facilities onto Church Street which benefits from consistent heavy footfall. The property also benefits from lift access.

There are a number of town centre car parks in close proximity to the subject. Rear access off Society Street is in place for deliveries, if needed. The property whilst ideal for continued retail use is also suited to alternative use subject to planning consent as needed.



0.2 MILES FROM THE MALL CARPARK c. 4 mins walk

0.3 MILES FROM ABBEY CARPARK c. 5 mins walk

30 MILES FROM DERRY CITY c. 40 mins drive time

56 MILES FROM BELFAST c. 1 hr 10 mins drive time

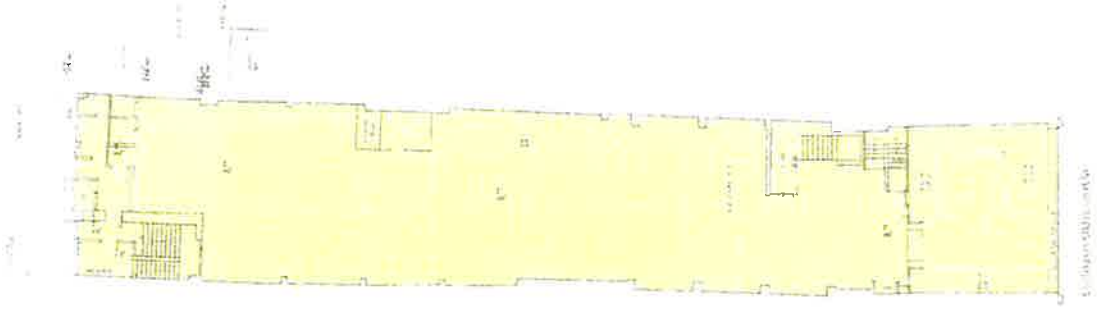
ACCOMMODATION

Lot	Description	Area (sq.m)	Area (sq ft)
	BASEMENT	74.4	801
	GROUND FLOOR		
1	Retail (including foyer)	343.2	3,693
	WC Facilities	218	235
	Ancillary	365.0	3,928
2	FIRST FLOOR		
	Retail (including changing cubicles)	381.5	4,105
	SECOND FLOOR		
	Retail	250.1	2,692
	Storage	511	550
	WC Facilities	-	-
	Office 1	17.8	192
	Office 2	14.8	159
	Office 3	8.8	95
	Office 4	8.4	90
	Ancillary	11.3	122
3	THIRD FLOOR	362.4	3,900
	Ancillary	29.9	322
	Kitchen	14.4	155
	TOTAL	1,227.6 m ²	13,211 sq ft

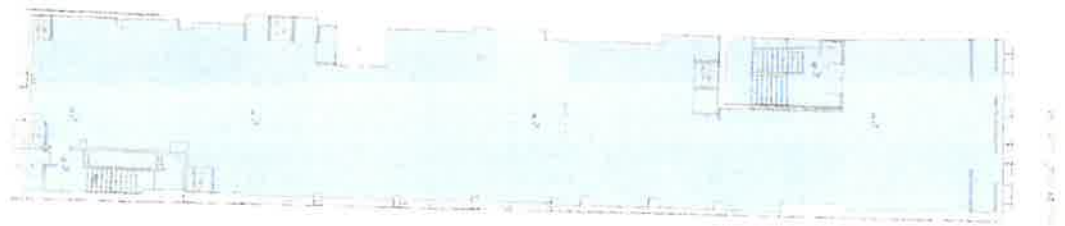
Note : Ground Floor ITZA c. 1254 sq ft



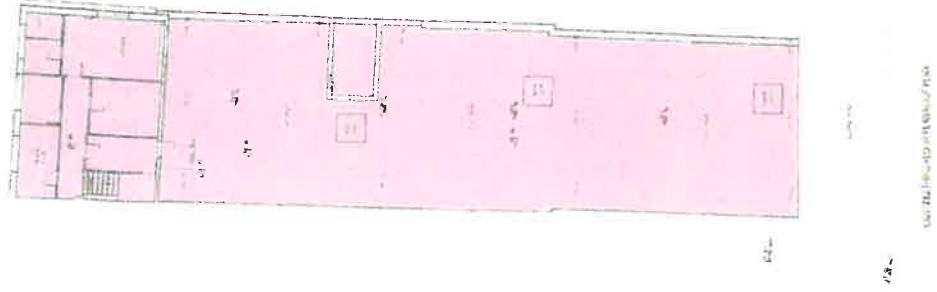
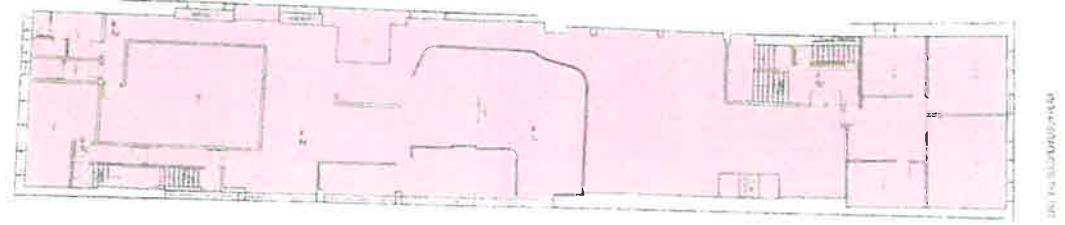
Lot 1



Lot 2



Lot 3



Floor Plans

Not to Scale -- For Illustration Purposes

NAV

We are advised by the Land and Property Service that the current NAV for the subject is: £74,600.

The commercial rate in pound is £0.588556.

Please note that all prospective tenants should make their own enquiries to confirm the NAV / rates payable.

EPC

The Property has an EPC rating of D98 (See visual at last page).

LEASE DETAILS

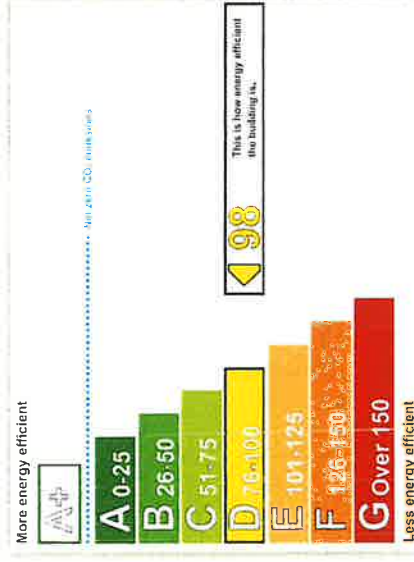
- RENT:** Price on Application for various Lots / entirety
Can be sub divided
- TERM:** From 10 years with rent reviews at 5th yearly intervals.
- GENERAL:** Lease to be on the basis of full repairing and insuring.

SALES DETAILS

TITLE: Assumed Freehold / Long Leasehold

PRICE: On Application





Customer Due Diligence

As a business carrying out estate agency work we are required to verify the identity of both the vendor and the purchaser as outlined in the following:

The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 - <http://www.legislation.gov.uk/uksl/2017/692/made>

Any information and documentation provided by you will be held for a period of 5 years from when you cease to have a contractual relationship with OKT. The information will be held in accordance with General Data Protection Regulation (GDPR) on our client file and will not be passed on to any other party, unless we are required to do so by law and regulation.

VAT

All prices, outgoings etc are exclusive of, but are subject to VAT.

FURTHER DETAILS



O'Connor Kennedy Turtle
 20/22 Stable Lane, Coleraine
 T +44 (0)28 7034 4244
 Adelaide St, Belfast
 T +44 (0)28 9024 8181

CONTACT: HENRY TAGGART | henry.taggart@okt.co.uk
 BRIAN TURTLE | brian.turtle@okt.co.uk

JOINT AGENTS



Benson's
 9 Dunmore Street
 Coleraine BT5 1EL
 T +44 (0)28 7034 3677

CONTACT: DAN HENRY | dan@bensonsandson.co.uk

Ref: HT/C4190

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Experts clash at appeal hearing into store's plan to come to Coleraine

Role of retail park under the spotlight



COLERAINE'S Riverside retail park should complement the town centre, rather than compete with it, a planning appeal has heard.

Consultants and legal experts clashed during the latest bid to win approval for a discount store at the out of town shopping centre.

Supporters claimed that Coleraine could lose out on 50 jobs and a much-needed £1m cash boost if the green light isn't given for a new Home Bargains' unit.

But objectors, including representatives for the Diamond shopping complex, contended that

there were alternative suitable sites in various locations including the town centre.

Among those giving evidence at a Planning Appeals Commission hearing at the Bushmills House Hotel was Causeway Coast and Glens planning officer Michael Wilson.

He stressed that the Northern Area Plan stated that the retail park should strengthen the town centre, complementing rather than competing with it.

Representing the appellant, William Orbinson QC said: "Our case is that the proposal strengthens the town centre, by providing additional choice. There has been a rash of Home Bargains' stores throughout Northern Ireland in the past couple of years. Why should this proposal be different?"

However, Stuart Beattie, representing objectors, stressed that the Diamond Centre was "half empty," adding: "This will encourage people to move away from town. Whether or not previous applications were granted is neither here nor there; two wrongs don't make a right."

Audy Stevens, from the Northern Ireland Trade Association, said: "If there was a hierarchy the Diamond Centre would be at the top of the pile. Home Bargains has

evolved very rapidly. We can't just take a broad brush approach."

Threat Mr Beattie described Home Bargains as "an opportunistic operation" but Mr Orbinson insisted: "There is no evidence of any threat to the Diamond Centre by this proposal. The two can live side by side. In reality, the Diamond Centre wants to prevent any element of competition."

But Mr Beattie replied: "The Diamond Centre's interest is not solely the Diamond Centre. My client has an interest in protecting the town centre. Home Bargains are footloose; if you have funds to sell they will go elsewhere."

Mr Orbinson insisted: "There is nowhere for them in the town centre that is a suitable viable alternative; Home Bargains have been trying to get premises in Coleraine for several years. Home Bargains are keen to come to Coleraine; they will be an economic driver for the town and the North-West, in terms of job creation."

Mr Stevens urged the appellants to be open-minded, adding: "You are going to have sites that aren't perfect."

The Commission George Scott heard that the Diamond Centre was prepared to adapt a unit to accommodate Home Bargains. But concerns were also raised over the lack of an on-site car park and dedicated servicing arrangements.

Mr Orbinson asked who would pay for "servicing" to the Diamond Centre and what plan would be put in place to pay for work to adapt the unit. He said there had been "zero co-operation" from the Diamond Centre but appellants dismissed these claims.

Other alternative sites in Coleraine were discussed including the nearby former JJB Sports unit at Hanover Place as well as three potential retail locations in Ballymoney.

Fears were raised that if the retail park scheme got the go-ahead it could create a precedent for future applications but the appellants dismissed these claims.

Macosquin lighting plan

THREE new six metre high lights are to be installed at Macosquin laying Fields despite the plan attracting one objection.

The application came from Causeway Coast and Glens Borough Council in January.

Planning Committee and was approved by all councillors who sit on it.

Alderman William King proposed council accept the recommendation to approve which the DUP's Sam Cole seconded.

Portmush on par

WATER WORLD

of summer 2003 concluded that only 45% of all retail expenditure from Ballymoney Borough takes place within Ballymoney town. The town centre had experienced considerable decline throughout the 1970s and 1980s, with only small scale commercial investment in that period. However, in the 1990s there was an increase in commercial investment including a major food retailer, complemented by extensive good quality refurbishment of commercial properties in the heart of the town and upgrading of the main commercial streets. The Plan seeks to build on this by providing for significant town centre development and maintaining it as a vibrant shopping location with complementary commercial, leisure and housing uses.

**TOWN CENTRE DESIGNATION
BYT 01
Ballymoney Town Centre**

A Town Centre is designated as identified in Map No. 2/01b - Ballymoney Town Centre.

A town centre is defined, within which all retail development will normally be required to locate. This has been defined to exclude all significant housing groups which are considered to have a viable future as a residential environment. Within this town centre boundary, there are a number of development opportunities including properties requiring redevelopment or major refurbishment to bring them back into beneficial use. The Plan designates the following major development opportunity sites.

Development Opportunity Sites

The Plan identifies the following major development opportunities. Proposals will be assessed against Policy SET 2 in Volume 1 of the Plan and other relevant policies.

DEVELOPMENT OPPORTUNITY SITES

The following sites are zoned as development opportunity sites as identified on Map No. 2/01a – Ballymoney Town and Map No. 2/01b – Ballymoney Town Centre:

COMMITTED SITE

BYT 02 Linenhall Street, (0.35 ha.)

UNCOMMITTED SITE

**DEVELOPMENT OPPORTUNITY
ZONING BYT 03
Meeting House Street (1.08 ha.)**

Key Site Requirements

1. A high density housing scheme will be acceptable on this central site with excellent accessibility (up to 100 dwellings per hectare).
2. Commercial development including warehousing and offices will be acceptable on this site. The only retail development acceptable will be retail warehousing with units of not less than 1000 square metres gross floorspace, selling bulky goods.
3. Any development shall not exceed three storeys in height.

LOCAL CENTRE

The following site is designated for retention for commercial purposes in accordance with PPS 5: Retailing and Town Centres.

**COMMERCIAL DESIGNATION BYLC 01
Rodeing Local Centre (0.53 ha.)**

A local centre is designated as identified in Map No. 2/01a – Ballymoney.



RetailNI

Standing up for
Independent Retailers

**Ms Denise Dickson
Head of Planning**

Causeway Coast & Glens Borough Council
Cloonavin
66 Portstewart Road
Coleraine
BT52 1EY

24th May 2022

Dear Ms Dickson

Planning Application Reference – LA01/2021/0933/F

Location: Unit 12 & 13 and Front of Unit 17 Riverside Centre Castleroe Road Coleraine

Proposal: Proposed amalgamation of Units 12 & 13 to be used for a convenience store. External elevational changes, canopy and additional car parking and servicing arrangements and general site works

I refer to the above "Major Application", which seeks to relocate Marks & Spencer (M&S) Simply Food from its current location (Nos. 13 The Diamond) at the heart of Coleraine town centre to an out of centre at the Riverside Retail Park (least sequentially preferable). This additional objection should be considered in conjunction with the earlier submission dated 22nd February 2022.

The approach by the Council to recommend approval of planning permission is completely perverse and irrational when paying regard to the "town centres first" approach in the Strategic Planning Policy Statement (SPPS) for Northern Ireland and the availability of sequentially preferable alternative sites in Coleraine Town Centre and Ballymoney, which are located within the whole catchment.

Whilst each case is determined on its own merits, the consistent application of regional planning policy and the local development plan are important material considerations both regionally and sub regionally, to maintain the credibility of the planning regime.

The Council is required to apply regional planning policy consistently as per Paragraph 1, Section 1 of the Planning Act (Northern Ireland) 2011, which seeks the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

The recommendation by Causeway Coast & Glens Planning Office to grant permission of this proposal is entirely inconsistent with its own previous approach to retail applications at the Riverside Centre, and consideration of alternative sites, in the following applications;

- LA01/2018/1106/F
- C/2014/0206/F (Appeal 2015/A0129)
- C/2013/0443/F (Appeal 2014/A0266)

Retail NI - 245 Upper Newtownards Road - Belfast - BT4 3JF



To demonstrate this inconsistency, I have included the Council's Statement of Case (SoC) for appeal 2014/A0266, and the re-hearing SOC following the original appeal decision being quashed.

I note the consideration of Mr Mathers on behalf of Causeway Coast & Glens Borough Council, at paragraphs 3.1.1 – 3.1.4 (15th December 2016) and paragraphs 1.4 (7th July 2015) where it is accepted that non-bulky goods retail proposals conflict with the Northern Area Plan (NAP) 2016. I also note the approach to the sequential site assessment, which significantly differs to the approach taken in this case.

Addendum 3 attempts to distinguish the previous Planning Appeal and Council decisions based on the nature and type of retail proposal, which is extremely surprising given the "towns centre first" approach and clear direction in NAP 2016 "to promote the vitality and viability of town centres". The critical matter is the earlier appeal and this application are for non-bulky retail proposals.

The Plan considers "Retailing and Town Centres" (Volume 1, P.34) with the text highlighting in respect of Coleraine that "The Plan will provide for the continued commercial strengthening of the town centre". Whilst it will aim to consolidate and strengthen the commercial roles of Ballymoney, Limavady and Ballycastle town centres.

Unfortunately, all the Council does is undermine its credibility and position, as it is apparent to any fair minded and impartial observer that the Council has ignored the PAC and its previous position regarding the Riverside Retail Park, to non-bulky retail proposals. as demonstrated in the mountain of available pre-existing evidence.

This change in approach is further reinforced when re-examining the assessment of alternative sites. Again, the Council has adopted a contradictory approach, with no adequate justification or explanation, apart from a very weak paragraph(s) (8.46 and 8.47) in the Committee Report why the Diamond Centre and Unit 1 (former JJB) Hanover Place are now unacceptable.

The Development Plan Team (DPT) responses, seem to have accepted everything the applicant has presented without discharging its duty of inquiry. The DPT are also oblivious to the previous position and arguments of the Council and that of the PAC regarding the alleged development issues they seek to readily accept.

For the avoidance of any doubt the position of the PAC is that any future development of the Riverside Centre is complementary to, rather than competing with, the town centres, and does not adversely affect the vitality and viability of the latter. They have also continuously resisted an non-bulky retail proposals.

The dictionary definition of "complementary" is combining in such a way as to enhance or emphasise the qualities of each other or another.

Instead, the Council has chosen to ignore this approach and act as facilitators to move an existing Class A1 convenience foodstore from the heart of the town centre to an out of centre location. The only justification being that the applicant wants to move and have a bigger store and more car parking.

To suggest this does not conflict with NAP 2016 or SPPS and is somehow distinguishable from the previous approach of the PAC and Council to all the different retail proposals sought at the Riverside is highly questionable and completely irrational. The reason why the Council has sought to try and distinguish the earlier position is that it is desperately trying to set aside the established legal principles in *ABO Wind NI Limited and Energia Renewables Company 1 Limited's Judicial Review [2021] NIQB 96* - Humphreys J referenced the precedent value of PAC decisions at paragraphs 34 – 38 & 100, reaffirming that **Commission's decisions must either be accepted and respected or challenged through the court.**

Catchment

The Council accepted in its Addendum 1 that the proposal would have a significant catchment that would extend beyond Zone 2 to include Ballymoney, furthermore it noted that there is no M&S Simply Food in Ballymoney.

Notwithstanding the local sphere of influence, the north coast has an influx of 2nd homeowners who would pass by the site and would result in inflow, as such the catchment would not be stereotypical.

The applicant accepts at paragraph 7.7 of the Retail Statement that; *"there is a clear demand for a large M&S food store to cover the geographical area of the north coast."*

Paragraph 3.6 of the Retail Statement in relation to the "Role & Function of the Store", that;

*"The store is located and designed to ensure that M&S customers in the **Causeway Coast and Glens Council area** have access to a full range M&S store without the need to make long journeys to competing towns. Whilst there is a small M&S store in Coleraine town centre, the nearest alternative large M&S store is located in Ballymena (26 miles/41.6km) to the south east and Derry (29 miles/46.4km) to the west. To the south the nearest M&S is a Simply Food store (which is considerably smaller than this proposal) and is located in Cookstown (37 miles/59.2 km). There is a large geographical area not covered by a full range M&S store".*

The nearest M&S Simply Food Stores to Coleraine are located at the following sites:

- 1) The Fairhill Shopping Centre, Ballymena (26miles)
- 2) Crescent Link, Londonderry (29miles)
- 3) Foyleside Shopping Centre (32miles)

The catchment would in our opinion extend from Ballymoney to Ballycastle and around the north coast including Bushmills, Portballintrae, Portrush, Portstewart, Castlerock, Limavady and Garvagh.

Addendum 1 concludes; *"To enable the Planning Department to obtain a revised retail impact assessment from the applicant with (if applicable) a revised alternative site selection assessment".*

Having considered the Technical Note on Adjustments we are in broad agreement that M&S competes predominantly with Sainsburys and as such it is noted that a greater inflow of trade is predicted from Zone 3 – Ballymoney. The note does not address the matter of revised alternative sites assessments to include Ballymoney.

Addendum 2 states; *"it was resolved that adjustments were required to show greater in-flow from Zone 3/Ballymoney...."*. Neither this addendum nor the Development Plan Team responses address the matter of revised alternative sites assessments to include Ballymoney.

Addendum 3 states; *"The Planning Department resolved the catchment can remain as representative of the main catchment for the proposal. As Ballymoney is located outside the main catchment for the proposal, consideration of sequentially preferable sites within Ballymoney is not required. This includes consideration of a site at Meetinghouse Street, Ballymoney identified by Mr A Stephens in objection to the proposal"*.

Paragraph 6.280 of the SPPS states:

*"6.280 A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's **WHOLE catchment**, an application which proposes development on a less sequentially preferred site **should be refused.**"*

Unfortunately try as the Council may, the SPPS is explicit and as such Ballymoney is within the proposal's **whole** catchment and BYT 03 Meeting House Street is required to be considered, as it is an edge of centre site and sequentially preferable to the Riverside Centre.

Alternative Sites

The Strategic Planning Policy Statement (SPPS) for Northern Ireland is a material consideration in the determination of planning applications. The SPPS introduced a policy which requires a "**town centres first**" approach (paragraphs 6.271 and 6.273) and "a sequential approach to the identification of retail and main town centre uses in Local Development Plans (LDPs) and when decision-taking" (paragraph 6.271).

Paragraph 6.280 of the SPPS states:

*"6.280 A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's **WHOLE catchment**, an application which proposes development on a less sequentially preferred site **should be refused.**"*

In carrying out a sequential site assessment, paragraph 6.289 of the SPPS states:

*"6.289 **Flexibility may be adopted** in seeking to accommodate developments onto sites with a constrained development foot print. For example, through use of creative and innovative design schemes, including multi-level schemes, or smaller more efficient trading floors/servicing arrangements. Applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable."*

When an alternative site is clearly identified as was the case in this instance it is for the applicant for planning permission to identify and fully demonstrate why that site is not suitable, available and viable. **It is not for an objector to demonstrate that the alternative site is suitable, available and viable.**

The approach to alternative sites by the Council in appeal 2014/A0266 from paragraph 3.3 onward is considered materially relevant.

Existing M&S Food Stores

The baseline position is that the current site has no designated car parking and relies on the public car parking to the rear (Abbey Street), which is dissected by Stable Lane. It also has no HGV servicing, although there is a designated loading bay on Stable Lane and HGV's have been able to unload and service the store without difficulty since it opened as demonstrated overleaf.

I note that the applicants present the site selection criteria at paragraph 6.11 and insist that alternative sites **must** be able to address the **full extent** of the criteria specified.

It is immediately apparent that the applicants are not subscribing to the **flexibility proposed by Tesco Dundee or the SPPS**. This is a self-serving exercise to “drive a coach and horses through the sequential approach and render the policy nugatory” by simply ensuring highly specific selection criteria and **a test of perfection**.

M&S operate a wide variety of convenience food stores in a range of formats (stand alone, shopping centre, constrained sites) across Northern Ireland and it is noteworthy that **none of their existing stores meet these highly specific selection criteria**. It has clearly been demonstrated that no flexibility in design and format has occurred from the developers. The proposal fails the sequential test based on the selection criteria, as per the direction of paragraph 6.289.



HGV servicing the existing town centre store via Stable Lane – designated loading bay without difficulty



Overemphasis on car parking

The proposal is presented as a main food shop, which will compete with supermarkets in Coleraine.

Planning Policy Statement (PPS) 3, Policy AMP7 – Car Parking & Servicing Arrangement and the Parking Standards guidance document also consider that the standards should not be rigidly applied where they highlight that

“The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to these standards....”

Parking standards are there to ensure that appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of wider government policy aimed at promoting modal shift to more sustainable forms of transport.

In town centres, “linked trips” are also a significant consideration, as they play a role in maintaining the vitality and viability of the town centre and in reducing car parking demand.

The applicant devotes the entire Retail Statement Addendum to a consideration regarding car parking, which conflicts with the Planning Statement that the subject site at the Riverside is a sustainable location and easily accessed by public transport (paragraph 2.8).

Unit 1 (former JJB) Hanover Square, Coleraine

It is accepted by all parties that this building and town centre site can accommodate the proposal and it would be visually prominent and enable competition with Tesco.

There are currently 42 direct car parking spaces, which is considerably more than presently available to the existing M&S store in the Diamond, which uses the Abbey Street car park (177 spaces).

The shortfall of carparking could be met by the alternative town centre car parking in the surrounding area (1,300 spaces).

KFC operated between 12noon-8pm, so there is no conflict with deliveries being made in the morning. When paying regard to the existing servicing arrangements via Stable Lane, it would be unreasonable to argue this is unacceptable, as it would be an improvement.

Enclosed is a video submitted as part of the appeal evidence in 2014/A0266, which demonstrates a 40ft HGV can access and egress the site without issue.

In relation to the claims that people are undertaking weekly main food shopping and pushing a “*heavily laden trolley to the car*”. M&S is at the highest price point for convenience food stores and the people who undertake a main food shop with a “*heavily laden trolley*” at M&S are in the minority. This is demonstrated with the amount of floorspace given over to small basket tills and self-service tills relative to long traditional belt tills.

We had previously highlighted the shifts in convenience food shopping in our objection of 22nd February 2022, which is also acknowledged by Nexus Planning, Planning Report and industry accepted experts Mintel.

It is accepted that fewer households now complete the traditional once-a-week “big shop”.

There is no evidence to support the assertion that large trolley-based shopping or heavily laden trolleys frequently occur in M&S food halls, especially given the rising cost of living.

I also note the position of the PAC and the Council (paragraphs 3.3.8.1 – 3.3.8.3 – 15th December 2016) in relation to this alternative site in 2014/A0266.

An absence of 115 car parking spaces when the current M&S site has operated without issue with zero car-parking would not be sufficient reason to discount this site paying regard to the “town centres first” approach and flexibility advocated at paragraph 6.289 of the SPPS it is suitable, available, and viable.

The Diamond Centre, Coleraine

The Planning Committee Report simply regurgitates the applicant’s assessment verbatim regarding this town centre site. This is highly surprising given the previous approach of the Council to this site and the “town centres first” approach in the SPPS.

There has been a complete failure by the DPT of the Planning Officer to make any adequate enquiry or consider alternative sites with the rigour normally applied in the Council and in Northern Ireland. Instead the applicant appears to have been given a “free pass” to an out of centre site against the policy context.

Enclosed is the current brochure for the Diamond Centre where it is immediately apparent that **Units 14-21 are vacant, with the agents indicating that units ranging from 180sqft to 10,350sqft are available for immediate occupation.** This site can clearly accommodate the proposal with ease.

I also include the consideration by MKA Planning as part of the evidence in appeal 2014/A0266, as the Diamond Centre was considered at length, as an alternative site

I note the Diamond Centres position relative to existing car parks, and that the same points would apply in respect of the overemphasis on large trolley shopping in M&S food.

This is a sequentially preferable town centre site and paying regard to the “town centres first” approach and flexibility advocated at paragraph 6.289 of the SPPS it is suitable, available and viable.

25 Church Street, Coleraine

This is the former Dixons retail unit in the town centre, which provides 1,227sqm of floorspace over three floors. It is accepted that this is not ideal for convenience retailing, but the use travellers and multi-level car parking in Tesco Springhill, Tesco Newtownbreda and Tesco Newry, have worked effectively on constrained sites.

It is not for an objector to demonstrate that the alternative site is suitable, available, and viable and neither the Council nor the applicant have identified this town centre site or considered it. This again highlights the lack of interrogation and inquiry into the alternative sites aspect.

Meeting Street, Ballymoney

This is an edge of town centre site at development opportunity zoning BYT 03, Meeting House Street (1.08 ha), so is the next sequentially preferable after the town centre sites in Coleraine.

The applicant's highly specific requirements could be accommodated, although one of the key site requirements states that the only retail development acceptable will be retail warehousing with units of not less than 1,000 square metres gross floorspace, selling bulky goods.

Whilst the proposal is not a retail warehouse selling bulky goods, the Riverside Centre has a suite of retail warehouses selling predominantly bulky goods and the Council is setting aside NAP's direction on the non-bulky retailing and the complementary to, rather than competing with, the town centres. On that basis this site would be more sequentially preferable and there would be no demonstrable harm to locate a foodstore at this edge of centre location.

Impact on Vitality & Viability

The Committee Report considers and concludes at paragraph 8.24 as follows:

"The analysis of different trade diversion percentages tends to support the conclusion that although some diversion will occur, it is unlikely that it will be to an extent that it will cause a significant adverse impact of harm on to the town centre. The agent's assertion that the majority of diversion will happen from existing stores outside of the town centre (which are not protected by policy) appears to be reasonable in this instance given the extent of the over trading that occurs at them. Therefore, in retail impact terms and the Retailing and Town Centre planning policy as per the SPPS, there is no objection to this proposal".

This fundamentally demonstrates a lack of understanding of retail planning, as the retail impacts on the existing store turnovers are only one aspect.

The health of a town or city centre is an important consideration in assessing the potential impacts of the proposal from not only direct diversion of convenience spending to the development; but indirectly by loss of footfall resulting from the proposed development.

It is a common misconception that there is an acceptable range of retail impacts on town centres. Retail impacts are always tempered against a centres condition and its ability to withstand them.

Vitality is a measure of how busy a centre is, and Viability is a measure of a centres capacity to attract ongoing investment for maintenance, improvement, and adaptation to changing needs. The focus is on maintaining the existing *status quo* or improving upon it.

Whilst Coleraine Town Centre can withstand the direct impacts from the diversion of convenience spending, there is no cognisance or understanding why town centre convenience retailers Tesco & M&S are already underperforming.

This can only be attributed to existing town centre convenience retailers being vulnerable to better located convenience stores (ASDA, Lidl & Sainsburys) at out of centre locations along the Strategic Road network.

The Council has avoided the issue of the existing M&S store and the implications of its closure, not on the retail impacts, but on the vitality and viability of Coleraine Town Centre, given the implications for "linked trips" between M&S in the Diamond and other retailers and businesses in Coleraine Town Centre at the same time. Such "linked trips" and the draw of M&S at a prominent town centre retail pitch would contribute to Coleraine town centres busyness and vitality.

There is no prospect of "linked trips" between Coleraine Town Centre and the Riverside Centre, rather it competes for tenants (e.g M&S food), trade, and turnover to the detriment of the town centre, which is apparent given the high vacancy rate (19%) and that existing multinational retailer Tesco are accepted to be underperforming.

On that basis the proposal will have a negative impact on existing vacancy, vitality, and viability, it will result in a reduction in footfall and "linked trips" as there is one less reason to visit the town centre. The PAC has consistently considered the implications on "linked trips" in retail planning decisions, in the context of the vitality and viability, but it is completely ignored in this instance.

This proposal will strip away and undermine Coleraine's capacity to attract ongoing investment for maintenance, improvement, and adaptation. There is already a significant amount of vacant prominent town centre retail space (>6years) and decisions such as this will accelerate Coleraine's decline further.

Wide-Ranging Precedent

The implications of this decision will set a wide-ranging precedent for future non-bulky goods retail applications at the Riverside Centre.

An approval would send a clear signal to other town centre retailers that they can move from existing town centre locations to out of centre locations and that such non bulky retail development would be acceptable at the Riverside Centre against NAP 2016, SPPS and PAC decisions. This would not complement existing town centres, rather it would undermine their role and function.

This would set a widespread precedent which will lead to the incremental loss of town centre retailers and will undermine the policies contained within the SPPS and their application in Causeway Coast & Glens Borough Council.

There is no persuasive argument that the level of precedent would be limited to M&S, given the amount of available undeveloped space, at the Riverside Centre along with the continued desire by the applicants to develop it as witnessed in the detailed planning and appeal history. This will accelerate town centre dereliction, and which will require public funds to address, whilst the offshore landlord reaps the benefits of an extremely poor decision by the Council.

Economic Benefits

The applicants claim that "*These units have been selected because they require minimal physical alterations to allow M&S to occupy the buildings*".

This statement does not reconcile itself with the figures presented that there will be 40 construction jobs and an investment of £2.5m.

The applicant has also not weighed the existing store closure in their consideration of the economic benefits. Rather it has been completely glossed over in the hundreds of pages of supporting documents.

Despite acknowledging that the existing M&S Simply Food in the Diamond may close the Council has not sought any pre-occupation condition to mitigate against the loss of footfall and V&V on Coleraine Town Centre or to prevent another vacant prominent town centre site.

The employment benefits of 70 jobs and rates of £67k per annum would also be realised if the proposal was located within a sequentially preferable alternative site, such as the Diamond Centre, Unit 1 Hanover Place or Church Street, which are more sustainable town centre location. The Planning Committee Report overlooks this fundamental consideration and

paragraph 14 of appeal 2015/A0129, which previously considered this matter in relation to a Class A1 proposal at the Riverside Centre.

It is simply not the case that the jobs will be lost if the proposal does not proceed and if M&S were committed to Coleraine these would still be realised at a town centre location.

Conclusion

The proposal seeks to enhance the Riverside Centre at the behest of Coleraine town centre, which is already vulnerable to better located development, as demonstrated by the high vacancy rate >19% and underperforming multinational retailers. Rather than seek to address the matter the Council has elected to undermine it further. This would not strengthen the town centre or promote its vitality and viability and would be contrary to NAP 2016, SPPS "towns centre first approach" and previous views of the PAC and Council.

There are several town centre alternative sites, which are sequentially preferable suitable, available and viable. The Council has not discharged its duty of inquiry, rather it has accepted the applicant's position without any adequate consideration in the context of the policy requires of the SPPS nor has there been any cognisance of the Councils previous approach to these sites. In short there is no prohibition to the alternative sites if the Council and applicant applied flexibility as per paragraph 6.289.

Where it is established that an alternative sequentially preferable site or sites exist within a proposal's **WHOLE catchment**, an application which proposes development on a less sequentially preferred site **should be refused** in accordance with paragraph 6.80 of the SPPS.

If you would like to discuss the content of this letter in more depth then, please do not hesitate to contact me.

Yours sincerely



Glyn Roberts
Chief Executive
Retail NI

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Health

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[Mark McFadden](#)

North West Correspondent, UTV



Pat O'Kane opened a butcher's shop in Coleraine during the coronavirus pandemic.

It didn't just survive - it thrived.

But the cost-of-living crisis has done what Covid couldn't do - it killed off Pat's business.

He'd tried to absorb the rising price of wholesale meats, but spiralling energy costs were simply too much to bear.

"Heart-breaking, that's an understatement," says Pat.

"It wasn't just our livelihood, it was our hobby. But the footfall is just not on those streets.

"The electricity is to blame, the electricity is the one that's closed our door. It's the straw that broke the camel's back."

> [Monkeypox incident management team set up in NI after Scottish case confirmed](#)

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As he pulled down the shutters on his New Row premises, others nearby were showing the scars of this economic downturn: signs saying property to let, or closing down sale.

Empty shops, the victims of a high street crisis created by a triple-whammy of tax increases, interest rates, and inflation.

Jamie Hill is Coleraine's Business Improvement Manager. His job is to showcase what Coleraine has to offer potential investors and budding entrepreneurs.

"But there's other issues," Mr Hill says, "there's a staffing crisis, we're struggling to get the right people into the right jobs in towns, and we've the highest business rates relative to rent of anywhere in the world."

> [Family's wedding day fears over EasyJet flight disruption](#)

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Shutters are coming down, in some cases for good. Businesses are struggling to stay afloat under the weight of spiralling energy costs.

Mary-Anne Blaney runs Daisy-Mae boutique in Coleraine's Kingsgate Street. Her energy costs mean no heating when it's cold, and no air-conditioning when the sun shines.

"Our energy bills used to be £100 per month but my bill there for March and April was £350. That's more than treble, and it's scary.

"We don't even have the heating on anywhere near as much as we would through winter, so to see that price is just astronomical."

Mary-Anne says customers are reluctant to spend: "The things that would be luxury, people aren't doing it as much, they're just not coming out and buying."

David Boyd, the President of Causeway Chamber of Commerce, says high street businesses have to ride out the storm, but he's appealing for help from our politicians and our local shoppers.

"We've got to be resilient, which retailers have been", said Mr Boyd, "Our members have been very resilient and we have to continue to be so but we do need help, and the help has to come from Stormont as well as locally."

At Coleraine town hall a jobs fair was offering some hope, a chance to get a foot on the employment ladder.

But right now some business people believe the cost of living game is offering more snakes than ladders.

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