

Gemma McAuley

From: [REDACTED]
Sent: 25 May 2022 03:50
To: Planning; Joan Baird
Cc: Denise Dickson; Shane Mathers; 'Glyn Roberts'; 'Joelene Poole'; [REDACTED]
Subject: RE: LA01/2021/0933/F - Unit 12 & 13 and Front of Unit 17 Riverside Centre, Castleroe Road, Coleraine - Email 2 of 3
Attachments: SOC on Behalf of Diamond Centre.pdf; SOC on Behalf of Diamond Centre Appendix 5-9.pdf

Dear Planning Department & Chair

Please find attached final additional information regarding consideration of the Diamond Centre / Hanover Place at paragraphs 3.5 – 3.19 , which was submitted by MKA Planning during the consideration of appeal 2014/A0266.

It addresses the same identical points raised by applicant. It also provides additional information on car parking etc at appendix 5 -9.

Kind regards

Andy Stephens

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

☎ +44 (0)2891 828375 \ [REDACTED]

✉ [REDACTED]

🔗 <https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.matrixplanningconsultancy.com&umid=eb187e82-7c2a-4778-97d8-84982b12c56f&auth=89b25e08eb55419b045a269f5553735f0173174a-0d2882a379eedb6a7b0f2b21039dfa3cf52aa896>

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From: [REDACTED]
Sent: 25 May 2022 03:40
To: 'Planning' <Planning@causewaycoastandglens.gov.uk>; 'Joan Baird'
<[REDACTED]>
Cc: 'Denise Dickson' <[REDACTED]>; 'Shane Mathers' <[REDACTED]>; 'Glyn Roberts' <[REDACTED]>; 'Joelene Poole' <[REDACTED]>; 'Maroadi, Julie' <[REDACTED]>; 'Kerr, Angus' <[REDACTED]>

Subject: RE: LA01/2021/0933/F - Unit 12 & 13 and Front of Unit 17 Riverside Centre, Castleroe Road, Coleraine - Email 2 of 3

Dear Planning Department & Chair

Please find additional information in respect of this matter, which has been split due to the file sizes.

Kind regards

Andy Stephens

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

☎ +44 (0)2891 828375 \ [REDACTED]

✉ [REDACTED]

🔗 <https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.matrixplanningconsultancy.com&umid=eb187e82-7c2a-4778-97d8-84982b12c56f&auth=89b25e08eb55419b045a269f5553735f0173174a-0d2882a379eedb6a7b0f2b21039dfa3cf52aa896>

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From [REDACTED]
Sent: 25 May 2022 03:38
To: 'Planning' <Planning@causewaycoastandglens.gov.uk>; 'Joan Baird' [REDACTED]
Cc: 'Denise Dickson' <[REDACTED]>; 'Shane Mathers' [REDACTED]; '<[REDACTED]>; 'Glyn Roberts' <[REDACTED]>; 'Joelene Poole' [REDACTED]; '<[REDACTED]>; 'Maroadi, Julie' [REDACTED]; '<[REDACTED]>; 'Kerr, Angus' <[REDACTED]>
Subject: LA01/2021/0933/F - Unit 12 & 13 and Front of Unit 17 Riverside Centre, Castleroe Road, Coleraine - Email 1 of 3
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.

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

☎ +44 (0)2891 828375 \ [REDACTED]

✉ [REDACTED]

🔗 <https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.matrixplanningconsultancy.com&umid=eb187e82-7c2a-4778-97d8-84982b12c56f&auth=89b25e08eb55419b045a269f5553735f0173174a-0d2882a379eedb6a7b0f2b21039dfa3cf52aa896>

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**RE: OBJECTION TO PROPOSED
EXTENSION TO UNIT 17 AND VARIATION
OF CONDITION 7 IN PLANNING
APPROVAL C/2005/1299/F (UNDER
ARTICLE 28 OF THE PLANNING (NI)
ORDER 1991) TO PERMIT THE SALE OF
CONVENIENCE AND COMPARISON
GOODS IN UNIT 17, RIVERSIDE
REGIONAL CENTRE, CASTLEROE ROAD,
COLERAINE.
DEPARTMENTAL REF. NO.C/2013/0443/F
PAC REF. NO.2014/A0266**

STATEMENT OF CASE

ON BEHALF OF

The Diamond Centre, Coleraine



AUTHOR

**Matthew William Kennedy BSc (Hons)
DCA, Dip TP, MRTPI**

**32 Clooney Terrace, Watetside,
Derry. BT47 6AR**

Web: www.mkaplanning.co.uk

Email: [REDACTED]



1.0 Introduction.

1.1 We are instructed by the Diamond Centre, Coleraine to submit a Statement of Case (SOC) to this rehearing of this planning appeal supporting the refusal of this planning application by DOE Planning Service on 28th January 2015.

1.2 On a procedural note our Clients indicate that they were not formally notified by the Planning Appeals Commission of this appeal rehearing despite the fact that they were Objectors to the original planning application.

1.3 This SOC is supported by the following appendices, namely:-

- Appendix MKA1 – P1 Form
- Appendix MKA2 – Planning Appeal PAC 2014/A0266
- Appendix MKA3 – Invalid Planning Appeals
- Appendix MKA4 – Third party objections
- Appendix MKA5 – Diamond Centre Unit Floor Plan
- Appendix MKA6 – Circular Road car park permission
- Appendix MKA7 – Site Plan of Car Park.
- Appendix MKA8 – Context Plan showing other Car Parks
- Appendix MKA9 – Planning Appeal 2011/AO150

1.4 This SOC sets out that the appeal proposal is contrary to both the NAP and the SPPS as alternative town sites are both available and suitable.

2.0 Validity of Planning Application/Planning Appeal.

2.1 This planning application was described in the original P1 form, (Appendix MKA1) at Question 7 as:

"Proposed extension to Unit 17 and variation of condition 7 in planning approval C/2005/1299/F (under Article 28 of the Planning (NI) Order 1991), to permit the sale of convenience and comparison goods in Unit 17".

2.2 In the subsequent quashed planning appeal decision issued the description was amended, (Appendix MKA2) to:

"Extension of Unit 17 and variation of Condition 8 in planning approval C/2007/0587/F to permit the sale of convenience and comparison goods in Unit 17".

2.3 The Commissioner justified this amendment of the proposed description at Paragraph six of the appeal decision where it is stated:

“As the principle of development sought by the subject planning application has not changed, I am satisfied that no prejudice to the parties involved in this appeal, or to the general public would result by amending the planning reference number and corresponding condition within the description of development of this appeal at this stage.”

2.4 We believe that this is incorrect. This is not an outline planning application. This is a specific planning application to amend a specific planning condition on a specific planning permission as set out on the P1 form and as advertised to the general public.

2.5 If the 2005 permission on the P1 form was never implemented or has been superceded by the implementation of the 2007 permission then there can be no valid application or planning appeal for variation of one of its planning conditions in front of the Commission.

2.6 Article 8 (3) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO) requires the PAC to advertise the planning appeal. The PAC advertised the appeal under the original description. Any material change in the appeal description that has not been advertised is contrary to Article 8 (3) of the GDPO. The PAC have previously made a number of planning appeals invalid due to advertising failures, (Appendix MKA 3). If the PAC do re-advertise the appeal under the amended description it is still an entirely different proposal from the application that was refused. We do not believe such a substantial amendment can be made to an application which has already been refused and is now currently at planning appeal. It fundamentally changes the nature of the application which cannot be done at the appeal stage.

2.7 Third parties and the general public in this case would then have clearly been prejudiced as they objected to an entirely different planning condition and its associated planning permission, (Appendix MKA 4). Third party objections to a planning application for variation of a planning condition on a particular permission cannot be simply re-assigned by the PAC to a different planning condition on a different permission. I believe a new planning application is required and this planning appeal is invalid if the 2005 permission has been superceded or is now expired.

3.0 Alternative Sites in Coleraine Town Centre.

3.1 Section 6 (4) of the Planning Act (Northern Ireland) 2011 requires the appeal to be determined in accordance with the Local Development Plan (LDP) unless other material considerations indicate otherwise.

The Northern Area Plan 2016 (NAP).

3.2 The NAP is an up to date development plan, only adopted in 2015 and qualifies as an LDP. The NAP states that it

“will seek to ensure that any future development of the Riverside Centre is complementary to rather than competing with , town centres, and does not adversely affect the vitality and viability of the latter. “

3.2 This proposal is not complementary to the town centre, it will compete with retail stores in the town centre which offer a similar range of goods. Lifting the bulky goods restriction on the appeal site will in the long term pose a risk to the vitality and viability of the town centre. The appeal proposal is therefore not in accordance with the LDP.

The Strategic Planning Policy Statement (SPPS).

3.3 The Ministerial Statement accompanying the SPPS indicates that the provisions of the SPPS are material to all decisions on planning applications and appeals. PPS 5 – Retailing and Town Centres is cancelled by the introduction of this new planning policy.

3.4 This planning application is contrary to the sequential approach set out in SPPS Paragraphs 6.280 and 6.281 in that alternative town centre sites are available. Paragraph 6.289 states that flexibility may be adopted in seeking to accommodate developments onto sites with a constrained development footprint. Para. 6.289 goes onto further state that Applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.

The Diamond Centre – Coleraine Town Centre.

3.5 At the planning appeal hearing the Applicant put forward various objections to the Diamond Centre’s proposal that they can amalgamate a number of smaller retail units to make one large retail unit to accommodate the appeal proposal.

3.6 We deal with each of these objections below:-

Size.

3.7 The Diamond Centre Architects have prepared a layout providing one large retail unit on a level deck floor of over 15,000 sq. ft. This is an amalgamation of existing Units 17-22, The Diamond Centre, (Appendix MKA5).

Car Parking.

3.8 The Objectors cannot provide on-site car parking for the Diamond Centre unit within the town centre. However, other retail units within the Diamond Centre and the town centre also sell convenience goods, comparison and bulky goods without on-site parking. The town centre is well served by on street and public/private car parking.

3.9 The Objectors can provide a dedicated car park for Diamond Centre shoppers at Circular Road in Coleraine, a short distance from the Centre. We attach planning permission for this car park, (Appendix MKA6). We also attach a site plan illustrating its proximity to the Diamond Centre, (Appendix MKA7). A trolley bay can also be provided within this dedicated car park. Other car parks such as Dunnes Stores and Abbey Street Car park are also adjacent or nearby (Appendix MKA8). The Objectors are also considering other options for car parking or improving accessibility to parking for the Diamond Centre to make it more attractive to retailers, and discount 'top up' retailers in particular.

Servicing.

3.10 The Applicants indicate that the proposed unit will be serviced by a 40 ft lorry twice a week. We have inspected the modern shared servicing arrangements at the Diamond Centre. The existing service yard is more than capable of handling this level and volume of servicing weekly. We also believe that Home Bargains currently operates out of shopping centres with similar servicing arrangements.

Trolleys.

3.11 The Objectors have agreed to provide trolleys within the proposed larger retail unit. The Objectors can provide a trolley bay at the dedicated parking at Circular Road. However, our experience of shopping in Home Bargains is that while some shoppers use the trolleys in store many of these shoppers carry their purchases to the car rather than using the trolley.

- 3.12 In terms of building control our Architect has indicated that the slopes on the shopping mall do not meet the definition of ramps and the mall is suitable for the use of trolleys. Customers with buggies/prams and wheelchair customers all use the mall on a daily basis with no difficulties, (Appendix MKA 9).

Variation in Floor Levels.

- 3.13 This new unit will have a level deck floor. Our Architect indicates that the floor level on one of the units (Unit 17) has to be raised by 450mm and one by 130mm (Unit 18), not by 1450mm.

Insufficient Ceiling Height.

- 3.14 A reasonable ceiling height has been provided.

Internal Layout.

- 3.15 It is accepted that there are 34 metal columns and a stairwell within the proposed unit. However, internal store layout, aisle lengths and merchandising arrangements can be modified to accommodate this proposed store layout.

Former JJB Sports Unit – Hanover Place.

Servicing/Carparking.

- 3.16 It is noted that there are only two deliveries per week to Home Bargains. It is also noted that KFC does not open to 11am. This is an existing deficiency in the access point. Many retail stores in town centres operate with less than ideal servicing arrangements. The retail operation and servicing of the former JJB store as a retail store is lawful. Therefore, the Applicant's arguments against the JJB store in terms of road safety or sweep paths are not relevant. 42 parking spaces are available. Servicing of the store can be done at off peak times or in the early morning.
- 3.17 The Applicant's claim that the 40 foot lorry leaving the site could give rise to congestion along Hanover Place. However, at present it is the traffic lights and the heavy levels of traffic using Hanover Place that cause ongoing congestion at this point. This proposal for two deliveries per week is hardly likely to significantly add to the existing congestion along Hanover Place.
- 3.18 It is noted that in the Applicant's Assessment of Town Centre Sites that the Applicant's original objection to the JJB Store was primarily on the basis of poor footfall, isolation and

poor integration into the town centre and limited parking. However, it has dedicated car parking and Home Bargains is a retail destination in itself. Objections on the servicing of the unit have only arisen subsequently.

- 3.19 While the store has a haunch height of 5.5m rather than the preferred 6m height I do not believe that this makes the alternative site unsuitable.

Other Grounds.

- 3.20 We believe that the Planning Appeal 2011/AO150 for Tesco Stores Ltd at Lands between Leyland Heights and Ramoan Road, Ballycastle, (Appendix MKA 10) is a material planning consideration in this appeal. In that case a proposal for a retail store outside the town centre was refused on the basis that an alternative town centre site existed. We believe that that decision is a precedent decision in support of refusing this proposal.

- 3.21 It is clearly more difficult to develop a town centre site for retail use than a greenfield site. The Applicant has approached the consideration of the two alternative sites in Coleraine town centre in a negative manner looking for reasons to exclude them rather than as realistic alternatives. A retailer's particular specific requirements is not the ultimate arbiter of an alternative site's suitability. The determining issue in planning policy is the availability of suitable town centre sites for the proposal. These two alternative sites are available and suitable. This proposal fundamentally changes the nature of this retail warehouse, will serve as a precedent for other existing applications to vary bulky good conditions on other retail warehouses, encourage other retailers to approve to vary the bulky goods conditions on their warehouses and will result in further erosion of the vitality and viability of the town centre.

4.0 Conclusions.

Therefore, for the reasons set out above, we request that the Commissioner refuse this planning appeal.

Appendix MKA 5

MKA PLANNING LTD
Chartered Town Planners

32 Clooney Terrace, Waterside, Derry, BT47 6AR,
Tel: (028) 71 311551 Fax: (028) 71 313404

Appendix MKA 6

MKA PLANNING LTD
Chartered Town Planners

32 Clooney Terrace, Waterside, Derry, BT47 6AR,
Tel: (028) 71 311551 Fax: (028) 71 313404



PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: C/2010/0097/F

Date of Application: 22nd February 2010

Site of Proposed Development: Lands at 7 - 11 Circular Road, stretching to 12 Queen Street, Coleraine

Description of Proposal: Retrospective application for change of use for a temporary surface car park for 63 spaces off Circular Road with associated alterations to provide relevant sightlines

Applicant: Car Park Services

Address: 36 Great Patrick Street
Belfast
BT1 2JL

Agent: Ms J Gilasin

Address: Consarc Design Group Ltd
The Gas Office
4 Cromac Quay
Ormeau Road
Belfast
BT7 2JD

Drawing Ref: 01, 02, 03, 04

The Department of the Environment in pursuance of its powers under the above-mentioned Order hereby

GRANTS PLANNING PERMISSION

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

1 This approval is effective from the date of this decision notice and is issued under Article 29 of the Planning (Northern Ireland) Order 1991.

Reason: Retrospective application.

Application No. C/2010/0097/F

DC1001MW

Coleraine Planning Office

See also Explanatory Notes attached



2. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any 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.

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is commenced and shall be retained and kept clear thereafter.

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

4. The gradient of the access shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. No retailing or other operation hereby permitted shall commence until hard surfaced areas have been constructed in accordance with the approved drawings to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

6. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved drawings No 01 and 04 which were received on 27th April 2010 and drawings No 02 and 03 which were received on 22nd February 2010.

Reason: To ensure a satisfactory form of development.

Informatives

1. Roads Service advise that the area between the back of the footpath and the line of the bollards to be surfaced to the satisfaction of the Department's Section Engineer.
2. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
3. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in

Application No. C/2016/0097/F

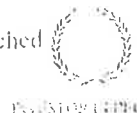
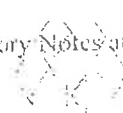
DC1001MW

Coleraine Planning Office

See also Explanatory Notes attached



THE GOVERNMENT



PLANNING OFFICE



possession of the DRD's consent before any work is commenced which involves making openings to any fence or hedge bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is: County Hall, Coleraine. A deposit will be required.

4. All construction plant and materials shall be stored within the curtilage of the site.
5. It is the responsibility of the developer to ensure that,
 - surface water does not flow from the site onto the public road.
 - the existing roadside drainage is accommodated and no water flows from the public road onto the site.

Dated: 18th May 2010

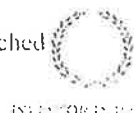
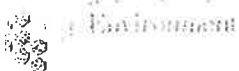

Authorised Officer

Application No. C/2010/0097/F

DC1001MW

Coleraine Planning Office

See also Explanatory Notes attached



Appendix MKA 7



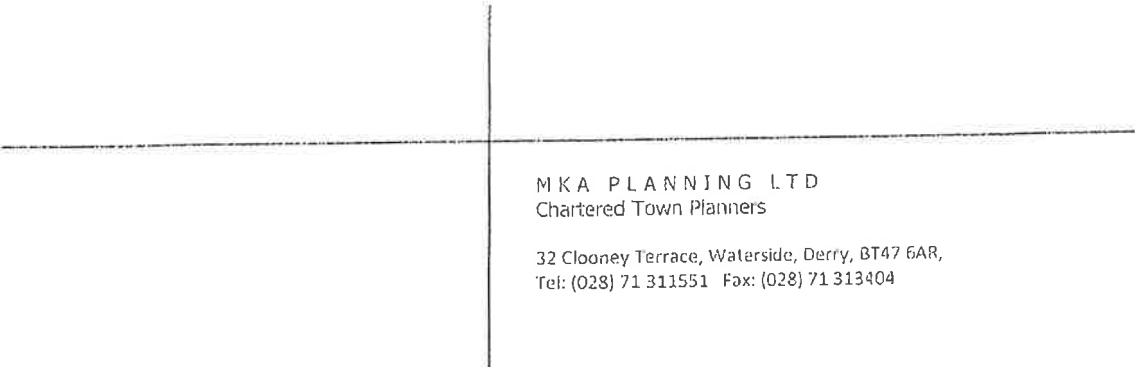
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Chartered Town Planners

32 Clooney Terrace, Waterside, Derry, BT47 6AR,
Tel: (028) 71 311551 Fax: (028) 71 313404



REV'D DATE:	DETAILS:	INITIALS:	NORTH POINT:	SCALE AT A3:	1:1250
PROJECT NO.:	03682	PROJECT:	Redevelopment of Diamond Centre, Coleraine	SCALE AT A1:	
DRAWING NO.:	WS_02_00	CLIENT:	Old Coach House Properties	CHECKED BY:	IMGN
DATE:	09.12.16	TITLE:	Overall Site Context	DRAWN BY:	CSNI / DJM
REVISION:		ISSUE TYPE:	For Information	CHECKED BY:	IMGN
<p>11-19-2, 4th, Street, Belfast BT12 6PU, Northern Ireland T: +44 (0)18 9382 0900 F: +44 (0)18 9082 0901 WWW.RAPPORT-ARCHITECTS.COM</p>		<p>rapport ARCHITECTS</p>			

Appendix MKA 8



MKA PLANNING LTD
Chartered Town Planners

32 Clooney Terrace, Waterside, Derry, BT47 6AR,
Tel: (028) 71 311551 Fax: (028) 71 313404



KEY:

- Town Centre Car Parks
- The Diamond Centre

MKA Planning Ltd
Chartered Town Planners

Project: The Diamond Centre, Bridge Street, Gloucester

Client: The Diamond Centre

Drawing: 1.000

Date: 15/05/2014

Scale: 1:1000

Author: MKA Planning Ltd

Project No: 14/001

Client No: 14/001

Project Name: The Diamond Centre

Project Address: Bridge Street, Gloucester, Gloucestershire, GL1 2LH

Project Contact: MKA Planning Ltd, 15, The Quadrant, Gloucester, Gloucestershire, GL1 2LH

Project Phone: 01452 515151

Project Email: info@mka-planning.co.uk