

From: [REDACTED]
To: [Planning: Joan Baird](#)
Cc: [Denise Dickson](#); [Shane Mathers](#); ["Glyn Roberts"](#); ["Joelene Poole"](#); [REDACTED]; ["Maroadi, Julie"](#); ["Kerr, Angus"](#)
Subject: RE: LA01/2021/0933/F - Unit 12 & 13 and Front of Unit 17 Riverside Centre, Castleroe Road, Coleraine - Email 2 of 3
Date: 25 May 2022 03:40:21
Attachments: [Council SOC for Appeal 2014_A0266_7_07_2015.pdf](#)
[Council SOC for Appeal 2014_A0266_15_12_2016_Re-hearing.pdf](#)
[2014_A0266.pdf](#)
[Video.MOV](#)

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=d3663a65-4a4a-479a-b155-b69ed39d3d13&auth=89b25e08eb55419b045a269f5553735f0173174a-cecb45f23ca47ba10bcb8391dff091f06b753c89>

The information in this internet email is confidential and is intended solely for the addressee. Access, copying or re-use of information in it by anyone else is unauthorised. Any views or opinions presented are solely those of the author and do not necessarily represent those of Matrix Planning Consultancy LLP or any of its affiliates. If you are not the intended recipient please contact Matrix Planning Consultancy LLP, +44 (0) 2891 828375

From: andy@matrixplanningconsultancy.com <andy@matrixplanningconsultancy.com>
Sent: 25 May 2022 03:38
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: 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.

[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

☎ +44 (0)2891 828375 \ ([REDACTED]

✉ [REDACTED]

🔗 <https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.matrixplanningconsultancy.com&umid=d3663a65-4a4a-479a-b155-b69ed39d3d13&auth=89b25e08eb55419b045a269f5553735f0173174a-cecb45f23ca47ba10bcb8391dff091f06b753c89>

The information in this internet email is confidential and is intended solely for the addressee. Access, copying or re-use of information in it by anyone else is unauthorised. Any views or opinions presented are solely those of the author and do not necessarily represent those of Matrix Planning Consultancy LLP or any of its affiliates. If you are not the intended recipient please contact Matrix Planning Consultancy LLP, +44 (0) 2891 828375



Statement of Case for Planning Authority

Appeal under the Planning Act (Northern Ireland) 2011

Application reference: C/2013/0443/F

Proposal: 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.

Location: Unit 17 Riverside Regional Centre Castleroe Road
Coleraine

Submission Deadline: 7th July 2015

Prepared by: (Case Officer) Noel McGowan

Agreed by: (Grade 7) Shane Mathers

Appeal Reference: 2014/A0266

Appellant: Kelvin Properties Ltd

Date of Hearing/ Accompanied Site Visit: 4th August 2015

1.0 Planning Assessment

1.1

The applicant applied under C/2013/0443/F to increase the size of Unit 17 from 929sqm to 1,394 sqm gross floorspace and also to vary the condition 7 of the previous application C/2005/1299/F to allow the sale of convenience and comparison goods.

1.2

The Department's refusal reason under C/2013/0443/F states: The proposal is contrary to the Department's Planning Policy Statement 5, Retailing and Town Centres in that suitable alternative sites in Coleraine town centre are available for retail use.

1.3

The site is part of Riverside Retail Park and is not designated as town centre under the North East Area Plan 2002 (NEAP 2002) and also the Draft Northern Area Plan 2016 (dNAP 2016). The site is within the urban town limits in both Area Plans. Under the NEAP 2002 section 10.0 Commerce, it states that the Department proposed to designate a Central Business District and it goes on to state that the defined town centres in each town are capable of physically accommodating all the anticipated floorspace increases. Under the dNAP 2016 section 4.1.1 it states that the retail function of Coleraine town centre has been strengthened over the previous decade by a number of major retail developments, in particular the Diamond Centre, the town's first enclosed shopping mall. It states that the Plan will provide for the continued commercial strengthening of the town centre. It also states in section 4.1.4 that the plan will seek to ensure that any future

development of the Riverside Centre is complimentary to, rather than competing with, the town centres, and does not adversely affect the vitality and viability of the latter.

1.4

The Planning Appeals Commission (PAC) have stated that the Riverside Retail Park is not a District Centre as the existing retail units are mostly retail warehouses that do not provide convenience retailing or meet a local need. The recent PAC Northern Area Plan Report stated in paragraph 1.6.7 (Section 1) that whilst the Riverside Regional Park has a superstore, a supermarket and other food outlets as well as several restaurants, it does not have non-retail uses such as banks and building societies. The existing retail units are mostly retail warehouses that do not provide convenience retailing or meet a local need. The PAC stated that Coleraine Town Centre is the appropriate location for major retail proposals and comparison shopping and agreed with the Department that designating Riverside as a District Centre would ultimately be detrimental to vitality and viability of Coleraine Town Centre and concluded that it should not be designated as a District Centre. This is important material consideration.

1.5

The Planning Authority contend that Planning Policy Statement 5 is applicable in this instance. PPS 5 provides protection for the vitality and viability of existing town centres. Planning Policy Statement 5 "Retailing and Town Centres" sets out the objectives for town centres and retail developments. According to paragraph 36 of PPS 5, the proposal is classed as major retail development. The original planning permission C/2005/1299/F was allowed on the condition that only

bulky goods would be sold from the units. The use of the conditions are supported by PPS 5. Under section 37 it states that conditions restricting the scale and nature of major out- of centre retail developments may be imposed to protect the shopping role of existing centres. Conditions may specify types of goods to be sold. Under PPS 5 section 38 it states that town centres are the preferred location for major comparison shopping and mixed retailing development proposals. It goes on to state that the availability of suitable sites within the town centre will be an important consideration where development is proposed outside the town centre. Applicants should be able to demonstrate that all potential town centre sites have been thoroughly assessed. Under section 39 of PPS 5 it goes further in stating that major proposals for comparison shopping will only be permitted in out – of centre locations where town centre sites are not available. This is the key issue of the proposal.

1.6

As the application involves a site outside the town centre a Retail Impact assessment was submitted with the application. The applicant states that their Retail Impact Assessment confirms that a detailed selection process found that there are no suitable sites in Coleraine Town Centre. The applicant has stated that the sites suggested by the Department are not suitable due to their size limitations, physical requirements of the proposal and development constraints. The applicant in this planning application is Kelvin Properties although they state the preferred retailer will be Home Bargains who wish to reverse the current requirement of 70% Bulky 30% Non- bulky to 30% Bulky 70% Non- bulky. This application seeks to amend the permission and extend the store to facilitate Home Bargains as an operator. The applicant has outlined the many requirements of Home Bargains as an

operator resulting in an argument that Unit 17 at Riverside is a suitable site. The applicant argues that the following are requirements of Home Bargains:

- A store size of 15000sq ft.
- A minimum Hunch Height of 6 metres;
- A dedicated service yard that can accommodate 40ft service lorries; with a minimum of 2 bays
- Dedicated on- site parking
- Requirement for shoppers to easily use shopping trolleys

The applicant states that as a minimum, this is required to provide a suitable site for Home Bargains. A Judgement [Tesco Stores Ltd v Dundee City Council 21 March 2012] has also been submitted by the applicant who says that suitable means suitable as defined by the applicant.

1.7

PPS 5 requires the applicant to look at alternative sites; starting with the Town Centre before moving out of town. The applicant has submitted substantial information arguing why there are no suitable sites, particularly in the Town Centre. Some of these reasons are briefly summarised above, with further arguments and reasons submitted.

1.8

Home Bargains website sets out its Retail Requirements 2014. These include, amongst other general requirements, a requirement for:

- High Street, Shopping Centre or Out of Town Retail Parks
- An Open A1 consent [assumed to mean unrestricted retailing]

- Ground floor slabs 12,000-30,000 sq. ft. with servicing by 16.5 metre vehicles.

1.9

This list does include many of the requirements stated by the applicant's agent. The other matter to consider is the Judgement and whether this idea of suitable is suitable as solely defined by the applicant. Para 29 of the Judgement says that an applicant is "expected to have prepared his proposals in accordance with the recommend approach [sequential]: he is, for example, expected to have regard to the circumstances of the particular town centre, to have given consideration to the scope of accommodating the development in a different form and to have thoroughly assessed sequentially preferable locations on that footing." Para 29 concludes that "whether an alternative site suitable for the proposed development, not whether it can be altered or reduced so that it can be made to fit an alternative site". Para 30 goes on to explain how it is apparent that a flexible approach was adopted. In assessing this proposal, the applicant appears to have raised the standard requirements to suit the application site. In conflict with the agent, The Planning Authority does not agree that a suitable site means 'suitable' as proposed by the applicant.

1.10

The Department initially put forward 3 alternative sites, including one being offered by an objector. These 3 sites have been rebutted by the applicant as not suitable. Site 1 at Hanover Place, and Site 2 The Diamond Centre and Site 3, former Dunnes Store. Site 3 was then discounted by the Planning Authority regarding availability issues.

However, given the retail requirements of Home Bargains, the other 2 sites at Hanover Place and The Diamond Centre do provide suitable alternatives. The alternatives in fact also offer unrestricted retailing, something that Home Bargains itself states is a requirement, which the proposed site will not deliver as it would be restricted retailing. The alternative sites can also meet the floor space and servicing requirements and are within the town centre. Although the applicant has done a thorough assessment of alternative sites, this does not mean they are not suitable. As outlined above, there are 2 sites within the town centre at Hanover Place and The Diamond Centre, which provide unrestricted retailing, have ground floor slabs 12,000-30,000 sq. ft. and can accommodate servicing by 16.5 metre vehicles. Both sites offered by the Planning Authority have prominent locations within the town centre of Coleraine and are both easily accessible. Although work would be required to the properties, it can be argued that work also needs to be carried out at the unit 17, as the extension also needs to be constructed as the site of the extension area is currently a derelict vacant piece of land. Both sites are within the central area of town where there are good public transport links and adequate car parking provision with many existing car parks within easy walking distance.

1.11

This proposal therefore fails to demonstrate that there are no alternative sites within the town centre, and should therefore be refused. There are clearly 2 possible retailing premises which are considered suitable for the applicant.

1.12

In assessing the Hanover Place and the Diamond Centre facilities, servicing is possible at both site 1 and site 2. The site at Hanover Place was previously used by Budget D.I.Y. and this was successfully serviced by Heavy Goods Vehicles. The Diamond Centre is successfully serviced by HGVs and this has been witnessed by The Planning Authority. Servicing arrangement for individual units are incorporated within the shopping centre complex.

1.13

Although there is no dedicated car parking at each site, this is similar for other retailers operating in the Town Centre. Car parking within Coleraine town centre is adequate for the amount of retailing offered.

1.14

The use of trolleys at The Diamond Centre has been identified as a difficulty by the agent. However, this is a store management issue and it is insufficient to discount the suggested sites on this basis.

1.15

The number of structural pillars has been identified as an impediment at The Diamond Centre. However, store layout could reasonably be modified around this minimal constraint.

2.0 Conclusion

2.1

The Planning Authority contend that there are suitable sites within the Coleraine town centre which can reasonably accommodate the proposal, namely Hanover Place and the Diamond Centre. This will in turn support the existing Planning Policy Statement 5 (PPS 5) and the North East Area Plan 2002 (NEAP) and the draft Northern Area Plan 2016. It will have the result of strengthening retailing in the town centre and thereby strengthening the viability and vitality of Coleraine town centre. This is a very important issue within the urban areas of Northern Ireland and beyond at a time when town centres are suffering from dereliction and high numbers of vacant shops.

2.2

While it may be the case that the sites at Hanover Place and The Diamond Centre do not create a utopian ideal for the intended retailer, none the less, they could reasonably be made acceptable with the desired modifications.

Appendices

Appendix 1: Planning map and schedule

Appendix 2: Proposed Conditions (without prejudice)

Appendix 1: Planning map and schedule

Planning History

Site No.	Planning Reference	Address	Proposal	Decision	Date
Appeal Site	C/2013/0443/F	Unit 17 Riverside Regional Centre Castleroe Road	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.	Current Appeal	
	C/2015/1299/F	Riverside Regional Centre Castleroe Road	Reconfiguration of existing retail warehouse units and associated car parking with landscaping, crib wall, service yard and access works.	Approval	14.12.2006
1		Hanover Place, 1 hanover Place, Coleraine	Existing vacant retail premises within towncentre		
2		The Diamond Centre, town centre, Coleraine	Existing retail shopping centre within towncentre		

Appendix 2: Proposed Conditions (without prejudice)

1.

As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2.

The gross floorspace of the retail unit hereby approved shall not exceed 1,394 square metres when measured internally.

Reason: To enable the Department to retain control over the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing centres.

3.

The net retail floorspace of the retail unit hereby approved shall not exceed 1,255 square metres when measured internally.

Reason: To enable the Department to retain control over the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing centres.

4.

No less than 377 square metres of the net retail floorspace of the retail unit hereby approved shall be used for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2004:-

- a. DIY materials, products and equipment;
- b. Garden materials, plants and equipment;
- c. Furniture and soft furnishings, carpets and floor coverings and electrical goods;

7.

No internal operations increasing the floorspace available for retail use, including the installation of mezzanine floors, shall be carried out without the prior consent of the Department.

Reason: To enable the Department to retain control over the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing centres.

8.

The gross retail floorspace within the unit hereby approved shall not be subdivided into separate units without the prior consent of the Department.

Reason: To enable the Department to retain control over the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing centres.

Informatives

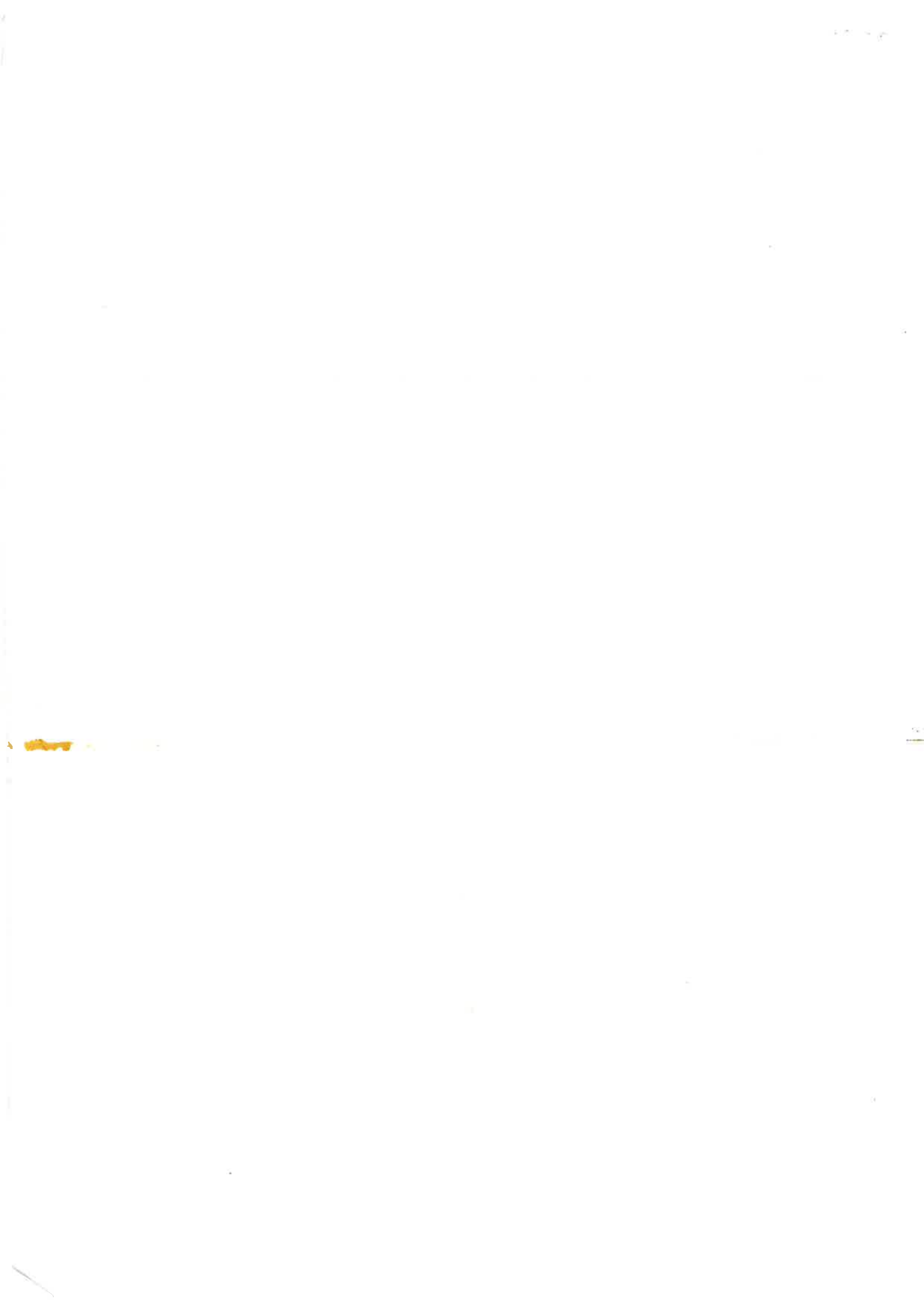
1.

For the purposes of interpreting the permission:-

- (a) *gross floorspace shall be calculated by way of sub internal measurement and shall include any mall, covered entrance lobby, enclosed circulation space, staff accommodation and other ancillary space; and*
- (b) *gross retail floorspace is floorspace used for selling goods by retail and includes associated storage space but excludes any mall, covered entrance lobby, enclosed circulation space, staff accommodation and any other ancillary space.*

2.

For the purpose of interpreting the permission, net retail floorspace is the area for the sale and display of goods, check-outs, counters, packing zones, circulation space from check-outs to exit lobby, fitting rooms and information areas. Net retail floorspace shall be calculated by way of internal measurement to the inner face of the wall.





**Causeway
Coast & Glens
Borough Council**

Statement of Case

Appeal under the Planning Act (Northern Ireland) 2011

Application reference: C/2013/0443/F

Proposal: 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.

Location: Unit 17 Riverside Regional Centre Castleroe Road Coleraine

Submission Deadline: 15th December 2016

Appeal Reference: 2014/A0266

Appellant: Kelvin Properties Ltd

Date of Hearing: 25th January 2017

**PLANNING APPEALS
COMMISSION
14 DEC 2016**

File No:.....

Executive Summary

1394
1929

0465sqm.

The applicant applied under C/2013/0443/F to increase the size of Unit 17 from 929sqm to 1,394 sqm gross floorspace and also to vary the condition 7 of the previous application C/2005/1299/F to allow the sale of convenience and comparison goods.

With the publication of the Strategic Planning Policy Statement (SPPS) in September 2015, the reason for refusal has been amended within the context of this appeal. The reason for refusal now reads:

"The proposal is contrary to Paragraphs 6.280 and 6.281 of the SPPS in that alternatively sequentially preferable sites exist within the proposal's whole catchment." — *Dismiss*

The Development Plan for this proposal is the Northern Area Plan 2016. It should be noted that this plan has not been prepared having regard for the strategic objectives and policies set out in the SPPS. The planning policy context for this proposal is the SPPS and falls to be considered under the Town Centres and Retailing objectives and policies.

The SPPS introduces a sequential approach to retailing and in paragraph 6.280 states that where it is established that an alternative sequentially preferable site exists within a proposal's whole catchment that an application which proposes development on a less sequentially preferable site should be refused. The Council contend that there are 5 other sequentially preferable sites within the proposal's catchment; 2 sites within Coleraine Town Centre and 3 within Ballymoney Town Centre. These sites are:

- Site 1 - Hanover Place, Coleraine,
- Site 2 - Queen St, Coleraine
- Site 3 - Corner of Market St/Cameron Place, Ballymoney
- Site 4 - Church St, Ballymoney
- Site 5 – BYT 02, Linenhall Street (Development Opportunity Site), Ballymoney

Accordingly, as there are suitably preferable sites within the proposal's catchment, the Council contend this application is contrary to the SPPS and Northern Area Plan and that this appeal be dismissed.

*APPROVAL AGAINST PLAN.
PREJUDICE TO NAP 2016. and future
LDP. →*

1.0 Description of Proposal

1.1 The applicant applied under C/2013/0443/F to increase the size of Unit 17 from 929sqm to 1,394 sqm gross floorspace and also to vary the condition 7 of the previous application C/2005/1299/F to allow the sale of convenience and comparison goods.

1.2 The applicant applied to vary condition 7 of planning approval C/2005/1299/F to permit the sale of convenience and comparison goods. However, having researched this matter post decision on request of the Commission, a later planning permission, C/2007/0587/F, has been implemented with regard to Unit 17 and supersedes the C/2005/1299/F permission. Therefore the description should be reworded to accurately reflect the most recent and relevant permission, to vary condition 5 of planning approval C/2007/0587/F. As both conditions relate to the restriction of goods to be sold and relate to the same site (Unit 17), no prejudice is likely to arise from this change. Correspondence with the Commission on this matter can be found in Appendix 1.

Prejudice?

2.0 Reason for Refusal

2.1 The application was refused by the then Department of Environment on 28th January 2015. At this time the relevant planning policy was PPS 5: Retailing and Town Centres and the refusal reason states that the proposal is contrary to PPS5 as other alternative sites within Coleraine Town Centre are available. However, on the 28th September 2015, the Department of Environment published the Strategic Planning Policy Statement for Northern Ireland (SPPS) which instructs on Paragraph 1.16 of the Introduction that PPS 5 is cancelled by the introduction of the new policy. The PAC has been in correspondence with the Appellant and the Council on this matter, and the Council's position is set out in Appendix 2. For clarity the refusal reason should therefore read:

"The proposal is contrary to Paragraphs 6.280 and 6.281 of the SPPS in that alternatively sequentially preferable sites exist within the proposal's whole catchment."

3.0 Consideration

3.1 Development Plan Context.

3.1.1 The Northern Area Plan (2016) is the relevant and statutory Plan in the consideration of this appeal. The Plan sets out the town centre limits and defines local centres within a number of settlements. The site is part of Riverside Retail Park and is not designated as town centre under the adopted plan. Reference to the status of the Riverside Centre is set out on page 34 of Volume One and page 52 of Volume Two.

3.1.2 Page 52 of Volume 2 states that "For many decades Coleraine has been the dominant retail centre in the north east of the Region. This was strengthened by the completion of the Diamond Centre, the town's first major indoor shopping mall, complemented by the

20 mins

3.3 Sequential Approach.

3.3.1 The SPPS requires applications for main town centre uses, such as this proposal to vary a condition to allow non-bulky convenience retailing to be located within the town centres. It goes on to state in paragraph 6.280 that where it is established that an alternative sequentially preferable site exists within a proposal's **whole catchment** (my emphasis) that an application which proposes development on a less sequentially preferable site should be refused. **The Northern Area Plan does not designate any primary retail cores.** Therefore the starting point must be town centres within the proposal's whole catchment. The agent has demonstrated in the Retail Impact Assessment (RIA) that the catchment for this proposal includes Ballymoney as set out in paragraphs 5.3 and 5.4 of the RIA and supported by the supporting map in Appendix 3 of the RIA (Appendix 3). Therefore in accordance with paragraph 6.280 the whole catchment must be considered. The applicant states that their Retail Impact Assessment confirms that a detailed selection process found that there are no suitable sites in Coleraine Town Centre. The applicant has stated that the sites previously suggested by the planning authority are not suitable due to their size limitations, physical requirements of the proposal and development constraints.

3.3.2 The applicant in this planning application is Kelvin Properties although they state the preferred retailer will be Home Bargains who wish to revise the current requirement of being limited to bulky goods only, to 58.5% convenience, 30% Bulky, and 11.5% Non-bulky. **This application seeks to amend the permission and extend the store to facilitate Home Bargains as an operator.** The applicant has outlined the many requirements of Home Bargains as an operator resulting in an argument that Unit 17 at Riverside is a suitable site.

3.3.3 The applicant argues that the following are requirements for Home Bargains:

- A store size of 15000sq ft.
- A minimum Hunch Height of 6 metres;
- A dedicated service yard that can accommodate 40ft service lorries; with a minimum of 2 bays
- Dedicated on- site parking
- Requirement for shoppers to easily use shopping trolleys

3.3.4 However, Home Bargains' own website states that its 2016 retail requirements (Appendix 4) includes, amongst others,

- an open A1 consent;
- ground floor slab 15,000 - 30,000 sq ft with direct rear servicing for 16.5m articulated vehicles;
- demised free car parking.

3.3.5 Although this highlights discrepancies between the applicant's requirements for Home Bargains, and what Home Bargains states on its own websites, these are only a list of

centre location, the infrequency of this, and that any other retailer would be subject to similar difficulties, this matter should not be determining.

3.3.8.3 The site was last occupied by JJB Sports and Kwik Fit and KFC are currently accessed and serviced on this site. The site provides car parking facilities with a direct access to the unit.

Queen Street, Coleraine

3.3.8.4 This site is located at Queen Street, Coleraine adjoining the Mall car park. The Agent OKT is currently advertising the unit to let. According to the letting Agent, the unit comprises 781 sqm. The letting Agent advises that the premises was bought and recently refurbished by the purchaser. The purchaser wishes to let the building but the Agent is yet to update the sales particulars to this effect. However, the Agent also advised that the building could be sold for redevelopment. Therefore while the current building is smaller than the requirement of the subject application, the site could be redeveloped in an appropriate manner to deliver a more sequentially preferable site. Reinforcing this position, the SPPS requires an assessment of alternative sites rather than buildings. The site is convenient to the Mall Car Park which would aid trolley users.

Market Street, Ballymoney

3.3.8.5 This site is located on the corner of Market Street/Cameron Place within Ballymoney Town Centre. The Agent OKT is currently advertising the unit for sale. According to the selling Agent, the overall building which comprises several units comprises a total of 1560 sqm. Discounting the office which is currently on a three year lease, this leaves 1469 sqm. This size meets the requirements of the current application. However, it is acknowledged that some works would need to be undertaken to amalgamate/ incorporate the units into one. If such work was not considered feasible, the entire site could be redeveloped, subject to negotiation with the existing leased office. Servicing is available from Market Street/Cameron Place. Part of this site was formerly used as kitchen sales and show room and could be easily adapted as a potential unit to accommodate the range of goods being offered for sale by the retailer. There is on street parking and 2 smaller car parks available on the opposite side of Market Street.

Church Street, Ballymoney

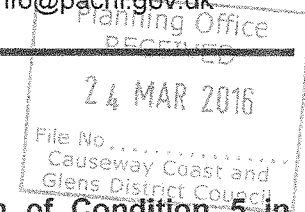
3.3.8.6 This site is located at 18-20 Church Street, Ballymoney. This site was previously occupied by Dunnes Stores who sold convenience and comparison goods for a number of years until closing in 2015. While it is understood that the building is not actively marketed for sale or to let, it is up to the developer to demonstrate why the site cannot be made available. The building has a footprint of 757 sqm and taken over two levels, this would meet the requirements of the current application. This site is capable of accommodating a large retailer selling convenience and comparison goods. Historically, the site has been adequately serviced. Car parking is available approximately 50-60 metres away with the access to the car park adjacent to no.31 Church Street. This is sufficient for trolley users and was satisfactory when Dunnes Stores sold convenience goods.

4.2 While it may be argued that these alternative sites fail to create a utopian ideal for the intended retailer, nonetheless, they could reasonably be made acceptable with the desired modifications.

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: 2014/A0266
Appeal by: Kelvin Properties Limited
Subject of Appeal: Refusal of full planning permission
Proposed Development: Extension of Unit 17 and variation of Condition 5 in planning approval C/2007/0587/F to permit the sale of convenience and comparison goods in Unit 17
Location: Unit 17 Riverside Regional Centre, Castleroe Road, Coleraine
Planning Authority: Department of the Environment
Application Reference: C/2013/0443/F
Procedure: Hearing on 4 August 2015
Decision by: Commissioner Rosemary Daly dated 23 March 2016



Decision

1. The appeal against the refusal of the extension to Unit 17 is allowed subject to the conditions set out below.
2. The appeal against the refusal for the variation of the condition to permit the sale of convenience and comparison goods is dismissed.

Preliminary

3. The Strategic Planning Policy Statement (SPPS) was published in September 2015. The parties were given the opportunity to provide comments and rebuttal comments in relation to the SPPS. Through this process the parties were facilitated an opportunity to provided comments in respect of the Local Development Plan (LDP) for the area.
4. Post hearing evidence relating to the relevant planning history on the site was requested. Views were sought from the parties relating to the implementation of relevant planning permission on appeal site.
5. Planning permission C/2005/1299/F was for the reconfiguration of existing retail units and associated car parking with landscaping, crib wall, service yard and access works. The drawings attached to this permission relate to five units and a side and rear service yard. Planning permission C/2007/0316/F related to the variation of condition 6 of the permission granted under C/2005/1299/F. No detailed drawings were attached to this permission showing the reconfiguration of the units and no restriction relating to 'bulky goods' was applied to this permission. Planning permission C/2007/0587/F was for the retrospective

erection of bulky comparison retail unit (incorporating the configuration of floor space previously approved under application C/2005/1299/F & C/2005/0491/O) associated car parking, service yard and access works. Following receipt of the drawings I undertook a site inspection on 25 February 2016. The development as shown by the drawings approved by application C/2007/0587/F has been implemented on site, in so far as it relates to Unit 17. The covered service yard is as shown on the approved drawings relating to C/2007/0587/F, whereas the drawings relating to planning permission C/2005/1299/F shows this area within the footprint of unit 17. Planning permission C/2007/0587/F has been implemented, in so far as Unit 17 is concerned, and supersedes the permission granted under application 2005/1299/F and C/2007/0316/F. Condition 5 of this planning permission also imposes a 'bulky goods' restriction on the units relating to this permission.

6. The description of development in this appeal relates to the extension of Unit 17 and variation of the 'bulky goods' restriction in Unit 17. As planning permission C/2007/0587/F has been implemented and is the most recent and relevant permission on the site, I consider it reasonable to amend the description of development to relate to planning permission C/2007/0587/F and the corresponding Condition 5 relating to the 'bulky goods' restriction. 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.

Reasons

7. The main issues in this appeal are:
 - Whether the proposal is in accordance with the local development plan;
 - Whether there is a need for convenience and non bulky comparison retailing at this location;
 - The availability of suitable alternative sites in the town centre; and
 - The impact of this development on the vitality and viability of the town centre, both individually and in terms of the precedent it would create.
8. The proposal involves two elements relating to the extension of the retail unit and the variation of a condition attached to unit as previously approved. The first element I shall consider is the variation of the condition. Section 54 of the Planning Act (Northern Ireland) 2011 makes provision for permission to develop land without compliance with conditions previously attached. This replaces Article 28 of the Planning (Northern Ireland) Order 1991. The proposal seeks to vary the bulky goods restrictions currently relating to Unit 17. The appellant stated that the proposal is to accommodate their client Home Bargains in Coleraine.
9. At the time of the decisions on C/2005/1299/F & C/2007/0587/F the policy context for retail development was expressed by Planning Policy Statement 5 Retailing and Town Centres (PPS5). Paragraph 36 of this policy defined major retail development as development over 1000 square metres of gross retail floor space. Paragraph 37 stated that conditions restricting the scale and nature of major out-of-centre retail developments may be imposed on permissions to

protect the shopping role of existing centres. Paragraph 38 of the policy stated that 'town centre' would be the preferred location for major comparison shopping and mixed retailing development. It would have to be demonstrated that all potential town centre sites have been thoroughly assessed. Out of centre locations would only be permitted in out of centre locations where suitable town centre sites are not available. Paragraph 42 of the policy recognised that retail warehouses selling bulky goods are often difficult to accommodate in town centres given their space requirements for large show rooms, parking and servicing. For retail warehousing the policy then directed such development to the edge-of-town centre locations but stated that in exceptional circumstances, a retail warehouse proposal in an out-of-centre location must be acceptable, where it could not be practically or appropriately accommodated in either a town centre or edge of centre location. It went on to say that permission for retail warehousing must be subject to conditions specifying a minimum or maximum floor space, preventing subdivision into smaller units and restricting the type of goods to be sold. Condition 7 of the planning permission (C/2005/1299/F) and Condition 5 of planning permission C/2007/0587/F and their justification are consistent with the policies for retailing and town centres as expressed by PPS5.

10. Riverside Regional Centre (Riverside Centre) is located approximately 1 km to the south of Coleraine Town Centre. It is a purpose built retail park comprising 19,000 square metres of retail sales floor space. The centre contains a variety of uses comprising retail, leisure, restaurants, a hotel and petrol filling station. In the wider part of the Riverside Regional Centre units are occupied by B&Q, Sainsbury's, Lidl, Argos and Currys. In the central core of the retail centre, Pound Stretcher occupies Unit 16 and sells a mix of bulky and comparison goods. Dunelm Mill occupies Units 14 and 15 selling household items such as bedding, cushions, furniture, lighting, storage etc. Maplin occupies Unit 13 selling electronic goods and Starplan occupies Unit 12 selling furniture. Other stores include Carpet Wright, Benson Beds, Harveys, BM Home Stores, Harry Corry's, Intersport Pro, Halfords & Pets at Home. Unit 17 is the only vacant unit in the centre. With exception to Sainburys and Lidl, the majority of remaining units in the centre sell items which fall within the category of 'bulky goods'. I note, however that retailers such as BM Home Stores and Pound stretcher located at the Riverside Centre do sell a high volume of comparison goods.
11. Home Bargains sell mainly convenience goods with the remainder comprising bulky and non-bulky goods... The proposal seeks permission to sell a restricted amount of retail goods as indicated by Table 1, set out below, of the Retail Impact Assessment (RIA).

Table 1

Type of Goods	Sales Area (%)	Sales Area (sqm)
Convenience	58.5%	734 sqm
Bulky Comparison	30%	377 sqm
Non Bulky Comparison	11.5%	144 sqm
Total	100%	1,255 sqm

12. Section 6 (4) of the Planning Act (Northern Ireland) 2011 requires the appeal to be determined in accordance with the Local Development Plan unless other

material considerations indicate otherwise. In accordance with the *schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015* a "departmental development plan" means a development plan prepared and adopted by the Department under the *Planning (Northern Ireland) 1991*. The Northern Area Plan 2016 (NAP) must therefore be treated for the purposes of the 2011 Act as being a Local Development Plan (LDP).

13. The NAP states that it will provide for the continued commercial strengthening of the town centre. It recognises that the Riverside Centre has developed with a particular commercial role accommodating a range of retailing commonly found in out of town centre sites. The plan notes that the centre includes a large DIY store and a suite of retail warehouses selling predominantly bulky goods. The plan 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*". The plan designates a town centre and states that a "*town centre boundary is defined in which normally all retail development will be required to locate*". It is noteworthy that the NAP uses the word "complementary" in the sense of not competing with. While the introduction of the proposed Home Bargains store would extend customer choice in the area, it would directly compete with the retail units in the town centre which offer a similar range of goods. By diluting the commercial role of the Riverside Centre as an out-of-town retail warehouse park, the lifting of the bulky goods restriction, albeit for one unit, would in the long term pose a threat to the vitality and viability of the town centre. For these reasons, the variation of the condition would not be in accordance with the NAP.
14. The SPPS, is a statement of the Department of Environment's policy on important planning matters that should be addressed across Northern Ireland. The SPPS cancelled PPS5. It introduced a "town centres first" approach for the location of future retailing and other main town centre uses. It adopts a sequential test to 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. It states that "*where it is established that an alternative sequentially preferable site or sites exist within a proposals whole catchment, an application which proposes development on a less sequentially preferred site should be refused*"
15. Paragraph 6.281 sets out the order of preference as follows:
 - Primary retail core;
 - Town centres;
 - Edge of centres; and
 - Out of centre locations, only where sites are accessible by a choice of good public transport modes.
16. Paragraph 6.282 of the SPPS states "*that in the absence of a current and 'up to date' LDP, Council's should require applicants to prepare an assessment of need which is proportionate to support their application*". The NAP is not up to date in this sense because it does not reflect the new regional policies in the SPPS.

17. The appellant submitted an assessment of the need which is summarised as follows:

- The subject unit was built in 2008 and has been vacant ever since. The appellant has had to pay substantial costs of almost £40,000 per annum in rates, service charges and insurance. There is an urgent need to find a tenant to bring the unit into a productive use. The proposal will meet the need of a new tenant.
- The economic downturn resulted in many retailers closing down. This included bulky good retailers such as MFI, JJB, Budget DIY and Land of Leather, who previously occupied large scale 'big box' units.
- The proposal provides a firm opportunity for much needed investment of around £1 million in extending and fitting out the appeal unit. It will bring 20 full time jobs and 30 part time jobs which will help address long term employment needs in Coleraine.
- As a consequence of the economic downturn, shopping habits have changed, coinciding with a change in lifestyle. Longer working hours, urban living and a need for cheaper goods have meant people tend to grab what they need when they need it. This has given rise to a need for shops which cater for top up shopping. There is a trend towards more discount retailing. Other retail parks have been accepted as suitable locations for this type of development.
- The addition of a Home Bargains store in Coleraine will enhance overall shopping provision in the area, lead to competitive pricing and help meet the shopping needs of area including tourists in self catering accommodation along the coastal towns.
- Should a suitable site not be found, Home Bargains will not come to Coleraine.

18. The Planning Authority referred to the contents of the Home Bargains website relating to their specific requirements for suitable sites for their stores. They did not provide a copy of this information. From the submitted evidence and the evidence presented at the appeal hearing it is understood that the requirements for the appellants' client include:

- High Street, Shopping Centre or Out of Town Retail Park.
- A prominent location with good footfall.
- An open A1 consent (unrestricted retail use).
- A single floor operation with a minimum haunch height of 6.0 metres from floor level.
- Premises of at least 1,394 square metres (all ground floor).
- Dedicated car parking for customers using shopping trolleys.
- Dedicated servicing arrangements. The volume of stock and high turnover of goods requires service facilities to be efficiently located to the shop floor and able to accommodate a 40 ft service vehicle.

19. The Planning Authority stated that the appellants' assessment of need seemed reasonable in so far as it relates to the provision of the proposed retailer within the catchment of Coleraine, but stated that the proposal remains unacceptable in that town centre sites are available to accommodate the proposal. Discount retailing, top up shopping and mixed retailing of convenience goods are already provided in the town centre and to some extent in the Riverside Regional Centre.

20. Paragraph 6.289 of the SPPS states that flexibility may be adopted in seeking to accommodate developments onto sites with a constrained development footprint, for example through the use of innovative and creative design schemes, including multi-level schemes, or smaller more efficient trading floors/servicing arrangements. It goes on to say that applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.
21. As the appellant points out, the Supreme Court in *Tesco Stores Limited v Dundee City Council* (2012) UKSC13 considered the meaning of the word "suitable" as it is used in the structure plan and the local plan for Dundee. The courts accepted that "suitable" meant "suitable for the development proposed by the appellant". However, Lord Reed went on to say that "*the application of the sequential approach requires flexibility and realism from developers and retailers they are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting in the subdividing large proposals in order that their scale may fit within existing development in the town centre*". Case law therefore endorses the need for flexibility on behalf of all the parties involved, not just the Planning Authority.
22. The Planning Inspectorate decisions at Trafford Retail Park, Manchester and The Peel Centre, Gloucester share some comparisons and are helpful examples of the interpretation of what can be considered as 'suitable' for the operational requirements of Home Bargains. Nonetheless these examples are not determining in the interpretation of policy as each case has to be considered on their own merits.
23. The appellant carried out an assessment of suitable sites in Coleraine town centre and of an area extending 300 metres out from and around Coleraine town centre and found no sequentially preferable sites available. The Planning Authority acknowledged that with exception to the Diamond Centre and the unit at Hanover Place (former JJB sport site) there were no other suitable alternative sites in Coleraine town centre or the area extending out from the town centre. The Planning Authority stated that both these sites offered unrestricted ground floor retailing with servicing. Both sites are located in central area of Coleraine where there is good public transport and adequate car parking provision within easy walking distance. Although work would have to be done to alter the units, it was considered that this would be offset by the extension and fit out that would be undertaken to the proposed unit at the Riverside Centre.

Diamond Centre

24. The Diamond Centre is centrally located and benefits from town centre footfall, parking and transport arrangements. At present the internal layout comprises a series of smaller units that would have to be amalgamated to make one large retail unit. Public access to the unit would be from the internal Mall in the Diamond Centre. The internal floor level of the Mall slopes up steeply over the length of the unit frontage. The amalgamation of the retail units would require the removal of the existing floors. This would have to be replaced with one floor level to meet the requirements of Home Bargains. The combination of the units would create a large stall riser/plinth at the lower end of the Mall with an unusable void below and would result in a floor to ceiling height of 3.7 metres. This was illustrated by the appellants cross sectional drawing. Whilst the third party

disputed the quality of the appellant's architects drawing, they provided no information to the contrary to illustrate the details of the cross section of the unit. This ceiling height could not be increased as the unit above is occupied by another tenant (TK Maxx). Consequently this means that Home Bargains cannot achieve its required haunch level of 6.0 metres. The amalgamation of the units would give rise to part of the floor area having a low ceiling height of 3.7 metres, which I accept would have implications for the store layout and internal merchandise arrangements. This restriction combined with 33 supporting columns throughout the floor and the position of the internal staircase core would also compromise the merchandise layout in this store resulting in insufficient and restricted aisle widths.

25. On site car parking is a key requirement for Home Bargains given customers will use trolleys inside and outside the store. Some 20 – 30 trolleys will be provided for their customers. The proposed unit is accessed via a ramp with a 1 in 20 gradient and a continuous length of approximately 30 metres. Given the range of bulky and comparison goods on offer by Home Bargains the provision of trolleys is important to the operation and functioning of the store. As noted by the Planning Authority other retailers such as Heaton's, M&S, TK Maxx offer a range of comparison and bulky goods and operate in the town centre including within the Diamond Centre. They considered it was difficult to distinguish between their requirements and the requirements of Home Bargains. Nonetheless, the Planning Authority or third parties provided no persuasive evidence to directly compare the operation, scale and retail requirements of these other stores with the requirements of Home Bargains. From my observations the TK Maxx store located on the first floor of the Diamond Centre sells a limited range of goods mainly small household and clothing items. The store does have a small number of trolleys, nine according to the appellant, but they are only permitted for use inside the store and cannot be removed from the first floor store. The Heaton's Store has direct access to the public footpath at the front of the Diamond Centre, its range of goods include mainly clothing and home ware. Its requirements would not be directly comparable to the range of comparison goods that would be on offer in a Home Bargains store. A Marks and Spencer Simply Food store is located in the town centre, this predominantly sells comparison grocery goods. Customers may use trolleys in this store, nonetheless customers using this store benefit from a public car park with direct access to the rear door of this retail unit. What is envisaged by the appellant is a larger ground floor store with a wider variety of comparison, non-bulky and bulky goods. The appellant stated that the internal Mall arrangement is not suitable for the use of trolleys and does not meet Home Bargains requirements nor does it comply with current Building Control Regulations as a level landing is required every 10 metres. This was not disputed by the Planning Authority. The installation of a travelator (moving walkway) as suggested by the Planning Authority into the Mall would not be a viable option given the scale, size and the disruption that would arise to overcome the sloping Mall. The practicalities of customers returning the trolley to the store would also present an issue, given there would be no onsite car parking.
26. The Diamond Centre can provide for 40 ft delivery vehicles. Service facilities are shared with other users of the Diamond Centre and are located at the far end of the Mall, requiring the use of a service lift and then stock having to be pushed up the rear service corridor to the rear access at Unit 22. Such service arrangements would be impractical taking account of the proposed size of the

store and the nature, weight and volume of goods to be transferred. The gradient of the service corridor would add to the impracticality of transferring the stock to the store.

27. Some of the Home Bargains' design and engineering requirements seem desirable rather than essential. The internal layout and merchandise arrangements would not be an insurmountable obstacle preventing them from locating at the Diamond Centre. Nonetheless given the proposed size of the store and variety of goods on offer it would be necessary to provide shopping trolleys for their customers who would have direct access to parking. This provision is not possible at the Diamond Centre. The impractical service arrangements also mean that the requirement for direct servicing could not be met at this store. It must be concluded therefore that the Diamond Centre would not be a suitable alternative to the appeal proposal.

Hanover Place (former JJB Sports Unit)

28. The Hanover Place (former JJB) unit is located in the town centre. Hanover Place is a one way road that feeds traffic towards the central part of Coleraine and runs along the east side of the River Bann. The retail unit on this site previously occupied by JJB Sports and Budget DIY. The layout and arrangement of the unit backs onto the town centre. The site shares access with Kwik Fit and KFC. Even though the site does not provide a full quota of parking spaces, it does benefit from 42 direct car parking spaces with direct access to the unit. Regardless of the uptake of these spaces at present, which I note provide free parking for anyone using the town centre, the shortfall of car parking could be met by the use of alternative town centre car parking in the surrounding area.
29. Home Bargains only use 40ft vehicles which are stocked up to deliver to Northern Ireland wide. This was not disputed. The appellant stated the unit would be serviced by a 40 ft lorry twice a week. The appellant also stated at present the site arrangements offer no dedicated service yard and the requirement for two lorry bays within the site are not achievable, however I see no constraint to the provision of a dedicated service yard in the future. Given the low frequency of weekly deliveries to the site, I am not persuaded that the need for two lorry parking bays is determining in this case.
30. The swept path analysis shows that the lorry manoeuvres turning on the site would interfere with the parking arrangements for the KFC premises. Delivery lorries will require the entire width of the shared entrance to the site for both incoming and outgoing lanes of the KFC for HGV turning movements. The appellant stated that the KFC was open from 6.00 am in the morning and the necessary service arrangements for the site would conflict with the operations of the KFC. However, I note from my site visits that the KFC opening hours during the week are from 11.00 am to 11.00 pm and at the week end from 11.00am to 12.00pm. Consequently, given the KFC opening time means that deliveries could be made, to the site before 11.00am each morning, without conflicting with the users of the parking bay to the KFC site. The deliveries to the site could be managed at a time when the KFC restaurant is not open.
31. The swept path drawings also show that the 40ft lorry leaving the site would have to cross over two lanes of traffic and that this could give rise to congestion along Hanover Place. This road is a main one way traffic route around and across

Coleraine town centre. However, this is a town centre site where people expect traffic movements to be slower and congested from time to time. Given deliveries to the site would only be twice a week I am not persuaded that this would give rise to an unacceptable conflict with road users along Hanover Place. I have not been persuaded that the service arrangements for the site are insurmountable. With proper management these issues could be appropriately handled to minimise conflict with other users of the site and along Hanover Place.

32. The haunch height of unit is restricted to 5.5 metres. This is 0.5 metres less than the business requirements for Home Bargains. Whilst this lower haunch height would have implications for the internal merchandise arrangements in the store, no persuasive evidence was presented to demonstrate just how a 0.5 metres reduction in the haunch height would have on the internal layout and merchandise arrangements or to what extent this would impact on the viability of the store.
33. Flexibility should be adopted in seeking to accommodate the appellant's client on this site. The retail unit at Hanover Place (former JJB) would offer a suitable, available and viable alternative site and would be sequentially preferable alternative to locating outside the town centre at the Riverside Regional Centre.
34. A Retail Impact Assessment (RIA) accompanied the planning application. The Planning Authority assessed the information presented in the RIA and concluded that the proposal would not adversely affect the protected centres within the catchment area. The Planning Authority therefore raised no objection about the impact on the vitality and viability of the town centre but refused the application on the basis there were two sequentially preferable sites available. The third party objections, correctly pointed out, however, that allowing the appeal would create an undesirable precedent for retail warehousing in Coleraine. Such an undisputed precedent for further trading of convenience and non bulky goods in the Riverside Centre, would prejudice the vitality and viability of the town centre.
35. The appellant referred, in general, to other similar retailers selling a mix of comparison and bulky goods at Riverside, being contrary to the planning condition restricting the sale of such. The Planning Authority stated that some of these retailers were under current enforcement investigations, but could not comment any further. The operations of these other retailers do not of itself provide justification to allow this proposal. The appellant referred to the proposal providing a firm opportunity for Home Bargains to occupy this unit in the type of retail park location which has been found acceptable elsewhere, by the Planning Authority in Northern Ireland, such as, Balmoral Plaza Retail Park, Boucher Road, Belfast, Damolly Retail Park, Newry, Clandeboye Retail Park, Bangor, Castlebawn Retail Park, Newtownards, Longwood Retail Park, Newtownabbey and Connswater Retail Park, Belfast. Reference was also made at the appeal hearing to the Home Bargains Store, Oaks Centre, Dungannon. Each of these cases would have been considered on their own merits in the context of the prevailing policies, such as the now superseded PPS5 and their appropriateness in terms of the impact on the respective town centres. The precedent set by these stores does not override the failure of the appeal proposal to meet the requirements of the sequential tests set out by the SPPS.

36. The appeal proposal is not in accordance with the LDP. Other material considerations also indicate that it should not be approved. The need for a Home Bargains unit could be met in Coleraine town centre. In that regard the Planning Authority's reason for refusal has been sustained in respect of the variation of the condition. Moreover, a self evident precedent that would be created for further trading of non bulky goods in the Riverside Centre, would prejudice the vitality and viability of the town centre. For these reasons the appeal in respect of the variation of the condition must fail.
37. The second element of the proposal relates to the extension Unit 17. There were no objections to the extension of the unit. Consequently there is no justifiable reason to withhold planning permission for the extension of Unit 17. The proposal relates to increase in the gross retail floor space at Unit 17 to 1,394 square metres. To allow the Planning Authority to control the area of retail floor space at the Riverside Centre no internal sub dividing of the unit or insertion of a mezzanine floor should be permitted without prior consent from the Planning Authority. I am not persuaded it is necessary to restrict the area of net retail floor space within Unit 17. However, should the proposed extension to Unit 17 be implemented, for the reasons set out above, it is necessary that a condition restricting sales to 'bulky goods' is applied to all of Unit 17.

Conditions

- (1) The gross retail floor space of the retail unit hereby approved shall not exceed 1,394 square metres when measured internally.
- (2) No internal operations increasing the floor space available for retail use, including the installation of mezzanine floor shall be carried out without prior consent of the Planning Authority.
- (3) The gross retail floor space comprised in Unit 17 shall be used for the retail sale and ancillary storage of the items hereunder and for no other purpose, including any other purpose in Class A1 of the Schedule to The Planning (Use Class) Order (Northern Ireland) 2015
 - DIY materials, products and equipment
 - Garden materials, plants and equipment
 - Furniture and soft furnishings, carpets and floor coverings and electrical goods
 - Such other items as may be determined in writing by the Planning Authority as generally falling within the category of "bulky goods".
- (4) Unit 17 shall not be shall not be subdivided into separate units without prior consent of the Planning Authority.
- (5) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

This decision is based on drawings:

- Drawing 01 Site Location Plan Scale 1:2500
- Drawing 02 Existing Site Plan dated Area Planning Office received 19 Nov 2013
- Drawing 03 Existing Plan dated Area Planning Office received 19 Nov 2013
- Drawing 04 Proposed Site Plan dated Area Planning Office received 19 Nov 2013
- Drawing 05 Proposed Plan dated Area Planning Office received 19 Nov 2013
- Drawing 06 Existing Elevations dated Area Planning Office received 19 Nov 2013
- Drawing 07 Proposed Elevations dated Area Planning Office received 19 Nov 2013

COMMISSIONER ROSEMARY DALY

List of Appearances

Planning Authority:- Shane Mathers, Causeway Coast and Glens Council
Karen Dickson, Causeway Coast and Glens Council

Appellant(s):- William Orbinson QC instructed by Strategic Planning
Martin Kelly, Strategic Planning
Martin Hoy, Hoy Dorman
Michael Martin, Like Architects and Project Management
Mr Leicester, Appellant

List of Documents

Planning Authority:- "A" Causeway Coast and Glens Council statement of case and appendices
"A1" Comments on SPPS, 7 October 2015
"A2" Rebuttal Comments on SPPS, 27 October 2015
Planning History C/2005/1299/F
Planning History C/2007/0316/F
Planning History C/2007/0587/F
"A3" Comments on Planning History, received 15 Feb 2016
"A4" Rebuttal Comments on Planning History, received 26 Feb 2016

Appellant(s):- "B" Strategic Planning Statement of Case and appendices
"B01" Comments on SPPS, 16 October 2015
"B02" Rebuttal Comments on SPPS, 26 October 2015
"B03" Comments on Planning History, received 11 Feb 2016
"B04" Rebuttal comments on Planning History, dated 25 Feb 2016
"B1" Like Architects SoC
"B2" Hoy Dorman SoC including Swept Path Analysis
"B3" Retail Impact Assessment