

Title of Report:	Planning Committee Report – LA01/2021/0933/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23rd February 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

App No: LA01/2021/0933/F **Ward:** Churchland

App Type: Full Planning

Address: 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.

Con Area: N/A

Valid Date: 03/08/2021

Listed Building Grade: N/A

Applicant: Marks and Spencer, Waterside House, 35 North Wharf Road, London, W2 1NW

Agent: Inaltus Limited, 15 Cleaver Park, Malone Road, Belfast, BT9 5HX

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The site is located within the Riverside Centre within Coleraine settlement limit.
- No letters of objection have been received in relation to this application.
- No concerns have been raised by statutory consultees in relation to this proposal.
- The proposal has been considered against the planning policy requirements of the SPPS in relation to retailing and town centres.
- The qualitative argument in relation to the provision of a larger convenience store is reasonable in the context of the level of overtrading from existing out of centre stores.
- Alternative sites have been explored.
- The proposal is considered acceptable and will not result in a significantly adverse impact upon Coleraine Town Centre.
- The proposed design alterations to these Units are acceptable in terms of visual amenity and local character. Proposed changes are minimal and the amalgamation of these Units remain in keeping with the overall design concept for Riverside Centre.
- The proposal will not adversely impact on neighbouring amenity in terms of noise.
- There are no archaeological concerns.
- The proposed development has satisfactory access and parking.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 6 and PPS 3.

Drawings and additional information are available to view on the Planning Portal- <https://epicpublic.planningni.gov.uk/publicaccess/>

1.0 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at Units 12 & 13 within the Riverside Centre. The application site is irregular in shape measuring approx. 0.7 ha. Units 12 & 13 are located at the end of the parade of units that extend between Nos. 12-17. Units 12 & 13 are currently derelict and previously operated as Benson for Beds and Starplan. To the front of the site is an area of car parking. The application site extends to the front of Nos. 14-17 to include parking areas and an area of hardstanding in front of Unit 17. The site also includes the rear service yard area behind Units 12 & 13. The site is accessible at the front to customers and the service yard is located at the rear.
- 2.2 Riverside Centre is located about 0.6 miles south of Coleraine Town Centre. It is located on the west bank of the River Bann, immediately south of the Strand Road roundabout and the Sandleford Bridge. It is located south of the “ring road”, a part dual carriageway that runs around the south, east and north of Coleraine. The Riverside Centre has 3 access points – to the north from the slip road on the dual carriageway of the Dunhill Road; to the south west from the Greenmount Roundabout/Somerset Road; and to the south east from Castlerow Road.
- 2.3 The surrounding area comprises mixed commercial use. It is formed by the Riverside Centre and its various retail stores, services and leisure units. Housing developments are located to the south east, south west and north west of the Riverside Centre.

- 2.4 The site is not zoned for development within the Northern Area Plan 2016. The proposed site is within the development limit of Coleraine but outside the town centre area of Coleraine. The NAP 2016 states on Volume 1 Page 34 “The Riverside Centre, Coleraine, has developed with a particular commercial role accommodating a range of retailing commonly found in out of town centre sites. It includes a large DIY store, a suite of retail warehouses selling predominantly bulky goods, car showrooms, fast food restaurants and leisure / fitness facilities. The site also includes a superstore. The Plan will seek to ensure 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”.
- 2.5 To the south west of the site is there is a specific Economic Development Zoning CEED 07- Riverside Retail Park. The application site falls outside this particular zoning.

3.0 RELEVANT HISTORY

- 3.1 LA01/2021/0432/PAN
Units 12 & 13 Riverside Retail Park, Castleroe Road, Coleraine,
Proposed amalgamation of Units 12 & 13 to be used for a
convenience store. External elevational changes and additional
car parking area
Acceptable - 01.03.2018
- 3.2 LA01/2021/0434/PAD
Units 12 & 13 Riverside Retails Park, Castleroe Road, Coleraine,
Proposed amalgamation of Units 12 & 13 to be used for a
convenience store. External elevational changes & additional
car parking area
Concluded - 13.08.2021
- 3.3 C/2009/0822/F
Unit 12 Riverside Regional Centre, Coleraine
Installation of mezzanine floor to retail unit 12
Approval - 10.03.2010
- 3.4 C/2007/0587/F
Riverside Retail Park Castleroe Road, Coleraine.

Retrospective application for erection of bulky comparison retail unit (incorporating the configuration of floorspace previously approved under application ref C/2005/1299/F & C/2005/0491/O), associated carparking, service yard and access works.

Approval - 14.02.2008

4.0 THE APPLICATION

- 4.1 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.

Proposal of Application Notice

- 4.2 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.
- 4.3 A Proposal of Application Notice was received on the 8th April 2021 under application LA01/2021/0432/PAN. As a result of Covid-19 it has not been possible to hold any face to face public events. The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 temporarily suspend the requirement for a Pre-Application Community Consultation public event. The applicant advised that they intended to undertake the following forms of consultation:
- An Online Information Event via website (www.MandSColeraire.com) to be advertised in the Belfast Telegraph, Coleraire Times and Coleraire Chronicle.
 - A dedicated website will be made available to view the consultation documentation and site proposals. A feedback online comment card will be available as well as a direct email to contact the technical team.
 - A series of online meetings (via Zoom and Microsoft Teams) with key stakeholders including MPs, MLAs, Local Councillors and community groups.
 - A Public notice will be published in the local and regional newspapers, with additional information including details of the

website address and a contact number for interested parties to speak to the development team.

- A neighbourhood information drop will take place to residents within a c. 200m radius from the site.
- Elected members for the District Electoral Area and MLAs for East Londonderry being given a copy of the Proposal of Application Notice.
- Local businesses occupying units within the Riverside Centre being informed as well as The Jet Centre, Lidl, Premier Inn, McDonald's and Subway.

Community Consultation Report

- 4.4 The community consultation report was submitted as part of the planning application, received on 22nd July 2021 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 4.5 The community consultation report contained details about Pre-Exhibition Phase (Newspapers Adverts, Information Packs, Elected Representative and Stakeholder Engagement, Stakeholder Feedback and Media Coverage); Exhibition Phase; Post-Exhibition Phase (Analysis of Community Feedback from online event, Community Feedback and Issues raised and responsiveness of development team). The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.
- 4.6 The online website allowed visitors to submit feedback via an online submission form and to browse and download the boards containing the proposed plans. The website was available over a 5-week period from 10 May 2021 to 14 June 2021.
- 4.7 A hard copy version of the comment card was provided to local residents along with their neighbourhood notification leaflet that was distributed in the week before the consultation commenced. Residents had the chance to return feedback on the scheme on this card. If residents were unable to view the consultation online, then they were able to contact the community consultation manager and paper copies of the 10 boards were issued in the post.
- 4.8 The consultation had the following responses:

- 739 unique visits to the website occurred for a period of time greater than 30 seconds.
 - 199 comments were left via the digital comment card on the website
 - 35 people returned comment cards via post
 - 10 submissions were received by email
- 4.9 The vast majority of responses (over 95%) provided positive feedback about the project. This included a bigger M&S Store would bring more food choice, have better parking and provide more jobs. To view a sample of the comments provided please see pages 18 & 19 of the Pre-Application Community Consultation Report (Doc 01).
- 4.10 A number of concerns raised included the knock-on effect that the M&S Store might have on traffic in the vicinity of the Riverside Retail Park – citing existing concerns about the level of traffic currently at the Retail Park at peak times. The development team is confident that a TAF Report prepared by the consulting roads engineer will address these concerns in the full planning application.
- 4.11 Another issue raised by 15 respondents was the future of the M&S store in the town centre. Respondents asked that the town centre store be maintained alongside the new store to facilitate shopping in the town centre. The agent also advised that, M&S are constantly reviewing and reshaping their stores across the UK to make sure they have the right stores in the right locations to serve customers in the best possible way. The decision about the future of the town centre store is one that involves wider considerations for the company, beyond planning. Given it is an operational issue, it has not required any design amendments to the proposal as a consequence.
- 4.12 There were also a number of respondents who requested that M&S extend their offering beyond food to homeware and clothing. This does not form part of the application.
- 4.13 The proposed works and associated community consultation exercise has been extensively promoted and advertised since the submission of the Proposal of Application Notice. A thorough digital consultation event was held. The proposal was highlighted within local newspapers and local elected representatives

highlighted the proposals on their social media. Prior to the event c.3000 households nearby were notified about the consultation and there were interactions throughout the consultation from those living in the area of the site.

- 4.14 The community consultation report demonstrates that adequate community consultation has taken place and the feedback received has been considered prior to the submission of the application.

Design & Access Statement

- 4.15 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.
- 4.16 A Design and Access Statement (Doc 03) received on 22nd July 2021 was submitted in support of this application. The key design and access issues relating to this proposal have already been considered when the original permission for the Riverside Centre was granted. This development further refines the access arrangements necessary for a new M&S Store. The DAS concludes the proposal provides a highly accessible, well designed, environmentally sensitive and sustainable development. The DAS demonstrates how the proposal is suitable with regards to the site and its setting and demonstrates that it can be adequately accessed by prospective users.
- 4.17 The applicant has undertaken detailed consideration of the proposal in terms of the design principles and concepts, the site access and the impact on the character of the immediate context.

Environmental Impact Assessment

- 4.18 This proposal was subject to an environmental impact assessment screening as highlighted by, The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 dated the 30th September 2021.
- 4.19 The application is considered to fall within Schedule 2: Category 10 (b) of the Regulations- The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks. The threshold for this

development is where it exceeds 0.5 hectare. As the site area measures approx. 0.7 hectares this threshold is exceeded.

- 4.20 Having considered the Regulations, the development proposal would not have any likely impacts of such a significance to warrant submission of an environmental statement.

Habitats Regulations Assessment

- 4.21 The application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Causeway Coast and Glens Borough Planning Authority.

- 4.22 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

No letters of objection have been received in relation to this application.

5.2 Internal:

NI Water (No objections)

Environmental Health (No objections)

DFI Roads (No objections)

Historic Environment Division: Historic Monuments (No objections)

Development Plan (No objections)

6.0 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 3 - Access, Movement and Parking

PPS 6 – Planning, Archaeology & the Built Heritage

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within the Riverside Centre in the settlement of Coleraine. Policy SET 2 of NAP 2016 applies for development within settlement development limits. Planning permission will be granted provided that the proposal is sensitive to the size and character of the settlement.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Principle of Development, Retailing and Town Centres, Economic Consideration, Design, Impact on Amenity, Archaeology, Access and Parking.

Principle of development

- 8.3 The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retaining and other complementary functions, consistent with the RDS.
- 8.4 Paragraph 6.271 of the SPPS states that “the regional strategic objectives for town centres and retailing are to secure a town centres first approach for the location of future retailing and other main town centre uses”. Main town centre uses include cultural and community facilities, retail, leisure, entertainment and business.
- 8.5 Paragraph 6.279 of the SPPS states “All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.”
- 8.6 Paragraph 6.291 of the SPPS states that where an impact on one or more of the criteria in paragraph 6.290 is considered significantly adverse or where in balancing the overall impacts of each of the

criteria, the proposed development is judged to be harmful, it should be refused.

- 8.7 Paragraph 6.292 details that “...all applications for retail development or main town centre type uses will also be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.”

Retail Impact Assessment

- 8.8 Paragraph 6.283 advises “All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need”. The gross external area of the proposed store is 1,603 square metres triggering the requirement for a Retail Impact Assessment.

- 8.9 Paragraph 6.290 provides the elements which should be considered in a retail impact assessment and statement of need which include:

- The impact of the proposal on trade and turnover on town centre turnover overall for all centres in the catchment;
- The impact on existing committed and planned public and private sector investment;
- The impact on the delivery of planned/allocated sites and the LDP strategy;
- The impact on vitality and viability, taking into account retail mix and diversity of other facilities and activities;
- Cumulative impact taking account of committed and planned development including plan commitments in the town centre and wider area; and
- A review of local economic impacts.

- 8.10A Retail Statement (Doc 04) was received on 22nd July 2021 in support of this application. The content of this document included the General Location; The Proposal; Retail planning policy; Retail Hierarchy in the study area; Sequential Test; Need for proposal; and the Retail Impact of the proposal. The Retail Statement sets out the quantitative and qualitative need for the proposal.

- 8.11 The Retail Statement concluded that the store seeks to provide 5000 lines for food goods on 1,122 sq metres of net floorspace. It will be a major convenience food offer. The Study Area of the proposal has an available convenience spend of £166 million. The three main food operations in Coleraine are significantly overtrading and there is a clear need for additional convenience floorspace. This is evident from the retail analysis and is the finding of the Council's own consultants Nexus as recently as 2020. The Riverside Centre is an out of centre location which provides access by public transport and as such is the most sequentially preferable location for this proposal.
- 8.12 The Retail impact of the proposal focussed on the main food shops. It stated that most of the retail trade will be diverted from the other two main food shops located at Riverside Centre – Sainsbury's and Lidl. It also stated that diversion of trade from these shops is not a planning concern as they are overtrading. While diversion of trade will also occur from Asda and Tesco, this will not significantly harm the vitality and viability of Coleraine Town Centre.
- 8.13 The Retail Statement concluded that the application should be approved because of the need to increase competition amongst main food retailers, the need to relieve pressure on existing over trading stores, the need to provide for the identified retail capacity and the absence of any harmful retail impact and any more sequentially preferable site.

Need Assessment and Impact upon Coleraine Town Centre

- 8.14 The NAP 2016 is not considered an up to date plan in relation to its retail findings and the scheme relates to an out of centre location. The status of NAP in relation to retail was confirmed in a PAC decision 2015/A0129. Therefore, a sequential test, full retail impact assessment and assessment of need are required.
- 8.15 NEXUS Retail and Leisure Capacity Study was commissioned by council to assist in the preparation of the Local Development Plan. This report was presented to the Planning Committee and it was

agreed that it would be used as a material consideration in the assessment of planning applications.

- 8.16 Paragraph 6.282 of the SPPS requires in absence of an up to date area plan, applicants to prepare an assessment of need which is proportionate to support their application, which may include a quantitative and qualitative assessment.
- 8.17 Although it is probable that the proposal will impact on the town centre, the main SPPS tests are on: assessment of need, whether it will create a significant adverse impact or be harmful to the town centre, and if there is a sequentially preferable site in the catchment. The RIA was reviewed along with the NEXUS report, Councils 2017 Sproule Consulting Report, CARD Businesses and Visitors Surveys 2021 and the Coleraine Masterplan Report. A detailed consideration is set out in the Development Plan consultation response available on EPIC. The consultation response has also been used to inform the assessment of the policies within the SPPS.
- 8.18 The Nexus report indicates in relation to convenience goods and capacity in the Borough, that there continues to be a surplus of expenditure to support additional convenience floor space over the period to 2035. This is due to the increase in convenience good spending, coupled with significant over trade of existing food stores outside the town centre. The report identifies a high retention of main food and top up food shopping in Coleraine, with Sainsbury's accounting for 30.9% of all main food shopping trips by zone 2 (Coleraine) with Coleraine and Portrush being the 1st and 2nd choice for top up shopping (28.6% and 24.8%).
- 8.19 The Nexus report indicates there is potential capacity in Coleraine for new convenience retailing at a level in excess of that proposed by this scheme. There will remain a reduced level of potential capacity if this scheme is approved. Therefore, in quantitative terms, there appears to be a need for new convenience retailing in Coleraine.
- 8.20 The Nexus report indicates the existing shopping pattern in Coleraine, and in Zone 2 where the most shoppers will come from, is that the majority of main convenience retail in Coleraine occurs outside of the town centre. The Nexus report also indicates the town

centre's convenience shops, other than Tesco's, perform a major Top Up Shopping role. The report also indicates that the existing town centre convenience retailers have a mixed performance, with Iceland trading as expected, both M&S Food and Tesco underperforming and local shops trading better than expected.

- 8.21 The applicant is M&S which have a convenience presence in the town centre, where its trade is broadly split between main and top up shopping. Although the application appears to suggest that this store will remain open, there is no guarantee and this should be set in context of the Nexus report indicating that this store is trading below the company's benchmark figure. Tesco is the principal town centre destination for main food shopping.
- 8.22 It is probable that the extent of the potential trade diversion from the town centre to the proposed store will be higher than the agent suggests. Although the Nexus report indicates a change in shopping habits from a weekly big shop to smaller shops, there will still be a significant demand for larger trolley based shopping which is popular in this area, given its wider rural catchment and the location of the majority of supermarkets around the periphery of Coleraine.
- 8.23 Nexus also advises that Tesco is underperforming compared to its benchmark. This is in the context of the substantial overtrading of similar competitors outside the town centre. This suggests that shoppers are choosing to shop elsewhere rather than to Tesco. Given the site is in proximity to Sainsburys and Lidl, it is likely that a more substantial trade diversion will occur at these two stores than from Tesco due to their shopping habitats, although there is no direct evidence to support this.
- 8.24 The Sproule report indicates the town centre is popular for grocery shopping, although whether this is main or top up shopping is not differentiated in the report. The CARD report appears to support this grocery shopping function is Top Up rather than Main Grocery Shopping. Given the high levels of Top Up Shopping in Coleraine town centre, and some customer loyalty to Tesco, the public's use of the town centre for grocery shopping is likely to remain high. 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 or harm 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 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.

Town Centre and the Sequential Test

8.25 Paragraph 6.280 of the SPPS states that 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. A sequential test is therefore a requirement for this development proposal.

8.26 Under paragraph 6.281 it states that main town centre uses should be considered in order of preference of:

1. The primary retail core;
2. Town centres;
3. Edge of centre; and
4. Out of centre locations last, and only where the site is accessible by good public transport links.

It concludes that where it is established that an alternative sequentially preferable site or sites exist within a proposed developments catchment, an application which proposes development on a less sequentially preferred site should be refused permission.

8.27 The proposed development would fall into bracket 4 as being an out of centre location proposed in a location which would be less sequentially preferable than potential other sites within its catchment area.

8.28 Information in relation to the Sequential Test was provided in Chapter 6 of the Retail Statement (Doc 04). However, in terms of assessment of the Sequential Test requirements of the SPPS, further information was necessary to demonstrate that potentially alternative sites are not feasible. A Retail Statement Addendum (Doc 07) received on 12th January 2022 was forwarded by the Agent.

Alternative Sites in Coleraine

Town Centre

- *CET 02 The Mall Car Park*
- *CET 04 Abbey Street Car Park*
- *CET 07 Waterside Car Park*

8.29 The Retail Statement Addendum (Doc 07) provided further information on The Mall Car Park, The Abbey Street Car Park, and The Waterside Car Park. It has considered:

- Physical constraints on each and in the vicinity of each site;
- Public Sector Policy Constraints on the disposal of public sector assets;
- The Coleraine masterplan, presented to the Council's Development and Leisure Committee on 21st December 2021 and the intended form of development for each site.

8.30 The Retail Statement Addendum advises there are common factors that make these alternative sites unsuitable. All are of a marginal size and whilst the footprint of the proposed store could be fitted on to each site, the required customer car parking is significantly compromised. There is a policy requirement in the NAP that as a result of the shortfall in car parking in the town centre, the development of each car park must retain the existing car parking numbers. This inevitably leads to the requirement for a multi storey car park

The sites are also not surplus to the Council as the Council policy confirms that assets that have regenerative potential are not surplus lands. A site will be deemed to be surplus to Council's requirements if it has been established that it has no potential for future strategic, regeneration or development purposes. Given all three sites are identified as opportunity sites for regeneration in the Coleraine Masterplan, the Council cannot consider them to be surplus land. Surplus land is defined as "not fulfilling any operational need or purpose". All three car parks are clearly fulfilling an operational purpose and are not surplus. The individual characteristics of each opportunity site have been explored in relation to drainage, ownership and historic importance which add to the unsuitability of each site. These sites are neither suitable nor available for the

proposal. The Agent advises developing the proposal on these sites would be inconsistent with the parking strategy of the NAP and the regeneration objectives of the Coleraine Masterplan Review (CMR).

- *CET 02 The Mall Car Park*

8.31 The Mall Car Park has a previous planning permission (LA01/2018/0864/F) granted for two retail units of a footprint of 1791 sq metres with a new service yard located in place of the old Dunnes Unit. This application is not viable according to the developer and a separate application LA01/2021/0501/F has been approved for the refurbishment of the old Dunnes Unit. This permission is being implemented as works have commenced on site with the end user being identified as Menary's. This unit has been let on a long-term lease and the new tenant is upsizing from their existing first floor store in Coleraine. The public road along the side of the unit will not be available for abandonment as it will be required to provide access to Menary's and the other tenants along Queen Street and the Diamond. Given the redevelopment of the former Dunnes building, this reduces the overall size of the site available for development.

8.32 It is not considered the Mall car park could provide a M&S store with service yard of the size required and the provision of the extra car parking required to support the store as well as the existing amount of parking provided in the Mall and any overprovision needed to make up some of the shortfall. The only way that could be achieved would be through development of a multi storey car park.

8.33 The DfC has released the CMR which reviews the progress and the delivery of the comprehensive redevelopment of the Mall site. It states the Mall car park is a significant development site with the potential to diversify the town centre through a high-quality mixed-use development. A comprehensive redevelopment could potentially deliver a new mixed-use urban quarter with residential, office, retail, food and drink uses.

- *CET 04 Abbey Street Car Park*

- 8.34 A previous planning permission (C/2008/0009/F) was granted for the Lanes scheme which included Redevelopment of existing Abbey Street DRD surface car park to accommodate new multi-storey car park, retail units, cafe/restaurant units and 12 No. apartments (with associated car parking within MSCP), along with associated road works to include new road layout and lay-by on Abbey Street.
- 8.35 The Agent expressed concerns regarding the capacity of the local road network to accommodate this proposal with the car park being a dead end effectively which could create congestion and backing up, and suggest alternative access arrangements would be required which could involve statutory abandonment procedures. These comments may have some validity given the approval under reference C/2008/0009/F refers to associated road works.
- 8.36 A copy of the drainage maps of this site have been provided along with guidance from NI Water. The drainage alignment reflects the historic street pattern with the combined sewer and trunk mains running along the full length of Stone Row bisecting the car park site. The surface water sewer and the combined sewer also run through the site along what was formerly 'Cross Lane' towards Ferryquay Street and onwards to the River Bann. There is a requirement for Way Leaves to provide for this infrastructure as advised by NI Water and development is not permitted over drainage.
- 8.37 The Abbey Street car park is too small to accommodate the proposal without either significant reductions in car parking or providing a multi storey car park.
- 8.38 The CMR notes that Abbey Street Car Park has the potential to be intensified into a mixed use development with a new integrated multi-storey car park providing additional capacity to relieve pressure on car parks elsewhere.
- *CET 07 Waterside Car Park*
- 8.39 A planning application LA01/2021/0575/F was approved at 8 Castle Lane for Change of use to Class B4 Storage and Distribution with ancillary trade counter to enable the establishment of a new branch depot by Howden Joinery Properties Limited. This building has since opened and is operational. Another application

(LA01/2021/0857/F) has been received for Proposed extension to existing retail/storage facility to provide additional storage space for Howden Joinery Limited which is currently under consideration. This results in the overall size of the site available for development being smaller.

- 8.40 The drainage network running through this site has been provided. There is a combined sewer running through it to a pumping station. Planning application LA01/2021/1207/F has been approved for maintenance work to the existing pumping station. . Drainage consultants advise that this pumping station requires a 15m radius odour exclusion zone. This pumping station pumps sewerage from Waterside to the WWTW at Cairn Road. The proposed application does not involve the redevelopment of a pumping station. The drainage network also requires wayleaves of 3m to be left either side of the drainage and planning permission is not normally granted for development over the top of critical drainage. The pumping station and NIW infrastructure could be moved to facilitate this development.
- 8.41 The CMR notes that the Waterside car park is heavily utilised by shoppers and office workers. It notes that the riverside location is desirable for residential and mixed use development. The CMR envisages the Waterside car park providing a landmark residential-led riverside building maximising views of the River Bann. A single storey store would significantly undermine the levels of car parking and a multi storey car park would most likely be required.
- 8.42 Following assessment, it is considered the agent has submitted a comprehensive, thorough and useful addendum. The sequential preferable sites are typical inner urban sites with existing constraints that certain development proposal could overcome. However, taking into consideration: the findings of the RIA, that a need has been identified for convenience retailing, that no significant adverse impact is predicted on the town centre and the arguments put forward on the availability and suitability of the sites, as set out above, it is considered that on balance the three town centre sites can be discounted from the sequential test.

- *CET 03 Clothmakers' Building*

8.43 This comprises a Listed Building and is too small to accommodate the proposal.

- *CET 05 Market Yard*

8.44 This is under the Council's ownership and is listed. The Council is currently considering a number of options for this site for use primarily as a public space with activities and as such can be discounted.

- *CET 08 Bridge Street/Circular Road*

8.45 Bridge Street comprises two parts and multiple ownership, with the existing buildings in active use. The cleared part of the site is currently used as a car park under private ownership. The site appears to be large enough to accommodate the proposal and servicing. However, this proposal is for main convenience retail where aspects such as multi levels are less common due to customers using trolleys. It would appear this site does not have adequate space for parking if a single level unit were provided, and its irregular shape and narrow width may affect the ability to accommodate a suitable unit. The site lies within the ATC so it may be difficult to achieve a positive relationship in design terms with Queen Street, compounded by the change in levels across the site. Following assessment this site is discounted.

- *JJB Unit*

8.46 This building is capable of accommodating the proposal. However, the existing car park is shared with KFC customers so the current provision of 39 spaces is significantly below the parking standard requirement of 115 spaces. Given the nature of the proposal as a main shop with customers using trolleys, that there is no adjacent public car parking that would be easily accessible and the intervening topography, it would be unrealistic to expect the majority of grocery shoppers to carry out a weekly shop some distance and up gradients. In addition, the building also lacks a service yard suitable to accommodate the proposal. This site is not considered suitable for this development.

- *The Diamond Shopping Centre*

8.47 The proposal is for a large convenience store and customers would mainly be reliant on trolleys for main shopping. The Diamond Shopping Centre is not suitable as it is not capable of meeting the

vehicular access needs of main food shoppers as it does not provide direct access to any car parking and access to trolleys.

Edge of Centre

- *CET 06 Harbour Estate*

8.48 The key site requirements for Harbour Estate indicate it is suitable for mixed use redevelopment including office, entertainment, catering and residential. It is not identified as a suitable retail location. Access to these lands are restricted by the open space of Andersons Park and the Rose Gardens. The access configurations of these lands places them as back land development that lacks visual presence from the main road. It is considered the site's situation and lack of visibility are reasonable.

8.49 Following review of all the information submitted in relation to retailing, it is concluded that the proposal meets with NAP 2016 and SPPS policy requirements. The qualitative argument in relation to the provision of a large convenience store is reasonable in the context of the level of overtrading from existing out of centre stores. Alternative sites have been explored and are deemed, on balance, not suitable, available or viable for the proposed development. The proposal is acceptable and will not result in a significantly adverse impact upon Coleraine Town Centre. The proposal complies with the planning policy requirements of the SPPS in relation to retailing and town centres.

Economic Consideration

8.50 This application will deliver an M&S Store which will have 70 staff employed with an investment from M&S of about £2.5m. Construction jobs will be 40. It is estimated the proposal would have rates payable in the region of £67,000 per annum.

Design

8.51 The proposal involves the amalgamation of two retail units to create a single unit of 1603 sq m (17,255 sq ft). The physical changes to the store will entail removing the internal wall separating Units 12 & 13 and changes to doors and openings in the building. The customer entrance will be taken from Unit 12 and the entrance for

Unit 13 will be closed. The signage above Unit 13 will be removed. Rear doors to Unit 13 will be removed and a double door at the rear of Unit 12 will be removed. The existing roller shutter at the rear of Unit 12 will be replaced with double and single doors. The rear service yard will have some additional plant areas, an empties area and a canopy.

- 8.52 Surface level car parking will be provided in front of the unit and a large service yard is provided to the rear of the buildings.
- 8.53 Units 12 & 13 form part of the retail parade which other units are occupied by Dunelm and Poundstretcher. There will be no changes to the eaves height or the front and rear building line of the development. There are no changes to the external finishes of the Units.
- 8.54 The proposed design alterations to these units are acceptable in terms of visual amenity and local character. Proposed changes are minimal and the amalgamation of these units remain in keeping with the overall design concept for the Riverside Centre.

Impact on Amenity

- 8.55 Paragraph 3.8 of the SPPS sets out the guiding principle for planning authorities in determining planning applications. It states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.56 The application site comprises 2 Units within the Riverside Centre in Coleraine. Neighbouring units are commercial in nature. The closest neighbouring residential properties to this development are approx. 235m away.
- 8.57 A Noise Assessment (Doc 06) was submitted in support of this application. This report identified the closest neighbouring noise sensitive locations (private residential) are Fenagh Park / Somerset Mews to the south (approx. 230m) and Forest Park (off Mountsandel Road) to the East (approx. 445m). There is a Premier Inn Hotel to the North East of the site approx. 115 metres away.

8.58 Environmental Health was consulted in relation to this application. The proposed development entails the amalgamation of two extant business/commercial units within an established retail park, which is acknowledged to have no pre-existing planning controls /restrictions in terms of hours of operation or hours of goods deliveries to the servicing area. The acoustic report has considered the likely impacts associated with service plant and equipment which may have the potential to generate noise. Plant and equipment may be introduced, which if not suitably controlled may impact nearby receptors.

8.59 Environmental Health have no objections to this application subject to a planning condition. Noise generating plant and equipment should be specified, positioned and designed to include noise attenuation measures in order to safeguard amenity. Aspects of noise, nuisance, inconvenience and general disturbance have been considered but it is not felt this proposal would result in an adverse impact on amenity.

Archaeology

8.60 Consultation occurred with HED: Historic Monuments who advised the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Access and Parking

8.61 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.

8.62 A Transport Assessment Form (Doc 05) date received 22nd July 2021 was submitted in support of this application. A large car park serves the entire Riverside Centre, of which 106 spaces are in front of Units 12 & 13. These 106 spaces are being reduced to 91 with the creation of 17 new disabled/parent and child spaces, and trolley bays. At present there are 22 spaces in front of Unit 17, and this will increase to 45 spaces, an increase of 23 spaces. Based on 1 space per 14sqm, a 1,603 sq metres food unit requires 114.5 spaces. The resultant parking associated with this development is appropriate to the proposed use.

- 8.63 Policy AMP 1 of PPS 3 sets out the need to create an accessible environment. The proposed M&S Store complies with this as it will be fully accessible by people of all mobilities.
- 8.64 DFI Roads was consulted in relation to this application and offer no objections. A planning condition is proposed to ensure adequate provision has been made for parking, servicing and traffic circulation within the site. The proposal complies with Policies AMP 1 and 7 of PPS 3.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016, SPPS and other material considerations. The qualitative argument in relation to the provision of a larger M&S Store is reasonable in the context of the level of overtrading from existing out of centre stores. Alternative sites have been explored and are deemed not suitable, available or viable for the proposed development. The proposal is acceptable and will not result in a significantly adverse impact upon Coleraine Town Centre. The proposed design alterations to these units are acceptable in terms of visual amenity and local character. Proposed changes are minimal and the amalgamation of these units remain in keeping with the overall design concept for Riverside Centre. The proposal will not adversely impact on neighbouring amenity in terms of noise. There are no archaeological concerns. The proposed development has satisfactory access and parking. Approval is recommended.

10.0 CONDITIONS

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 shall not exceed 1,603 square metres and the net retail floorspace for the proposed convenience store shall not

exceed 1,122 square metres and shall be used only for the retail sale and ancillary storage of items listed hereunder and for no other purpose, including any other purpose in Class A1 of the schedule to the Planning (Use Classes) Order (NI) 2015:

- (a) Food, alcoholic drink;
- (b) Tobacco, newspapers, magazines, confectionary;
- (c) Stationary and paper goods;
- (d) Toilet requisites and cosmetics;
- (e) Household cleaning materials; and
- (f) Other retail goods as may be determined in writing by the Council as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Reason: To control the nature, range and scale of commercial activity to be carried out at this location in line with the SPPS policies on retailing and town centres.

3. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 03 received 22nd July 2021 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.

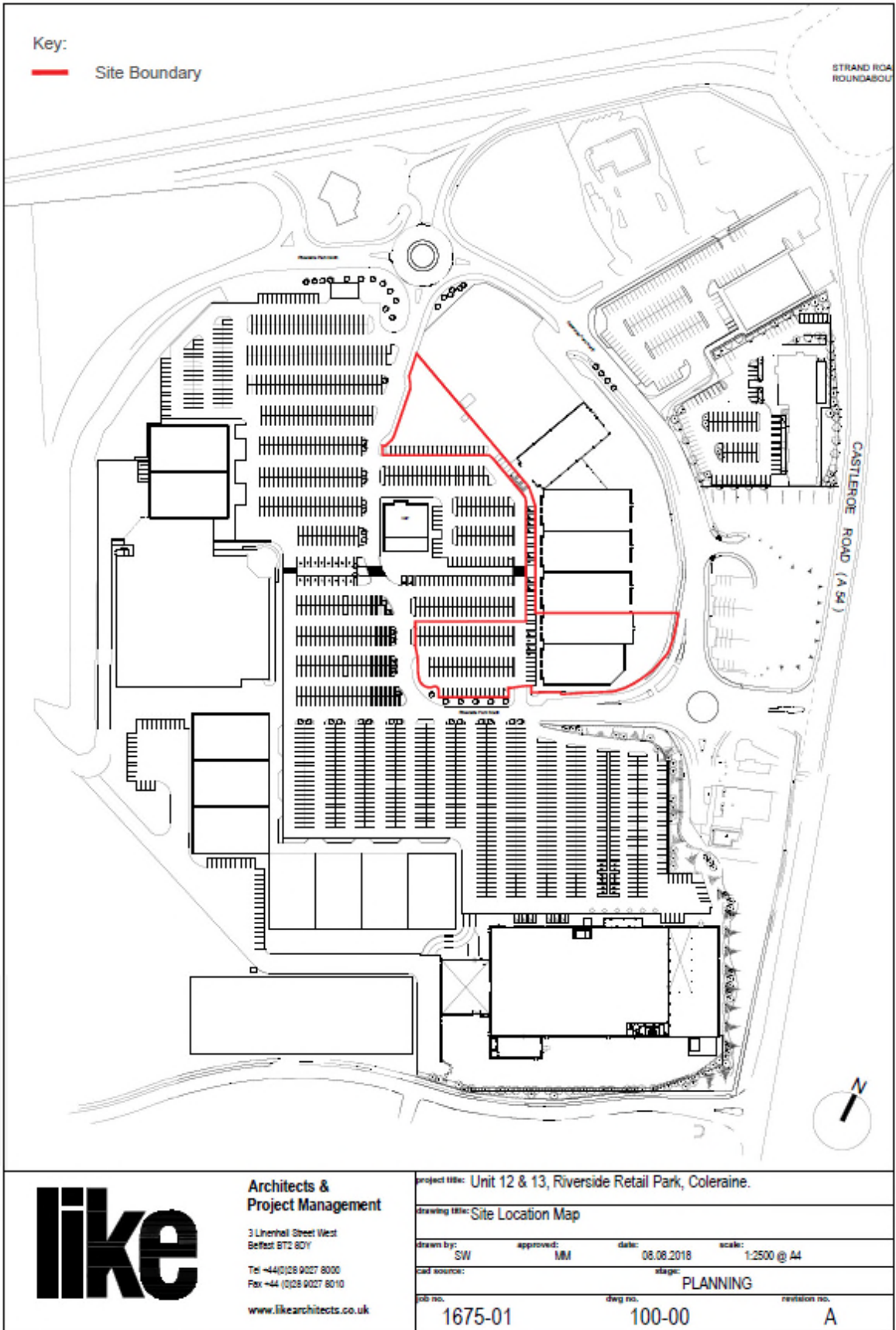
4. Noise generating plant and equipment shall be specified, positioned and designed to include noise attenuation measures in order to safeguard residential amenity. The rated level of noise from plant and equipment shall achieve 0dB above the daytime and night-time background noise levels at the nearest residential property.

Reason: To protect residential amenity.

11.0 INFORMATIVES

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.
5. Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 2015. Their size, construction, content and siting should be approved by the Planning Authority BEFORE any such signs are erected.
6. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
7. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site Location Map



Block Plan

