

# **ITEM C**

**Site adjacent Unit 10  
Riverside Regional Centre,  
Castleroe Road, Coleraine**

**C/2014/0206/F  
Full Planning**

**27 May 2015**

<b><u>No:</u></b>	<b>C/2014/0206/F</b>	<b><u>Ward:</u></b>	<b>THE CUTS</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Site adjacent Unit 10, Riverside Regional Centre, Castleroe Road, Coleraine</b>		
<b><u>Proposal:</u></b>	<b>Relocation of an approved retail showroom (including amended elevations) in substitution for planning permission C/2009/0824/F, within Riverside Regional Centre to a site adjacent Unit 10 (Pets at Home), along with general site works.</b>		
<b><u>Officer:</u></b>	<b>Gary McClelland</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>19 May 2014</b>
	<b>13</b>		
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	
<b><u>Agent:</u></b>	<b>Strategic Planning 4 Pavillions Office Park, Kinnegar Drive, Holywood BT18 9JQ</b>		
<b><u>Applicant:</u></b>	<b>Kelvin Properties Ltd, C/O Agent.</b>		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

**Drawings are available to view on the Planning Portal-  
[www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 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 section 7 and resolves to **REFUSE** planning permission subject to the reason set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located in the out-of-centre retail park known as the Riverside Retail Park or the Riverside Regional Centre at

Castleroe Road, Coleraine. The wider site comprises retail warehouse type buildings, a supermarket with petrol filling station and extensive car parking.

- 2.2 The building for which permission is sought is a retail showroom measuring 464 sq metres. The building for which relocation is sought was a retail showroom of the same size approved in the vacant site located between the Burger King Restaurant and the Premier Inn. This application (Ref: C/2009/0824/F) was approved on 12 May 2010. Notwithstanding the out-of-centre location, this unit was approved without a planning condition limiting the retail use to bulky goods only. The unit approved under C/2009/0824/F lies outside of the area restricted by the two conditions relating to the restriction of the retail use to bulky goods and a minimum floorspace of 929sqm.

### **3 RELEVANT HISTORY**

**C/2000/0559/F:** Erection of Class 1 Unit, associated car parking, new access and hard and soft landscaping at Riverside Regional Centre, Castleroe Road, Coleraine Allowed on Appeal 27 July 2001.

**C/2009/0824/F:** Proposed retail showroom unit with associated car parking, site access and landscaping at Lands due north of Burger King, Riverside Regional Centre, Castleroe Road, Coleraine Approved 12 May 2010.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought to relocate the approved retail showroom to an alternative location within the Riverside Regional Centre. The applicant seeks to achieve this relocation on a like-for-like basis for the previous approval, in particular without a planning condition limiting retail use to bulky goods only.
- 4.2 Information supplied with the application suggests that revocation of the original planning permission is the potential mechanism that could be used to allow the development to proceed.

### **5 PUBLICITY & CONSULTATIONS**

**External:**

5.1 **Neighbours: Zero (0)** letters of representation have been received.

**Internal:**

5.2 **Transport NI:** Has no concerns with the proposal.

**Environmental Health:** Has no concerns with the proposal.

## **6 MATERIAL CONSIDERATIONS**

6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- North East Area Plan 2002
- Draft Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

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 RELEVANT POLICIES & GUIDANCE**

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 5 Retailing and Town Centres

North East Area Plan

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of this type of retail development at this out-of-centre location given the relatively small scale floor area and the unrestricted retail use; planning history; the potential impact on Coleraine Town Centre; the appropriateness of revocation as a mechanism to allow the development; employment and; design.

### **Planning Policy**

- 8.2 The site is located within the built up area of Coleraine as defined by the North East Area Plan and draft Northern Area Plan 2016 outside of the town centre boundary. The Planning Appeals Report into the Public Examination of the Objections to the draft Northern Area Plan agrees that this area of mostly retail warehouses is not a District Centre.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the PPS policy documents specified above, the North East Area Plan and policy CET 01 of the Northern Area Plan 2016 which designates the Coleraine Town Centre boundary.

### **Retail Development at this Out-of-Centre Location**

- 8.4 Given the size of the proposal at less than 1000 sqm, it is not considered to be a major retail development. As such, a retail impact assessment is not required. The relevant planning policy is Para 52 of PPS 5 Local Shops. This policy states that proposals for small scale development will normally be directed to existing centres. An exception is made subject to several

criteria, including where it is demonstrated that there is a defined local need that cannot be met by existing facilities in the area. Given the extent of existing retail offer at this location, the proposal fails this test.

### **Planning History**

- 8.5 Previous planning permissions on the application site from the mid 1990's were subject to planning conditions limiting the size of retail units to no less than 929sqm and the nature of the goods sold to bulky goods.
- 8.6 To grant permission for this type of development within this area of mostly retail warehousing would set a precedent for other similar types of development within this area and would undermine the two conditions for approving retail warehousing at this location. This is supported by previous Planning Appeal Decisions on similar scale of retail units at out-of-centre locations.

### **The Potential Impact on Coleraine Town Centre**

- 8.7 To approve the proposed development has the potential to impact on the vitality and viability of Coleraine Town centre due to its size and Class 1 use without restriction, attracting potential investors from the Town Centre. This would create an undesirable precedent and undermine the function of the Town Centre.

### **The Appropriateness of Revocation**

- 8.8 Section 68 of the Planning Act (Northern Ireland) 2011 relates to revocation or modification of a planning permission by Council. It states that if it appears to a Council, having regard to the development plan and to any other material considerations, that it is expedient to revoke or modify any permission to develop land granted on an application or appeal, the Council may revoke or modify the permission to such an extent that it considers expedient provided, in this case, that the operations are not complete.

- 8.9 Revocation can be used in exceptional circumstances where there are compelling reasons why development cannot proceed at the approved location. No such case has been made in this instance.
- 8.10 Revocation can be used with the agreement of the landowner, without attracting compensation, where development has not begun. However, in this case the developer has carried out some site works and has presented a case that a material start has been made on the previous permission.
- 8.11 Having regard to the development plan, the PAC Report into the Examination in Public into Objections to the Draft Northern Area Plan, PPS 1 General Principles, PPS 5 Retailing and Town Centres and the planning history of the site, it would not be expedient for the Council to revoke the previous permission Ref: C/2009/0824/F. This is because the relatively small floor space and unrestricted Class 1 retail use would be contrary to the zonings within the Area Plan and contrary to PPS 1 and PPS 5. As such, the proposal if permitted would have the potential to impact on the vitality and viability of Coleraine Town Centre.

### **Employment**

- 8.12 Development of the retail unit would create employment opportunities. However, given the small size of the unit, such opportunities would be limited.
- 8.13 While these benefits are recognised, similar benefits could be realised if the intended retailer were to locate in the site already granted permission under C/2009/0824/F or in Coleraine Town Centre.

### **Design**

- 8.14 The design of the building is acceptable in terms of its scale, form, massing and materials given the specific location. The building is to be finished in buff brickwork with the same design details to match adjacent buildings. The proposed building has no negative impact on amenity or the character of the area.

## **9 CONCLUSION**

- 9.1 The proposal fails to meet the policy requirements for this type of retailing in an out-of-centre location. As such, the proposal is contrary to the policy provisions of PPS 5. While the limited employment benefits of the proposal are recognised, these could be similarly delivered at the site granted permission under C/2009/0824/F or at a suitable location within Coleraine Town Centre. It is not appropriate to revoke a planning permission to allow development to proceed at this location. Refusal is recommended.

## **10 REFUSAL REASON**

- 10.1 The proposal is contrary to Planning Policy Statement 5 Retailing and Town Centres in that it has not been demonstrated that: there is a defined local need that cannot be met by existing shopping facilities in the area; there would be likely to be no significant adverse impact on the vitality and viability of existing centres and; there are no existing vacant and suitable premises in the area.





Coleraine

ST. MARY'S

Castleroe

