

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/0214/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>28<sup>th</sup> June 2023</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

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

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

<b>Screening Requirements</b>	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:

<b><u>App No:</u></b>	<b>LA01/2023/0214/F</b>	<b><u>Ward:</u></b>	<b>Churchland</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Unit 12 &amp; 13, Riverside Regional Centre, Coleraine, BT51 3QQ</b>		
<b><u>Proposal:</u></b>	<b>Section 54 application for the Variation of Condition No. 2 (Floorspace) of Planning Approval LA01/2021/0933/F (Retail)</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>03.03.2023</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Marks and Spencer, Waterside House, 35 North Wharf Road, London, W2 1NW</b>		
<b>Agent:</b>	<b>Inaltus Limited, 15 Cleaver Park, Malone Road, Belfast, BT9 5HX</b>		
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 0</b>	<b>Petitions of Support: 0</b>		

## **Executive Summary**

- Planning Approval LA01/2021/0933/F was granted permission on 31/10/2022 for 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.
- This application seeks planning permission to vary the wording of condition 2 of Planning Approval LA01/2021/0933/F which relates to floorspace.
- The variation sought is to amend the gross size of the approved building to allow a non-trading mezzanine floor to be erected for back of house use by M&S. The proposed mezzanine will be 160 sqm in size and will only be accessed from the storage area of the M&S unit.
- The amendment to Condition 2 relates to the gross floorspace only, and there is no amendment proposed to the size of the net/customer M&S convenience retail floorspace.
- The application does not alter any of the approved details under LA01/2021/0933/F in terms of external design and access.
- Approval is recommended subject to conditions.

**Drawings and additional information are available to view on the Planning Portal:**

<https://planningregister.planningsystemni.gov.uk/simple-search>

## **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 Regional 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 vacant 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 Regional 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 Sandeford 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 Regional 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 Castleroe Road.
- 2.3 The surrounding area comprises mixed commercial use. It is formed by the Riverside Regional 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 Regional 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 there is a specific Economic Development Zoning CEED 07- Riverside Retail Park. The application site falls outside this particular zoning on unzoned or “white land”.

### **3.0 RELEVANT HISTORY**

- 3.1 LA01/2021/0933/F  
Unit 12 & 13 and Front of Unit 17 Riverside Centre, Castleroe Road, Coleraine  
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.  
Approval – 31/10/2022
- 3.2 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

- 3.3 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
- 3.4 C/2009/0822/F  
Unit 12 Riverside Regional Centre, Coleraine  
Installation of mezzanine floor to retail unit 12  
Approval - 10.03.2010
- 3.5 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 This is a section 54 application for the Variation of Condition No. 2 (Floorspace) of Planning Approval LA01/2021/0933/F (Retail).

### **Habitat Regulations Assessment**

- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed under planning application LA01/2023/0933/F in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It was concluded that the proposal would not be likely to have a significant effect on the features of any European site. As this application includes the introduction of a mezzanine floor in the internal layout but does not alter the external design of the building, it is considered that the proposal will not result in any adverse impact on any European designated site.

## **Design & Access Statement**

- 4.3 As per The Planning (General Development Procedure) Order (Northern Ireland) 2015, Section 6 4(a) a Design and Access Statement is not required as the condition to which the variation is sought does not relate to design and access issues. The condition to be varied relates to the internal layout of Units 12 & 13 and not the actual design of the building nor does it relate to access to the building or site.

## **Environmental Impact Assessment**

- 4.4 The previous approved application LA01/2021/0933/F was 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 measured approx. 0.7 hectares this threshold was exceeded. Following an environmental impact assessment screening in accordance with The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, the approved development did not require submission of an Environment Statement. This determination was completed on the 30<sup>th</sup> September 2021.
- 4.5 The purpose of the new proposal is to vary the gross size of the approved building to allow a non-trading mezzanine floor to be erected for back of house use by M&S. Having reviewed the previous EIA determination under LA01/2021/0933/F completed on 30/09/2021, it is concluded that this determination remains unchanged. Therefore, having considered the Regulations, the development proposal would not have any likely impacts of such a significance to warrant submission of an environmental statement. Regulation 12 (1)(b) does not require a further screening determination.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

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

### **5.2 Internal:**

DFI Roads: No objections  
Development Plan: No objections

5.3 Regulation 2(1)(b) of the DM Regulations has the effect that any change to or extension of an existing major development is to be treated as major where the change or extension itself meets or exceeds the relevant threshold or criterion in the corresponding entry in Column 2 of the Thresholds Table.

5.4 Application LA01/2021/0933/F was classified as major as it exceeded the thresholds outlined in the table within the Schedule. However, where an application is submitted for a change or extension to 'Major Development' the proposal is not required to have Pre-Application Community Consultation. This position is set out at paragraph 4.12 of Development Management Practice Note 24.

## **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

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

Parking Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Principle of Development**

- 8.1 The proposal relates to the variation of condition 2 of full planning permission reference LA01/2021/0933/F. This approved application was for 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. The applicant for this approved development was Marks and Spencer. Planning

approval was granted on 31.10.2022. The application is currently extant.

8.2 The approved wording of Condition 2 is as follows:

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.

8.3 The Agent submitted a supporting statement in relation to this submission. The purpose of the application is to vary the gross size of the approved building to allow a non-trading mezzanine floor to be erected for back of house use by M&S. The proposed mezzanine will be 160 sq m in size and will only be accessed from the storage area of the M&S unit. It is requested that Condition 2 be amended to allow a 160 sq m mezzanine floor, and that the resultant gross floorspace of the building be increased to 1763 sq m. The mezzanine will be non-trading floorspace which means the proposal will not have any retail impact or need implications. The Agent advises in approving this M&S store at 1,603 sq m it has been accepted by the Council that there are no alternative sites suitable for it. The size of the mezzanine floor at 160 sq m is less than 10% (9.98%) of the gross floorspace of the approved development of 1603 sq m. This small level of floorspace will be ancillary

floorspace which will not be used for customers and will not attract additional traffic.

- 8.4 Mezzanine floors are not development under the meaning of development as set out in Section 23 the Planning Act (Northern Ireland) 2011 (the Act). Section 23 (3)(a) of the Act states that “carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building, or which do not materially affect the external appearance of the building” do not involve the development of land. As such the erection of the mezzanine proposed is not development. However, it needs planning permission given the terms of Condition 2.
- 8.5 Plans show the access to the mezzanine is from the internal storage area via an internal staircase. There is a rear door that can also provide access to the stairs. This door is already permitted under LA01/2021/0933/F Drawing 05. As such there will be no changes to the external appearance of the building.
- 8.6 DFI Roads was consulted in relation to this application and have no issues of concern in relation to parking.
- 8.7 Development Plan was consulted in relation to this application. The application seeks the provision of an additional 160 sqm for the insertion of a mezzanine floor to serve back of house operations by the applicant. The amendment to Condition 2 relates to the gross floorspace only, and there is no amendment proposed to the size of the net M&S convenience retail floorspace. The original application was submitted in 2021 and was accompanied by a Retail Impact Assessment in line with the SPPS as the gross external area exceeded 1,000 sqm. Although this application also proposes a gross external area above the SPPS threshold, it has not altered from the previous application, and there is no increase in the net retail floorspace. Consequently, it is considered there is no need for the Retail Impact Assessment to be revisited.
- 8.8 On consideration of this application, the proposed amendment to Condition 2 is acceptable. The only proposed change in floorspace is for gross and not net/customer convenience retail floorspace. There is no need to revisit the Retail Impact Assessment previously submitted under LA01/2021/0933/F.

This proposal will have no additional demonstrable impact to Coleraine town centre or other centres than previously assessed under the approved application. The modest changes are ancillary in nature given the overall scale of the development and the size of the unit. The proposal does not result in any material planning concerns.

## **9.0 CONCLUSION**

9.1 The proposed variation of Condition 2 regarding gross floorspace is considered acceptable having regard to the Northern Area Plan 2016 and other material considerations. The scheme is compliant with current planning policy as highlighted above. The proposal, as amended from the initial scheme, does not engage the key retail tests of alternative sites and retail impact assessment. The proposal will not result in additional demonstrable impact to Coleraine town centre or other centres. 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 1,763 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 22<sup>nd</sup> July 2021 (of LA01/2021/0933/F) 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.

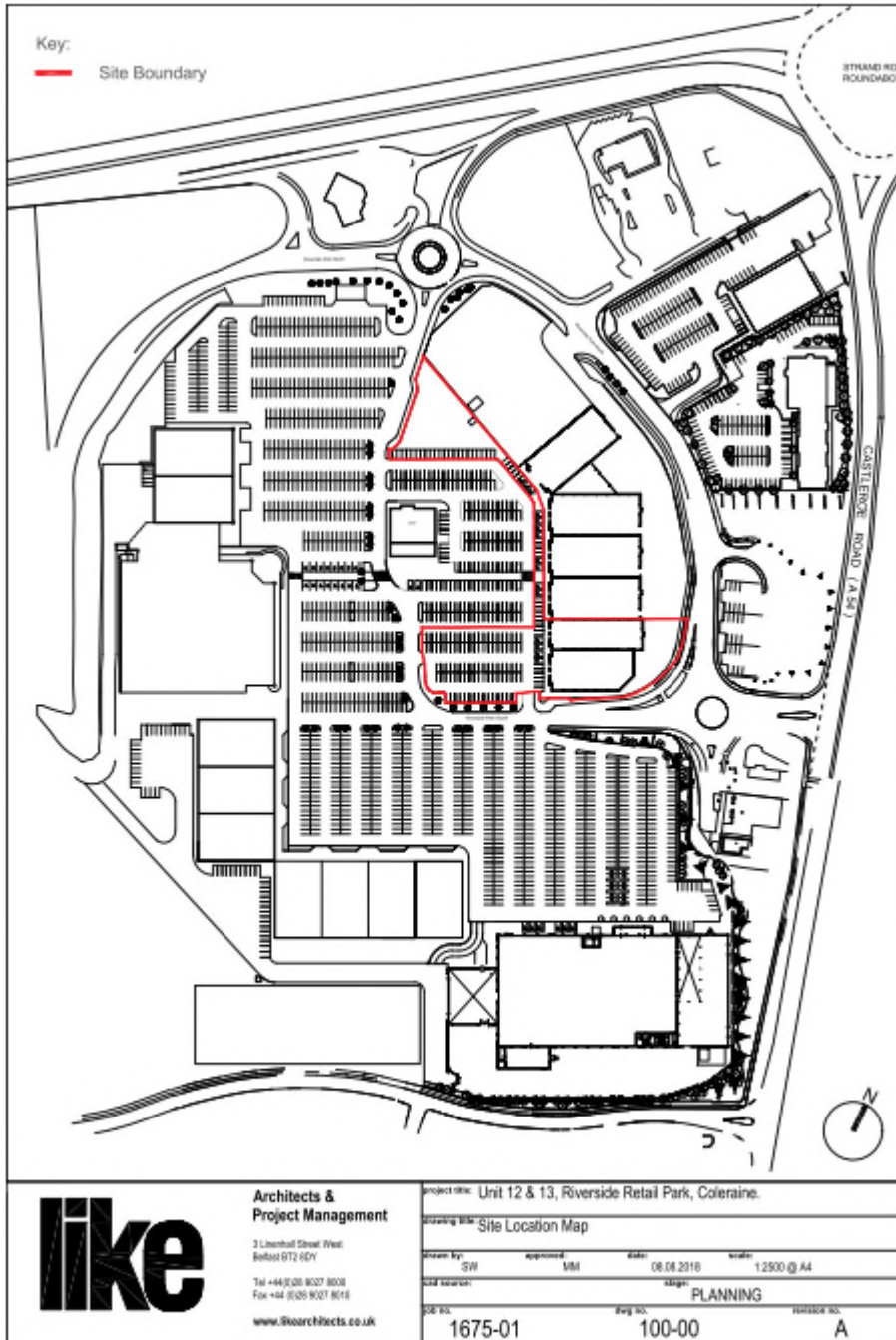
5. The development hereby approved shall solely be operated by Marks and Spencer PLC.

Reason: To ensure the ongoing convenience retail function of Coleraine Town Centre.

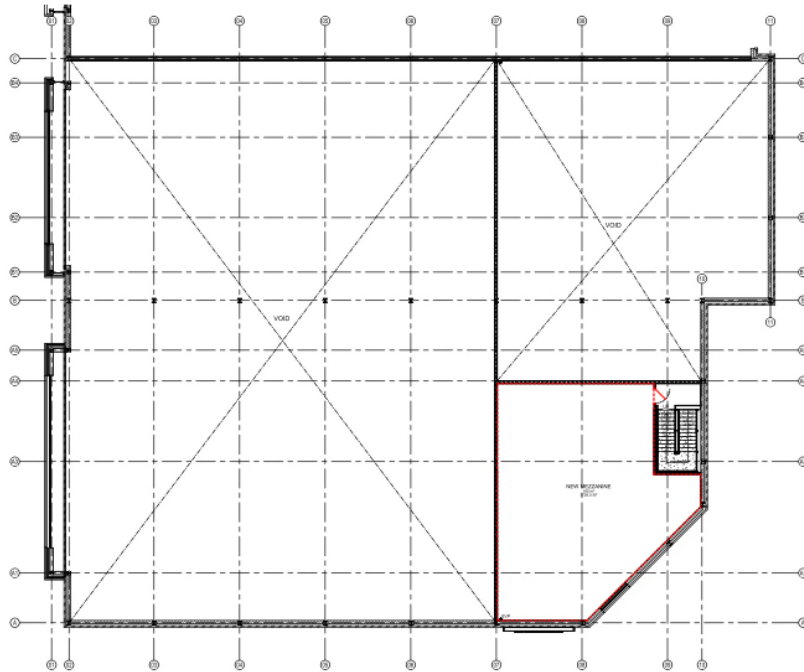
## **11.0 INFORMATIVES**

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 <https://planningregister.planningsystemni.gov.uk/simple-search>

# Site Location Map



# Proposed Floor Plan



PROPOSED MEZZANINE  
1:100

**NOTES**

**PLANNING**



0m 2m 4m 6m 8m 10m 12m  
VISUAL SCALE 1:100 @ A1

NO.	DESCRIPTION	DATE

**M&S**  
EST. 1884

COLERAINE  
NORTHERN IRELAND  
NEW FOODHALL

PROPOSED MEZZANINE  
PLAN

LEWIS AND HICKEY  
ARCHITECTURE

<b>L&amp;H</b>	Architectural Plot No. 1000
1000	1000
0000	COL001 A 444
G4537	P