

Addendum 5

LA01/2018/1106/F

1.0 Update

- 1.1 Mr A Stephens of Matrix Planning Consultancy has made further representations of objection on the application. In the context of the 25 November 2020 Planning Committee Meeting, he comments that timing of the Senior Counsel Opinion on behalf of the applicant is at the last moment. He refers to a High Court judgement *Belfast City Council v The Planning Appeals Commission (2018) NIQB17* which observes that the “ambush’ element was that they had insufficient time and opportunity to respond and rectify. This should never have occurred.” Again, in the context of the 25 November 2020 Planning Committee Meeting, he observes that the applicant complained that the Planning Department proposed to remove the application from the Agenda despite this being in response to the applicant’s delayed submission. He argues that allowing the application to come forward at that time would have provided a clear point of prejudice. The response of the Planning Department is that the Planning Committee, in accordance with the recommendation, resolved to defer the application at the 25 November 2020 meeting of the Planning Committee.
- 1.2 Mr A Stephens of Matrix Planning Consultancy expresses concern regarding lobbying on the application and states that the employment benefits cannot be quantified with any degree of certainty. He adds that town centre retail has been savaged by COVID 19. He requests that the Northern Area Plan 2016 be added as a reason for refusal and attaches appeals at Riverside Regional Centre which endorses this approach. This request has been reviewed by the Planning Department and it is acknowledged that the appeals concluded that the proposals “would not be in

accordance with the Northern Area Plan”. The relevant text in the Plan is at p34 in the Plan Strategy & Framework Volume 1 which states “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.”

- 1.3 This together with the requirements of Section 45 of the Planning Act (Northern Ireland) 2011 augurs towards amending refusal reason 3. Refusal reason 3 is amended accordingly:

“The proposal is contrary to the Northern Area Plan and to Paragraphs 6.279 and 6.291 of the SPPS in that if approved the proposal would have a significant adverse impact on the vitality and viability of Coleraine town centre.”

- 1.4 Mr A Stephens comments that at the Planning Committee meeting on 25 November 2020, in the context of the Local Development Plan (LDP) Retail Capacity Assessment Update, the Committee accepted the Nexus Planning Retail Assessment Update to inform the Local Plan preparation and the determination of relevant planning applications. The summary findings of the Nexus Planning report highlight that there is no capacity for comparison goods to 2035 and beyond. This a relevant material consideration in assessment of the application.
- 1.5 Mr A Stephens comments on existing vacancies at Riverside Regional Centre stating that the units formerly occupied by DW Sports, Harveys and Starplan are vacant in addition to a further 21800sqft which is advertised in the letting agent’s brochure. He states that the letting agents have advised the application site is “under offer” and comments that this is despite no tenant being presented by the applicants throughout the processing of the application. The Planning Department acknowledges vacancy of units at Riverside Regional Centre. This is a relevant material consideration in assessment of the application. With regard to the

prospective tenant, this information is not required to assess the application.

- 1.6 Mr A Stephens argues that there is no need, no capacity and no point of the proposal. He states that to permit the proposal would seek to undermine the plan led system and the Northern Area Plan 2016 in addition to it being in complete conflict with the SPPS. The Planning Department considers the proposal contrary to the Northern Area Plan 2016 and the SPPS.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.