



Planning Committee Report LA01/2018/0864/F	28th October 2020
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/A

<u>App No:</u>	LA01/2018/0864/F	<u>Ward:</u>	Mountsandel
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands at 11-15 (including adjoining units) Circular Road 23-25 Queen Street and part of existing car park at The Mall Coleraine.		
<u>Proposal:</u>	Construction of a new town centre retail development to include two new retail units, coffee/retail, offices, car parking, service yard, new access route to parking area to back of Queen Street, landscaping, two new pedestrian crossing points and general site works including demolition of two existing buildings.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	02.07.2018
<u>Listed Building Grade:</u>	N/A		
Applicant: Magell Limited			
Agent: Gravis Planning			
Objections: 4	Petitions of Objection: 1		
Support: 4	Petitions of Support: 0		

EXECUTIVE SUMMARY

- **Full planning permission is sought for the construction of a new town centre retail development to include two new retail units, coffee/retail, offices, car parking and service yard.**
- **The site is located within the Coleraine development limit and falls within Coleraine town centre.**
- **The site falls within a development opportunity site CET 02 Mall Car Park (1.12 ha) and part of the site falls within the Coleraine Area of Townscape Character as part of designation CET 09.**
- **4 letters of objection, 1 petition of objection with 12 different signatures and 4 letters of support have been received in relation to the application.**
- **The scheme will provide new retail provision within Coleraine town centre and the scheme will provide 4161sqm of new retail floorspace.**
- **The proposal is considered acceptable with regard to the key issues including: the principle of development; design; residential amenity; access /car parking matters; drainage and ground contamination.**
- **These issues were considered with regard to the main relevant polices which are the Northern Area Plan 2016, the SPPS, PPS3, PPS6, PPS15, A rural Strategy for Rural Northern Ireland and the Addendum to PPS 6: Areas of Townscape Character.**
- **Approval is recommended.**

Drawings and additional information are available to view on the Planning Portal- <http://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 Lands at 11-15 (including adjoining units) Circular Road 23-25 Queen Street and part of existing car park at The Mall Coleraine. The site consists of three main areas which comprise of a public car park in the centre of the site, the former Dunnes Stores building to the west section of the site and a former car showroom and garage in the northern portion of the site. The site falls within Coleraine Town centre. The public car park consists of the eastern section of the site and the car-park is finished with concrete hard-standing which is in fair condition. The topography of the site is generally flat, however it was noted that there is a large drop in levels from the car park to Circular Road. The former car showroom and associated buildings sit approximately 3-4m below the level of the Mall car-park. The former car showroom and garage building are currently being demolished. These buildings fronted onto Circular Road and Abbey Street and are noted as single-storey buildings finished with a mix of red brick and render.
- 2.2 The former Dunnes Stores building is current unoccupied. The building consists of a single-storey building with finishes consisting of facing brick and metal cladding at roof level. The Dunne's Stores building is in a state of disrepair. The site is surrounded by commercial premises to the north, west and south. To the east of the site there are residential dwellings consisting of terrace dwellings and a children's playground. There are existing footways and grass areas within the site.
- 2.3 The area is of a mixed use and is located within Coleraine town centre. The immediate context is typical of a town centre in an urban context and consists of a mix of uses, consisting of retail,

offices, cafes, fast food outlets, banks and professional services, government buildings and residential properties. The site has urban boundaries which set the site apart as there are town centre streets to the north at Circular Road and to the west Queen Street. There is an existing public car park to the east of the site and existing buildings which front onto the Diamond, to the south. These existing urban features define and surround the existing site and formulate the existing context.

- 2.4 The site could be defined as being under used as all the existing buildings within the site are unoccupied. The character of the area is predominately associated with car parking and this continues to the lands adjoining to the east of the site. To the north there is a vacant, single-storey storage/depot type building which is in a state of disrepair. Part of the site consisting of the former Dunnes building, is within the Coleraine Area of townscape character. The site is overlooked to the southeast and southwest by the rear of a number of existing buildings which front onto the Diamond and Church Street. These buildings are predominately 3 storeys in height.

3.0 RELEVANT HISTORY

- 3.1 LA01/2018/0278/PAD- The Mall, Coleraine Town Centre, Coleraine- The proposal is for the re-development of the former Dunne's Stores Unit- PAD Concluded: 02.10.2018.

C/2008/0325/F- 27 Queen Street Coleraine- Change of use from retail/commercial to church/youth group premises- Approval granted: 24.07.2008.

C/2007/1154/F- Lands bounded by Queen Street, The Diamond, Park Street, North Rampart Street, Millburn Road and Circular Road, Coleraine- Partial demolition of existing buildings and construction of a mixed use development to include retail, office and residential use (115 apartments) with associated car parking and general site works- Approval Granted: 13.08.2009.

C/2006/0406/O- 11-13 Circular Road, Coleraine and adjacent/Ferguson House and adjacent vacant Food Retail unit Queen Street, Coleraine- Re-development to comprise 3 storey retail development to Queen Street with 2 storey cinema unit and 3 storey retail/office development to the Mall/Circular Road frontage- Permission Refused: 09.05.2007.

C/2004/1033/F- 11-13 Circular Road, Coleraine- Renewal of existing approval ref no. C/99/0292 for demolition of existing car showroom and workshops and construction of retail/office development- Approval granted: 12.02.2005.

4.0 THE APPLICATION

4.1 Full Planning Permission is sought for the construction of a new town centre retail development to include two new retail units, coffee/retail, offices, car parking, service yard, new access route to parking area to back of Queen Street, landscaping, two new pedestrian crossing points and general site works including demolition of two existing buildings.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: 4 letter of objection were received with this application.

1 petition of objection with 12 different addresses and signatures of local residents was received with this application.

4 letters of support were received with the application.

The letters of objection and the petition of objection raised the following points of concern:

- The removal of car parking spaces from the site will have a negative impact on the town centre and local business.
- Question whether the car parking spaces which are being removed are to be replaced.
- The car parking survey carried out by the agent is misleading and does not represent the situation on the ground.
- There is no significant increase in car parking as the scheme will result in a reduction of spaces with the main car park being moved further away from the town centre.
- There is no appropriate pedestrian access points to the new car park area.
- The proposed design of the retail units is out of character in the immediate context.

- The scheme does not provide adequate accessible car parking to the town centre.
- The proposed development will not have a positive impact on Coleraine town centre.
- The owner of the Diamond Arcade has a right of way access across this land and if the development is approved this would prejudice access to the rear of his premises.
- The development will raise health and safety issues regarding access to the rear of the Diamond Arcade in terms of pedestrian access and deliveries.
- The development have an impact on the rental values of Diamond Arcade Units and will affect property values.
- Service runs may be impacted upon for the Diamond arcade units and there may be a legal issue regarding the vesting and subsequent disposal of a section of the application site.
- The scheme makes no provisions for resident car parking.
- The increased traffic would have a detrimental impact on the existing residents along Circular Road.
- The residents of Circular Road do not agree that there is appropriate residents car parking and disagree with a previous 2011 report which states that a residents parking scheme was unwarranted.
- Residents cannot move their vehicles from the front of their houses without the space being taken by a member of the public.
- Residents along Circular Road have had their freedom of movement impact upon as have existing business.
- No consultation with the Council has been forthcoming regarding the potential impact to residents along Circular Road.
- The existing residents are impacted upon in terms of car parking from 6am to 6pm.
- The residents along Circular Road would request for a residents parking scheme for Nos. 2-18 Circular Road to address present parking provisions for local residents.

5.2 Internal:

DFI Roads: No objections

Environmental Health: No objections

NI Water: No objections

Shared Environmental Services: No objections subject to conditions

DFI Rivers: No objections

NIEA/DAERA: Natural Environment Division: No objections.

NIEA/DAERA: Water Management Unit: No objections.

DAERA: Land, Soil and Air: No objections subject to conditions

Historic Environmental Division: Historic Monuments: No objections subject to conditions

Historic Environmental Division: Listed Buildings: 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) 2015

A Planning Strategy for Rural Northern Ireland

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

Addendum to PPS 6: Areas of Townscape Character

PPS 15: Planning and Flood Risk

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

8.1 The main considerations in the determination of this planning application are the principle of development, access and parking, archaeology and built heritage, design and impact on Area of Townscape Character, residential and visual amenity and contamination and drainage matters.

Principle of Development

- 8.2 The scheme seeks permission for the construction of a new town centre retail development to include two new retail units, coffee/retail, offices, car parking, service yard, new access route to parking area to back of Queen Street, landscaping, two new pedestrian crossing points and general site works including demolition of two existing buildings. The proposal will demolish the former Dunnes Store building and the former car showroom building facing Circular Road. This will create two large retail units at the centre of the site which will consist of two-storey retail units. A coffee/retail building to the south-west which will consist of a three-storey red brick building and a new car parking area to the north of the site. Overall the scheme will remove 91 car parking spaces by development of part of the existing public car park on site but will create 54 new car parking spaces with the new car park area to the north and 28 new spaces alongside the proposed new retail units which will consist of 82 spaces which will result in the loss of 9 spaces. The scheme will create 4161sq metres of new retail floorspace.
- 8.3 The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand. 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 retailing and other complementary functions, consistent with the RDS.
- 8.4 Paragraph 6.273 of the SPPS outlines that Planning Authorities must adopt a town centre first approach for retail and main town centre uses.
- 8.5 The Northern Area Plan 2016 identifies a Town Centre for Coleraine Town under designation CET 01. Coleraine is the dominant town in the Northern Plan area. The RDS 2025 identified the town as one of the sixteen major hubs in the Region, and the town's classification as a Main Hub is continued in the RDS 2035. A major retail household survey in the summer of 2003 concluded that 44% of all retail expenditure from the Northern Plan area goes to Coleraine, the greater part of this into the town centre. It also demonstrated that Coleraine has an extensive retail catchment, with the area for which Coleraine is

the primary retail centre extending significantly beyond the Borough boundary. Within this town centre boundary, a considerable number of development opportunities are identified including gap sites and properties requiring redevelopment or major refurbishment to bring them back into beneficial use.

- 8.6 The proposed retail development is located within the defined settlement limit and town centre boundary. The Northern Area Plan also designated the site as a Development Opportunity Site under designation CET 02. Development Opportunity Sites are large, vacant or underused sites within towns, redevelopment of which will assist in meeting many of the Plan's objectives such as the promotion of vitality and viability in the town, enhancement of townscape, or replacement of unattractive features. The site is included completely within designation CET 02. This comprises the Mall Car Park and is described as a committed site for development opportunity such as the proposed scheme. The Plan does not specify any key site requirements for this opportunity site. This is because the site was a committed site (i.e. planning permission was extant) at the date of publication of the Plan.
- 8.7 Given the location of the proposed site within the town centre and being a development opportunity site, the proposed development is seen as an appropriate use. It has the potential to improve the visual appearance of the site, improve the vitality and viability of the town centre through the provision of additional competition and provide additional interaction and footfall to this part of the Town Centre.
- 8.8 The proposed scheme is in compliance with the main retail policy as outlined under the SPPS. Paragraphs 6.267- 6.292 apply in this instance. The policy states the main objective for retailing is to secure a town centres first approach for the location of future retailing and other main town centre use. The proposed development is proposed in an ideal location and within an opportunity site within Coleraine town centre. The proposed development is in compliance with the retail policy under the SPPS and the principle of retail development at this location is acceptable.

Access and Parking

8.9 Access to the site is proposed from the existing road access from Circular Road and will involve upgrading the existing access point and creating a new car parking area to the north of the site facing Circular Road. Traffic to and within the application site will operate on a one way system with the exit located to the north and site from the Mall roadway access.

8.10 The scheme proposes the removal of 91 spaces and the new development provides 54 car parking spaces to the north and 28 spaces just outside the 2 large proposed retail units. 2 of which are disabled parking which are located in close proximity to the store entrance. This provides a total of 82 spaces with the loss of 9 spaces. The scheme provides for adequate lorry parking within the service yard to the rear of the proposed 2 large retail units. The provision of the above car and lorry parking is in line with the requirements of the Parking Standards Document. DFI Roads have been consulted on the proposal and have no objections to the proposed access/egress and parking arrangements for the site.

8.12 Policy AMP8 of PPS3 outlines that planning permission will only be granted for development providing jobs, shopping, leisure and services, including educational and community services where the needs of cyclists are taken into account. The site was previously used for retail purposes and falls within the town centre. The Diamond and large parts of Coleraine town centre are pedestrianised and this gives ample opportunity for cyclists and pedestrians to visit the proposed retail units. Cycling and public transport facilities as well as the highway network are considered appropriate in the immediate context and will serve the proposed development. The existing infrastructure will support green forms of transport to the site. The Planning Authority consider the proposal satisfies the requirements of Policy AMP8.

8.13 Policy AMP9 of PPS3 requires car parks to be designed to a high standard in order to avoid adverse visual impacts. The proposed car park to the north has been designed to incorporate a variety of finishes and a landscaping scheme which will avoid the presence of a large expanse of dead space and provide a softer and sympathetic appearance. The difference in ground

levels between the proposed car park to the North and the proposed retail units of 3-4m is not considered to be an issue. The existing derelict buildings along Circular Road are considered unsightly. The proposed car park is considered a material planning gain to what exists and will improve the overall visual appearance of the immediate context. The Planning Department considers the design of the car park, access arrangements and car parking spaces outside the proposed retail units to be acceptable.

Archaeology and Built Heritage

8.14 The application site is located within an Area of Archaeological Potential and part of the site falls within the Coleraine Area of Townscape Character as designated in the Northern Area Plan 2016. The applicant, as part of the application, submitted an Archaeological Impact Assessment which outlined that despite modern disturbance it is possible that surface deposits may remain and that these may be impacted by the proposed development. The Archaeological Impact Assessment outlines that any impacts could be reduced by the implementation of a suitable archaeological mitigation strategy consisting of the preparation of a programme of archaeological works, excavation of test trenches and preparation of report detailing findings. Historic Environment Division – Historic Monuments were consulted in relation to the proposal and have no objections subject to the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation *in situ*, as per Policy BH4 of PPS 6.

8.15 The application site is in close proximity to a number of Listed Buildings including the following that are in closest proximity to the application site:

- HB03/18/039 Coleraine Library, Queen Street, Coleraine Grade B1
- HB03/18/021 Methodist Church, Circular Road, Coleraine Grade B+
- HB03/18/004 Halifax Bank Building, No. 24 The Diamond, Coleraine Grade B2

8.16 Having considered the detailed proposal Historic Environment Division – Historic Buildings, and following the submission of amended plans to address their initial concerns, specifically in

relation to the relationship of the development in relation to nearby listed buildings, HED-Protecting Historic Buildings have no objections to the scheme and are satisfied that the scheme will not adversely affect the setting of a listed building or structure in line with the requirements of the SPPS and Policy BH11 of PPS6.

Design and impact on Area of Townscape Character

8.17 The Northern Area Plan designates an Area of Townscape Character within the Town Centre under designation CET 09. The town centre of Coleraine is designated an Area of Townscape Character (ATC) to protect and enhance the character of this area. The Area of Townscape Character extends along the Diamond and encompasses several side streets in the immediate context. The present urban form of Coleraine Town Centre dates from the early decades of the 19th Century when many of the dwellings, which survived the Plantation period were replaced. The 17th Century street pattern laid out within the ramparts of the planned Plantation settlement has survived virtually unchanged. Therefore, the centre of Coleraine is of historical and architectural significance, both as an example of a planned Plantation settlement, and as a 19th Century market town, which has retained many buildings from this period. It is these features in particular which will require careful consideration of when assessing the design of the development to ensure the proposal is sympathetic to their appearance and setting and to ensure that the quality of the ATC is not undermined by the proposed development.

8.18 The former Dunnes store which forms part of this application is located within the Coleraine Area of Townscape Character (ATC) which extends south and includes much of the town centre. The proposal involves demolition and new build in an ATC and therefore ATC 1 and 2 in the addendum to PPS6 are considered relevant.

Policy ATC 1 deals with demolition within an Area of Townscape Character and states that:

There will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material

contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

The former Dunnes unit is not listed, is in a state of disrepair and of poor quality which detracts from the existing context. As the building is not listed and makes no material contribution to the character of the area, it is considered that its demolition is acceptable and complies with policy ATC1.

8.19 Policy ATC2 considers new development within an area of townscape character and the policy states that:

The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

Only a small portion of the site is within the ATC the former Dunnes store building, the rest of the site is not within an ATC or conservation area. The majority of the site and context has no unique character as the immediate context is characterised by a large public car park, surrounded by the rear of a number of 3 story buildings which front the Diamond and consists of two derelict buildings the former car showroom and Dunnes store building which are unsightly. In this regard the amended design which has been submitted for the development is considered acceptable in principle. The scheme involves the demolition of very dated and unsightly buildings and the construction of two new retail units which will be two-storey and a coffee/retail building at the former Dunnes Store location which will be three-storey. The new building on the former Dunne's site by reason of its specific design and finishes meets the requirements for new development in an ATC. These new buildings will provide new modern buildings in this context which will help to regenerate the immediate area and makes a positive contribution to the character of the area. The scheme is considered to comply with policy ATC2 in this regard.

8.20 The two main retail units will be located in the centre of the site and the front elevation will face the existing car park to the east.

This building has been subject to several design changes to produce an acceptable design solution. The buildings will be finished with multi brick walls and grey sto Ventec glass rainscreen cladding panels at a high level. The proposed entrance doors in the front façade will be finished with dark grey aluminium sliding doors. Signage has been proposed at first floor level in the elevations. However, this will be subject to a separate signage consent application. Black aluminium rainwater goods have been proposed on the buildings and a glass canopy in the front façade sloping back towards the building and supported with stainless steel diagonal ties back to the façade. In terms of design and finishes the front elevation is considered acceptable and the height of the main retail units is acceptable in the immediate context. The height and design of the front façade is considered acceptable.

8.21 The main views of the retail units will be from the Circular Road when travelling from an eastern direction. As there is a one way system at this location views will also be observed from the Mall Road from entering from the Circular Road. Pedestrians and cyclists will also be able to view the buildings from the adjacent car park and have glimpsed views from the Diamond. Glimpsed views of the rear of the main retail units will be available from Queen Street. The proposed 3 storey coffee/retail building to replace the former Dunnes stores building will screen the main views of the main retail units and service yard from Queen Street.

8.22 The side elevation towards the Mall will be finished with a render, metal cladded roof, aluminium windows and ventec glass cladding. This elevation will be two-storey and gives the appearance of a dual frontage with the proposed window arrangements. A new fenced access will also form the access to the delivery service yard at this location. The proposed side elevation towards the Mall access road and further to Circular Road is considered acceptable. The other side elevation facing towards the rear of the buildings which front the Diamond will be finished with red brick finish, smooth render and ventec glass cladding. This elevation will also be two-storey in nature and does not give the appearance of a dual frontage as this elevation does not face towards any public visual aspects in the context. The delivery service yard at this elevation will also been finished with close boarded timber fencing. The overall design of the two

main retail units at the centre of the site is considered appropriate to the immediate context.

8.23 Revisions were submitted by the applicant to include a separate element within the scheme consisting of a 3 storey commercial unit fronting Queen Street and removing the current defunct building and yard walls. The building will have a red brick finish and glazing in the Queen Street elevation and Mall elevation. The elevation to the rear service yard will be finished with a red brick and will have high level windows at first and second floor level. This unit firmly relates to the ATC and provides a glazed open frontage at street level. A curved façade at ground floor level complements the library building on the opposite corner whilst providing a visual link between the proposed landscaping on the corner of the Mall with Queen Street. The inclusion of this building has resulted in a reduction in length of the larger retail units. This new building also serves as a buffer between Queen Street and service yard to the retail units. As provision of this building is critical to the acceptability of the main retail units in terms of visual amenity, timing of its completion before the main retail units is regulated by a planning condition. The revisions submitted by the agent enhances the visual aspect into Coleraine town from the north. The new buildings are in keeping with the scale and profile of the backdrop of the existing buildings in the immediate context, whilst affording a screening to the rear elevations of the properties fronting the Diamond.

8.24 In terms of design, the proposed car park proposed to the north of the site consists of 54 spaces with a new entrance from Circular Road with a new exit onto Circular Road. A grass area has been proposed to the west of the car park and a new 0.6m high wall will consist of the boundary treatment facing Circular Road. The difference in ground levels will not have an overbearing affect in the immediate context. The car park will be finished with concrete and paving blocks. The proposed car park will replace unsightly buildings and is considered acceptable in terms of design and is a material planning gain to the immediate context. The Planning Department considers that the proposal will not adversely impact the Area of Townscape Character designation and will sit appropriately within the settlement limit, without any significant adverse impact. The proposed scheme is acceptable in terms of design and will respect the character of the Coleraine ATC.

Residential Amenity

- 8.25 Given the proximity of the application site to existing residential properties, particularly those to the north of the site along Circular Road there is the potential for the development to impact upon residential amenity. The main source of potential impacts are likely to occur from noise generated from traffic visiting the site and other noise sources such as external air conditioning units.
- 8.26 The applicant submitted a noise impact assessment to assess the potential impact of the development on adjacent residential properties at Circular Road. The noise impact assessment has indicated that the predicated site specific delivery yard noise levels will not result in adverse noise impact to the nearest noise sensitive locations consisting of the residential properties along Circular Road. With the noise mitigation measures included in the design the proposal there will be no unacceptable adverse impact to existing properties within the surrounding context. The demolition of the existing building along Circular Road will result in the creation of compensatory car parking spaces, as well as removing unsightly features from the immediate context. Vehicular traffic entering the proposed car park to the north will travel at relatively low slow speed in comparison to the passing traffic on Circular Road. Car parking is considered a relatively quiet activity which in itself does not result in significant noise disturbance.
- 8.27 The acoustic report outlines that the daytime, evening and night-time traffic flows onto the Circular Road will continue to dominate the noise climate and this level of traffic to the site already exists as the site is an existing car park. Therefore, the noise impact will consist of a similar number of vehicles entering and existing the proposed new re-developed car parking area to the north on a daily basis and will not significantly affect the existing noise levels in the area. The future noise levels in the area due to traffic and car parking movements will be similar as what presently exists. The plant equipment will be housed in the underground level or located internally within the proposed buildings to mitigate potential noise disturbance.
- 8.28 Environmental Health have considered the potential impact of the proposal on the residential amenity of the adjacent properties and on the basis of the findings of the acoustic

assessment has no objection to this proposal subject to conditions regarding noise prevention in terms of deliveries, plant equipment, acoustic barrier and construction noise . Given the comments of the Environmental Health Department the Planning Department considers that there should be no significant adverse impact on residential amenity.

Contamination, drainage and flood risk

- 8.29 NIEA- Land, Soil and Air Unit was consulted in relation to the development. NIEA- Land, Soil and Air and Environmental Health have both concluded that the contamination reports and information which has been submitted regarding potential contamination on site, that they advise that a detailed remediation strategy will be required to direct comprehensive and effective site remediation in advance of any development proceeding. The remediation strategy should include a soil and groundwater monitoring programme to include manganese assessment. Therefore, NIEA and Environmental health would have no objection to the application provided Conditions and Informatives are placed on any permission.
- 8.30 In terms of drainage and potential flood risk, NI Water, NIEA water Management Unit and DFI Rivers was consulted in reference to the scheme. NI Water has advised that there is a public water supply and sewer available. They have also advised that the developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal in terms of sewerage infrastructure.
- 8.31 NIEA- Water Management Unit was consulted in relation to the scheme and stated the following: Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to conditions. Water Management Unit has raised no points of concern regarding drainage or surface water run-off on site. The proposed scheme is acceptable from a drainage perspective.
- 8.32 DFI Rivers was consulted in relation to the scheme regarding potential flood risk on site. They stated that the Strategic Flood Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Hence DFI Rivers would have no specific reason to object to the proposed

development from a fluvial or coastal flood risk perspective. The site is unaffected by a designated watercourse and information available from OSNI maps did not reveal any obvious undesignated watercourses. If a watercourse is discovered during the development of the site then Policy FLD 2 will apply. The proposed scheme is considered acceptable from a flood risk perspective.

Natural Heritage and HRA

8.33 Natural Environment Division was consulted in relation to the scheme as was Shared Environment Services regarding the natural environment and potential impacts on natural habitats. NED stated that the application site is hydrologically connected to Bann Estuary SAC/ASSI (hereafter referred to as the designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002. NED has considered the impacts of the proposal on the designated sites and advises that due regard is given by the competent authority, Causeway Coast and Glens Borough Council, to the recommendations outlined below, in undertaking the Habitats Regulations Assessment on Bann Estuary SAC to overcome any NIEA concerns with the proposal. These should ensure compliance with the requirements of the Habitats Directive and The Environment (Northern Ireland) Order 2002.

8.34 As the site is hydrologically linked to Bann Estuary SAC/ASSI SES were consulted to determine if they were any detrimental impacts to European designated sites as a result of the proposed development. SES stated the proposed development 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 Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

8.35 Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal

will not have an adverse effect on site integrity of any European site. This mitigation consists of prior to discharge to drains/watercourses, any surface water generated during the demolition/construction phase of the development must pass through appropriate treatment to include sediment traps and hydrocarbon interceptors. NIEA and SES have not raised any concerns regarding natural heritage elements or negative impacts on natural habitats provided that appropriate mitigation measures are implemented.

Environment Impact Assessment

8.36 Under Regulation 12 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017, the Planning Department is required to make a determination as to whether the proposed development would or would not be deemed EIA development. The proposal falls within Schedule 2, Category 10 (B) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Schedule 2: Category 10 (B) is the carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks. The proposed area of development is approximately 0.67 hectares which exceeds the threshold of 0.5 hectares for this type of development.

8.37 It is considered that the environmental effects from the development would be limited to the site and immediate surrounding area. It is not considered that the environmental impacts would be so significant to merit submission of an Environmental Statement. This determination was made on 25.01.2019.

Objection consideration

8.38 The main body of objections relate to potential loss of car parking spaces and impact of residents car parking as a result of the proposed development. The scheme proposes the removal of 91 spaces and the new development provides 54 car parking spaces to the north and 28 spaces just outside the 2 large proposed retail units. 2 of which are disabled parking which are located in close proximity to the store entrance. This provides a total of 82 spaces with the loss of 9 spaces. DFI Roads the

competent authority in relation to car parking and access matters have been consulted on the proposal and have no objections to the proposed access/egress and parking arrangement for the site.

8.39 DFI Roads has not raised concerns as a result of the proposed development. They have raised no concerns regarding road safety, access to the site, car parking speeds or raised any concerns regarding lack of resident's car parking along the Circular Road. DFI Roads has not indicated the loss of 9 spaces will have a detrimental impact on car parking provision within Coleraine Town centre. DFI Roads raised no concerns regarding pedestrian access or vehicle access to the properties at the Diamond Arcade and raised no concerns regarding the residents along Circular Road in terms of parking provisions or lack of parking for these residents.

8.40 The residents at 2-8 Circular Road have requested a residents car parking scheme. This form of scheme is outside the remit of the current application or the Planning Department to provide. A resident's car parking scheme would be a matter for DFI Roads and other statutory bodies to provide for the residents of the Circular Road. The proposed scheme does provide accessible car parking to the town centre and there are public transport links and cycling parking located in close proximity to the site. If the owners of the Diamond Arcade have a right of way across the application site this is a matter between the developer and the owners of The Diamond Arcade. 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. In terms of the rental values and the values of property at the Diamond, these may be impacted upon as a result of the proposed development. However, this is not a planning consideration and is outside the remit of planning to control. There has been no evidence submitted to suggest surrounding properties would be unacceptably negatively impacted upon as a result of the proposed development. In terms of ownership of the land, the applicant has indicated the relevant owners of the land upon the P1 form and they appear to have served notice on the relevant land owners. If there is a legal dispute of the land then this is an issue between the applicant and the relevant land owners. Planning permission goes with the land.

8.41 In terms of the design of the scheme and other matters regarding the acceptability of the scheme they have been considered above and overall the proposed scheme is considered an appropriate development for the site. A retail development is expected on this type of site within a main town centre location and it is considered that the proposed development will represent a significant investment in retail facilities which will help promote the vitality and viability of Coleraine town centre.

9.0 CONCLUSION

9.1 The application proposes a new retail development within the defined town centre of Coleraine. The principle of development is acceptable and it will result in the re-development of a car park site and buildings which are presently derelict. The scale and design of the proposed retail development and car parking provisions is considered to be acceptable and will not result in any significant adverse visual impact on the wider landscape, streetscape, or upon the designated Area of Townscape Character or surrounding Listed Buildings. The proposal will not have any significant adverse impact on the natural environment or upon road safety. Residential amenity and visual amenity will not be unacceptably negatively impacted upon. Overall the proposed development represents a significant retail investment to Coleraine town centre and has the capacity to provide retail jobs. The scheme will have the ability to make a positive contribution to Coleraine town centre and will add to the vitality and viability of the town centre. Approval is recommended.

10.0 Conditions and Informatives

10.1 Regulatory Conditions:

1. As required by Section 61 of 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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing. No. 15, Road Layout, date stamped 24 July 2020.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drg. No. 15, Road Layout, date stamped 24 July 2020. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

4. The access gradient to the buildings hereby permitted shall not exceed 4% (1 in 25) over the first 10m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. No other development hereby permitted shall be commenced until the road works indicated on Drawing. No. 15, Road Layout, date stamped 24 July 2020, have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

6. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

7. Prior to commencement of development at the site, a detailed remediation strategy to address all unacceptable risks to receptors should be submitted in writing and agreed with the Planning Authority. This should identify all unacceptable risks, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, material management plan, remedial criteria, monitoring program etc.).

Reason: Protection of environmental receptors to ensure that the site is suitable for use.

8. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Guidance on Pollution Prevention No. 2 (GPP2) and Pollution Prevention Guidance No. 27 (PPG27). Soil and groundwater sampling shall be undertaken for a suitable analytical suite.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. A suitable monthly groundwater monitoring programme shall be established to assess the effectiveness of the remedial activity. The programme should involve monitoring for a suite of contaminants of concern in groundwaters collected from BH4 and also from boreholes located up gradient and downgradient of the fuel tank. The monitoring shall include at least three rounds and shall progress for a period of at least three months following removal of the fuel tank and any infrastructure. Monitoring reports shall be submitted to the Planning Authority for agreement. In the event of unacceptable risks being identified, works at the site

should cease and an updated remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. No piling work should commence until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention, available at: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or as described in the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

12. After completing all remediation works and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or as described in the Land

Contamination: Risk Management (LCRM) guidance. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. Prior to discharge to drains/watercourses, any surface water generated during the demolition/construction phase of the development must pass through appropriate treatment to include sediment traps and hydrocarbon interceptors.

Reason: To protect designated sites from adverse impacts due to construction activities.

14. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Causeway Coast and Glens Planning Authority in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

15. No site works of any nature or development shall take place other than in accordance with the programme of archaeological works.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

16. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological works. These measures shall be implemented and a final archaeological report shall be submitted to the Causeway Coast and Glens Planning Authority within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Causeway Coast and Glens Planning Authority.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

17. Before the operation of the development hereby approved, an acoustic barrier, 3m in height and of block construction, with a self-weight of at least 15kg/m² shall be constructed as detailed in Drawing no. 03H dated stamped 3rd August 2020.

Reason: To attenuate noise emanating from the adjacent delivery yard and ensure residential amenity is not significantly impacted.

18. The total number of HGV movements shall not exceed 2 per hour, except in an emergency.

Reason: To protect the amenity of nearby receptors.

19. No noise generating plant or equipment shall be fitted externally.

Reason: To protect the amenity of nearby receptors.

20. Noise from construction activities shall adhere to BS 5228: 2009+A1:2014 including:

(a) Not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any facade of any residential accommodation, and

(b) Not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any facade of any residential accommodation, and

(c) Not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation.

Reason: To protect the amenity of nearby receptors

21. No other development hereby approved shall commence on site until the proposed 3 storey coffee shop/retail building which will front Queen Street as indicated on drawings 03H date stamped 3th August 2020 and drawing No. 08 date stamped 5th June 2019 is completed.

Reason: In the interests of visual amenity and the character of the area.

22. No construction to be made, trees planted or other obstruction made within:

3m (or 1.5 times the depth whichever is greater) of sewers, or

4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage.

Reason: To prevent disturbance/ damage to existing sewers/watermains and in the interest of public safety.

23. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate

British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development hereby approved.

Reason: To ensure the provision, establishment and maintenance of a high standard landscape.

24. Details of the maintenance and management of the open space landscaped areas as detailed on drawing No. 03H date stamped 3rd of August 2020 will be provided by a Management Company, with associated management arrangements, or other such arrangements agreeable to the Planning Authority, including a signed copy of the Memorandum and Articles of Association in accordance with a Management Plan shall be submitted to and agreed with the Planning Authority before the retail units are occupied.

Reason: To ensure the establishment and continuity of the approved landscaped areas, through the long term maintenance to achieve a quality development.

Informatives

1. No work shall commence on site until the appropriate Abandonment Order is operative.

It is a DFI Roads requirement that any structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

The developer is required to enter into a licence agreement with the Department for Infrastructure Roads for the carrying out of

the road works approved, prior to the commencement of any works to the public road network.

The licence agreement shall be issued through the Development Control Officer, Network Planning Section, DfI Roads, Northern Division, County Hall, Coleraine and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence. He should also initiate early discussions for the satisfactory programming of the road works with the Private Streets Engineer, County Hall, Coleraine.

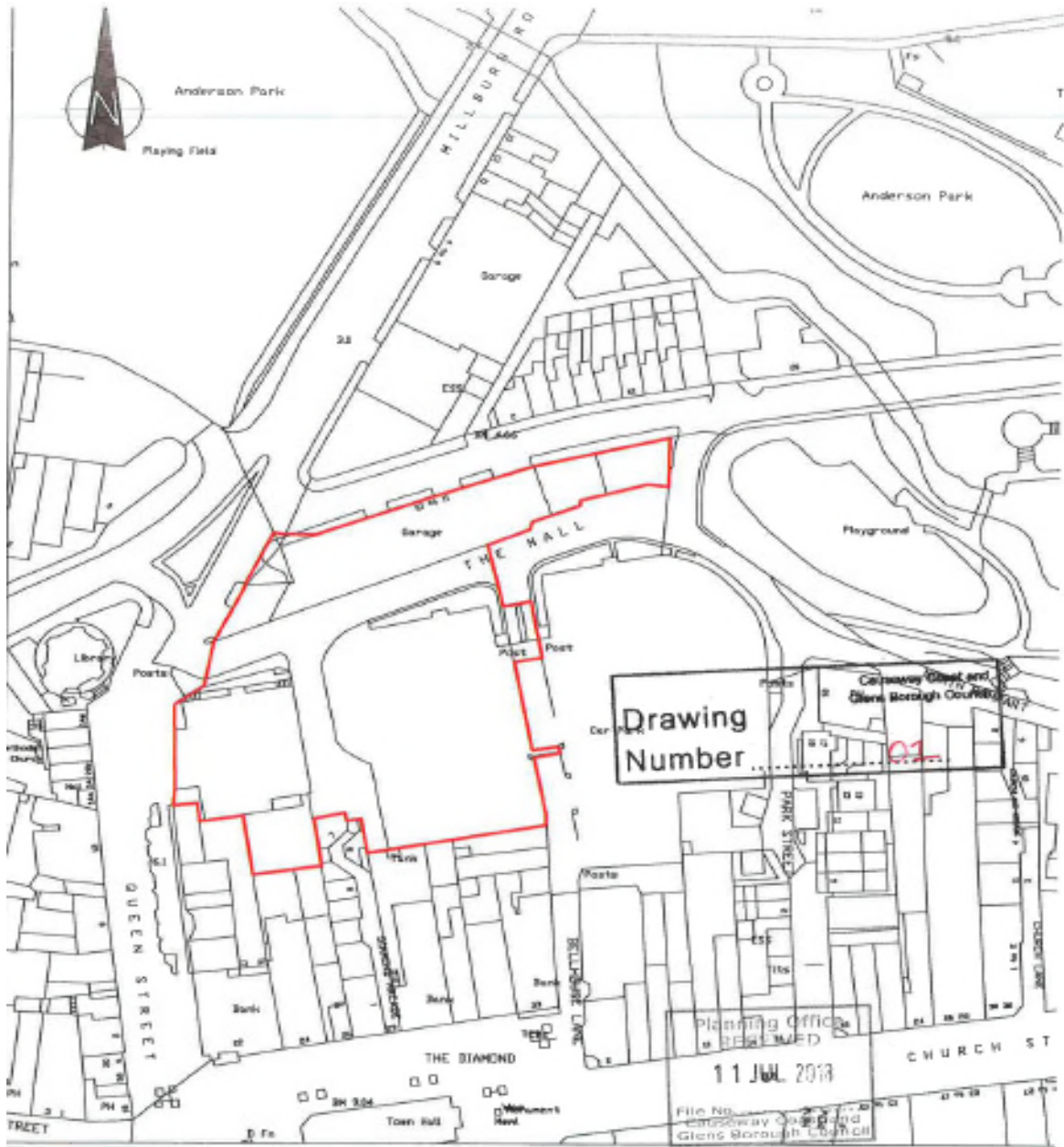
It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

All construction plant and materials shall be stored within the curtilage of the site.

2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.
3. The applicant's attention is drawn to:
 - i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and
 - ii. the Code of Practice for Access for the Disabled to buildings.
4. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note "Access for People with Disabilities", available from <https://www.infrastructure-ni.gov.uk/topics/planning/planning-guidance>.
5. 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.

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. 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.
8. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.
9. 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



Site Plan

