

Title of Report:	Planning Committee Report – LA01/2022/0841/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th October 2023
For Decision or For Information	For Decision – Major Item
To be discussed In Committee YES/NO	NO

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

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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

<u>App No:</u>	LA01/2022/0841/F	<u>Ward:</u>	Churchland
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Unit 17 and adjoining vacant land, Riverside Regional Centre, Riverside Park North, Coleraine And existing Lidl store, 2 Riverside Park North, Coleraine		
<u>Proposal:</u>	1. Demolition of existing retail warehouse (Unit 17 Riverside Regional Centre) and erection of discount food store, car parking, landscaping and associated site works (relocation of existing Lidl food store from 2 Riverside Park North). 2. Use of existing building at 2 Riverside Park North (Lidl) into 2no. units for use as (a) shop for the sale of bulky retail goods and (b) Class B4 storage and distribution unit.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	01/08/2022
<u>Listed Building Grade:</u>	N/A		
Applicant:	Lidl Northern Ireland		
Agent:	MBA Planning		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The site is located in Riverside Regional Centre within Coleraine settlement limit.
- No letters of objection have been received in relation to this application.
- No concerns have been raised by statutory consultees in relation to this proposal.
- The proposal has been considered against the planning policy requirements of the SPPS in relation to retailing and town centres.
- The proposed new convenience (grocery) store will not have a significant adverse effect on Coleraine Town Centre in terms of retail impact.
- Alternative sequentially preferable sites have been discounted and there is retail need for the proposal.
- The proposed part repurposed Lidl store building for the retailing of bulky goods is acceptable as an exchange for the extant floorspace at Unit 17 which is being demolished to accommodate the new convenience (grocery) store.
- The proposed part repurposed Lidl store building for storage and distribution is, on balance, acceptable given its small size and other uses at Riverside Regional Centre.
- The amendments to the design of the existing Lidl building is visually acceptable.
- The design of the new Lidl store is acceptable in terms of visual amenity and local character.
- The proposal will not adversely impact on neighbouring amenity in terms of noise.
- The proposal is acceptable from a flooding and drainage perspective.
- There are no archaeological concerns.
- The proposal does not result in contamination concerns.
- The proposed development has satisfactory access and parking.
- There are no natural heritage issues.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 15, PPS 6, PPS 4, PPS 2 and PPS 3.

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

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 Unit 17 and adjoining vacant land Riverside Regional Centre, Riverside Park North, Coleraine and existing Lidl store, 2 Riverside Park North, Coleraine. The application site is less than a mile from Coleraine Town Centre. The site of the existing Lidl store comprises the building with its own access and car parking. The site of the proposed Lidl food store is within Riverside Regional Centre. Unit 17 is to be demolished to accommodate this development. The land adjacent is partly hard surfaced and partly scrub with timber fencing limiting access from the Retail Park.
- 2.2 Riverside Regional Centre comprises retailers including Sainsburys, B&Q, Halfords, Currys, B&M, Harry Corry, Pets at Home, Poundstretcher and Dunelm. There are also vacant retail units within this centre. Riverside Regional Centre is accessed from the Dunhill Road and Castleroe Road. There is a large parking area servicing the units at Riverside Regional Centre. Housing developments are located to the north, south and east of the Riverside Regional Centre.
- 2.3 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 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". In retail planning terms, the site is "out of centre".

3.0 RELEVANT HISTORY

3.1 LA01/2022/0094/PAN

Unit 17 and adjoining vacant land Riverside Regional Centre
Riverside Park North Coleraine and existing Lidl store No.2
Riverside Park North Coleraine

(1) Demolition of existing retail warehouse (Unit 17) and erection of discount food store, car parking, landscaping and associated site works (relocation of existing Lidl food store from No.2 Riverside Park North). (2) Subdivision of existing building at No. 2 Riverside Park North (Lidl) into 2 no. units for use as (a) shop for the sale of bulky retail goods and (b) Class B4 storage and distribution unit with ancillary trade counter/sales
Acceptable – 09.02.2022

3.2 LA01/2022/0095/PAD

Unit 17 and adjoining vacant land Riverside Regional Centre
Riverside Park North Coleraine and existing Lidl store No. 2
Riverside Park North, Coleraine

(1) Demolition of existing retail warehouse (Unit 17) and erection of discount food store, car parking, landscaping and associated site works (relocation of existing Lidl food store from No. 2 Riverside Park North). (2) Subdivision of existing building at No. 2 Riverside Park North (Lidl) into 2 no. units for use as (a) shop for the sale of bulky retail goods and (b) Class B4 storage and distribution unit with ancillary trade counter/sales.
Concluded – 10.08.2022

3.3 LA01/2018/0495/PAN

Unit 17 and adjoining land Riverside Regional Centre Castleroe Road, Coleraine

Construction of a 40,000 sq ft gross approx. (3.716 sqm gross approx.) retail warehouse unit and an associated 6,000 sq ft

gross approx. (560 sqm gross approx.) garden centre (plus small storage area) to seek a bulky goods permission, incorporating alterations and extension to existing Unit 17, along with general site works

Acceptable – 10.05.2018

3.4 LA01/2018/1106/F

Unit 17 and adjoining land Riverside Regional Centre Castleroe Road, Coleraine

Construction of a 40,000 sq ft gross approx (3716 sqm gross approx) retail warehouse unit and an associated 8000 sq ft gross approx (743 sqm gross approx) garden centre to seek a bulky goods permission incorporating alterations and extension to existing Unit 17, along with general ancillary site works

Refusal – 27.01.2021

Appeal Withdrawn – 29.12.2021

3.5 C/2010/0656/F

Lidl Store, Unit 2, Riverside Park, Coleraine, BT51 3AW

Single storey extension to existing Lidl store to provide ancillary storage and recladding to elevations to meet brand standards.

Approval – 23/02/2011

3.6 C/2003/1241/F

Site 100m Northwest of The Jet Centre Riverside Park North Riverside Centre Coleraine Co Antrim

Local Food Store with Associated Parking

Approval – 20.06.2005

4.0 THE APPLICATION

4.1 1. Demolition of existing retail warehouse (Unit 17 Riverside Regional Centre) and erection of discount food store, car parking, landscaping and associated site works (relocation of existing Lidl food store from 2 Riverside Park North).

2. Use of existing building at 2 Riverside Park North (Lidl) into 2no. units for use as (a) shop for the sale of bulky retail goods and (b) Class B4 storage and distribution unit.

Proposal of Application Notice

- 4.2 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.
- 4.3 A Proposal of Application Notice was received on the 26th January 2022 under application LA01/2022/0094/PAN. As a result of Covid-19 it was not possible to hold any face to face public events. The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 temporarily suspended the requirement for a Pre-Application Community Consultation public event. The applicant advised that they intended to undertake the following forms of consultation:
- A public notice will be advertised in the Coleraine Chronicle
 - Site Notices and preliminary drawings will be displayed at Unit 17 Riverside Regional Centre and at the existing Lidl store at No. 2 Riverside Park North.
 - Leaflets with details of the proposal will be delivered to all properties within a 200m radius of the site.
 - Elected members for the District Electoral Area and MLAs will be given a copy of the Proposal of Application Notice.
- 4.4 Interested parties will be able to provide comments on the proposal in the existing Lidl store (comment sheets provided) or by post, email or telephone. The proposal can also be discussed by telephone with MBA Planning (a call back system will be operated) and clarification/further information can be sought via email, post or telephone.

Community Consultation Report

- 4.5 A Pre-Application Community Consultation Report dated July 2022 was submitted as part of the planning application, received on 29th July 2022 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 4.6 The community consultation report was subdivided to cover: an Introduction, The PAN and Community Consultation undertaken,

Feedback received and the applicant's response, and Conclusion. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.

- 4.7 On 7th March 2022 site notices, preliminary drawings and a 3D image of the proposal were erected at the existing Lidl store at No. 2 Riverside Park North and at Unit 17 Riverside Regional Centre. All drawings and notices remained in place until after 5th April 2022.
- 4.8 On 4th March 2022 a letter with details of the proposal was delivered to all properties within a 200m radius of the site. Local Elected Representatives received the PAN and preliminary drawings on the 4th March 2022 by email.
- 4.9 Only one written response was received from a local resident. This stated that the road to the rear of Unit 17 (Riverside Park North) is not sufficiently wide to accommodate the traffic generated by McDonalds and the nearby food units. The response suggested that the road be widened into the site of the proposed Lidl store.
- 4.10 Another local resident called MBA Planning to query what the existing Lidl building would be reused for. The resident also commented that the local road network is busy and suggested that traffic lights may aid traffic progression.
- 4.11 The applicant instructed transport engineers AECOM to review the traffic and transportation impacts of the proposal and they have prepared a Transport Assessment Form, Travel Plan Framework and Service Management Plan. These documents conclude the proposal will not have a significant impact on the local road network.
- 4.12 The community consultation report demonstrates that adequate community consultation has taken place and the feedback received has been considered prior to the submission of the application.

Design & Access Statement

- 4.13 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.
- 4.14 A Planning Design and Access Statement dated July 2022 was submitted in support of this application. This DAS is sub-divided into Introduction, The Site, The Proposal, Policy Framework, Planning Issues and Conclusion. The DAS considers the principle of development; design; access, parking, servicing and impact on the road network; flooding and drainage; environmental and amenity considerations.

Environmental Impact Assessment

- 4.15 This proposal was subject to an environmental impact assessment screening as required by, The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.16 The application is considered to fall within Schedule 2: Category 10 (b) of the Regulations- The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks. The threshold for this development is where it exceeds 0.5 hectare. As the site area measures approx. 1.9 hectares this threshold is exceeded.
- 4.17 Having considered the Regulations, it was determined on 18th August 2022, the development proposal would not have any likely impacts of such a significance to warrant submission of an environmental statement.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

No letters of objection or support have been received in relation to this application. One non-committal comment was received advising the new Lidl store will create jobs and provide a boost to the local economy. A recommendation is for Lidl to construct bicycle parking to accommodate 50 bikes and be sheltered at the new store.

5.2 **Internal:**

NI Water (No objections)

DFI Rivers (No objections)

Environmental Health (No objections)

DFI Roads (No objections)

Historic Environment Division: Historic Monuments (No objections)

DAERA: Water Management Unit (No objections)

DAERA: Regulation Unit (No objections)

DAERA: Natural Environment Division (No objections)

Shared Environmental Services (No objections)

6.0 **MATERIAL CONSIDERATIONS**

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

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

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until

such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 15 – Planning and Flood Risk

PPS 6 – Planning, Archaeology & the Built Heritage

PPS 4 – Planning and Economic Development

PPS 3 - Access, Movement and Parking

PPS 2 – Natural Heritage

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within the Riverside Regional Centre in the settlement of Coleraine. Policy SET 2 of NAP 2016 applies for development within settlement development limits. Planning permission will be granted provided that the proposal is sensitive to the size and character of the settlement.

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Principle of Development, Convenience Goods (Grocery) Store, Bulky Goods Retail Use, Storage and Distribution Use, Design, Impact on Amenity, Economic Consideration, Flooding, Archaeology, Sewerage, Contamination, Access and Parking and Natural Heritage.

Principle of development

- 8.3 The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retaining and other complementary functions, consistent with the RDS.
- 8.4 Paragraph 6.271 of the SPPS states that “the regional strategic objectives for town centres and retailing are to secure a town centres first approach for the location of future retailing and other main town centre uses”. Main town centre uses include cultural and community facilities, retail, leisure, entertainment and business.
- 8.5 Paragraph 6.279 of the SPPS states “All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.”
- 8.6 Paragraph 6.291 of the SPPS states that where an impact on one or more of the criteria in paragraph 6.290 is considered significantly adverse or where in balancing the overall impacts of each of the criteria, the proposed development is judged to be harmful, it should be refused.
- 8.7 Paragraph 6.292 details that “...all applications for retail development or main town centre type uses will also be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.”

- 8.8 Paragraph 6.97 states “Planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing economic development uses, and use of previously developed land or buildings.”
- 8.9 The SPPS applies three principal tests to assessment of retail proposals. These are: retail impact assessment where over the 1000 sqm threshold; assessment of sequentially preferable sites and; retail need. As the proposal comprises to separate retail proposals, one for convenience goods (grocery) retailing and the other for bulky goods, each is considered in turn.

Convenience Goods (Grocery) Store- Retail Impact Assessment

- 8.10 Paragraph 6.283 advises “All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need”. The gross external area of the proposed new store at Unit 17 is 2475m² triggering the requirement for a Retail Impact Assessment.
- 8.11 Paragraph 6.290 provides the elements which should be considered in a retail impact assessment and statement of need which include:
- The impact of the proposal on trade and turnover on town centre turnover overall for all centres in the catchment;
 - The impact on existing committed and planned public and private sector investment;
 - The impact on the delivery of planned/allocated sites and the LDP strategy;
 - The impact on vitality and viability, taking into account retail mix and diversity of other facilities and activities;

- Cumulative impact taking account of committed and planned development including plan commitments in the town centre and wider area; and
- A review of local economic impacts.

8.12 A Retail Impact, Need & Sequential Assessment dated July 2022 was received in support of this application. The content of this document included The Site; The Applicant; The Proposal; Policy Context; Retail Impact Assessment; Need; Sequential Assessment. The Retail Impact Assessment sets out the quantitative and qualitative need for the proposal. Several other addendums to this Retail Impact Assessment have been submitted in support of this application. The retail impact of the proposal was assessed on the basis that before the new convenience store will begin trading, convenience retailing will cease at the existing store at 2 Riverside Park North i.e. both convenience stores shall not coexist. In assessing the retail impact of the proposal, regard was had to the extent of floorspace at the existing store 1750m² gross and the extent of uplift/ additional floorspace proposed by the proposal 725m² gross, resulting in an overall floorspace of 2475m².

8.13 Development Plan was consulted and advised the agent's retail impact assessment suggests the impact on convenience trade in Coleraine town centre will be 0.6% (Table 15). Alternative ranges of impact have been considered using higher turnover figures for the new Lidl (for example from their 2021 Accounts to Companies House, and using a higher figure as set out in Nexus Table 5) and greater trade diversion (for example assuming trade diversion from Iceland, Local Shops and a higher percentage from Tesco), but a limited impact is still indicated. This is to be expected, given the similar scenario with M&S. Nexus indicated capacity in convenience retail, largely due to existing stores overtrading. An impact of 0.6% on Coleraine Town Centre is considered low and is not "significantly adverse".

8.14 The case of *R. (Sienkiewicz) v South Somerset DC (2013) EWHC 4090 (Admin)* considered the matter of the relevance of a specific end user. Mr Justice Lewis noted that the "usual position" is that planning permission is concerned with the use of the land, rather than the identity of the user. This serves to clarify that there can be exceptions. This is one such exception where the specific end user retailer warrants specific consideration. The existing Tesco store at Bannfield Road, Coleraine is located within Coleraine Town Centre.

This store in 2021 accounts for 62.2% of convenience shopping turnover within Coleraine Town Centre. Given that the typologies of goods sold are similar in both Lidl and Tesco, the proposed planning consent at Riverside Regional Centre could, if left open-ended, be availed of by Tesco. If this were to occur and Tesco resolved to close its existing store at Bannfield Road, this would have a resultant significant adverse impact to the convenience function of Coleraine Town Centre. To prevent this scenario, a planning condition is proposed to ensure that the store is only operated by Lidl.

Convenience Goods (Grocery) Store- Assessment of Alternative Sites

- 8.15 Paragraph 6.280 of the SPPS states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date LDP. A sequential test is therefore a requirement for this development proposal.
- 8.16 Under paragraph 6.281 it states that main town centre uses should be considered in order of preference of:
1. The primary retail core;
 2. Town centres;
 3. Edge of centre; and
 4. Out of centre locations last, and only where the site is accessible by good public transport links.

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

- 8.17 The proposed development would fall into bracket 4 as being an out of centre location proposed in a location which would be less sequentially preferable than potential other sites within its catchment area.
- 8.18 Information in relation to the Sequential Test was provided in Chapter 8 of the Retail Impact Assessment. The agent has used information from the Retail Impact Assessment submitted for the approved M&S application (LA01/2021/0933/F) and planning report

to illustrate there are no alternative sequentially preferable sites for this convenience store, which is larger than the M&S proposal. The new Lidl store measures 2475m² which is 54% larger than the M&S store which measured 1603m².

Alternative Sites in Coleraine

Town Centre

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

8.19 Under the M&S application, The Retail Statement advised there are common factors that make these alternative sites unsuitable. All are of a marginal size and the required customer car parking is significantly compromised. There is a policy requirement in the NAP that as a result of the shortfall in car parking in the town centre, the development of each car park must retain the existing car parking numbers. This inevitably leads to the requirement for a multi storey car park.

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

- *CET 02 The Mall Car Park*

- 8.21 The Mall Car Park has a previous planning permission (LA01/2018/0864/F) granted for two retail units of a footprint of 1791m² with a new service yard located in place of the old Dunnes Unit. This application is not viable according to the developer and a separate application LA01/2021/0501/F has been approved for the refurbishment of the old Dunnes Unit. This permission is now implemented and Menary's are currently trading. The public road along the side of the unit will not be available for abandonment as it will be required to provide access to Menary's and the other tenants along Queen Street and the Diamond. Given the redevelopment of the former Dunnes building, this reduces the overall size of the site available for development.
- 8.22 It is not considered the Mall car park could provide a Lidl store with service yard of the size required and the provision of the extra car parking required to support the store as well as the existing amount of parking provided in the Mall and any overprovision needed to make up some of the shortfall. The only way that could be achieved would be through development of a multi storey car park.
- 8.23 The DfC has released the CMR which reviews the progress and the delivery of the comprehensive redevelopment of the Mall site. It states the Mall car park is a significant development site with the potential to diversify the town centre through a high-quality mixed-use development. A comprehensive redevelopment could potentially deliver a new mixed-use urban quarter with residential, office, retail, food and drink uses.
- *CET 04 Abbey Street Car Park*
- 8.24 A previous planning permission (C/2008/0009/F) was granted for the Lanes scheme which included Redevelopment of existing Abbey Street DRD surface car park to accommodate new multi-storey car park, retail units, cafe/restaurant units and 12 No. apartments (with associated car parking within MSCP), along with associated road works to include new road layout and lay-by on Abbey Street.
- 8.25 Under the approved M&S application, there were concerns regarding the capacity of the local road network to accommodate M&S with the car park being a dead end effectively which could create congestion and backing up, and alternative access

arrangements would be required which could involve statutory abandonment procedures. These comments may have some validity given the approval under reference C/2008/0009/F refers to associated road works. The same assessment applies for this proposed Lidl store.

8.26 Under the approved M&S application, a copy of the drainage maps was provided with guidance from NI Water. The drainage alignment reflects the historic street pattern with the combined sewer and trunk mains running along the full length of Stone Row bisecting the car park site. The surface water sewer and the combined sewer also run through the site along what was formerly 'Cross Lane' towards Ferryquay Street and onwards to the River Bann. There is a requirement for Way Leaves to provide for this infrastructure as advised by NI Water and development is not permitted over drainage.

8.27 The Abbey Street car park is too small to accommodate the proposal without either significant reductions in car parking or providing a multi storey car park.

8.28 The CMR notes that Abbey Street Car Park has the potential to be intensified into a mixed use development with a new integrated multi-storey car park providing additional capacity to relieve pressure on car parks elsewhere.

- *CET 07 Waterside Car Park*

8.29 A planning application LA01/2021/0575/F was approved at 8 Castle Lane for Change of use to Class B4 Storage and Distribution with ancillary trade counter to enable the establishment of a new branch depot by Howden Joinery Properties Limited. This building has since opened and is operational. Another application (LA01/2021/0857/F) was approved for Proposed extension to existing retail/storage facility to provide additional storage space for Howden Joinery Limited. To date, this has not been implemented on site. These permissions result in the overall size of the site available for development being smaller.

8.30 Under the M&S application, the drainage network running through this site was provided. There is a combined sewer running through it to a pumping station. Planning application LA01/2021/1207/F has been approved for maintenance work to the existing pumping

station. Drainage consultants advise that this pumping station requires a 15m radius odour exclusion zone. This pumping station pumps sewerage from Waterside to the WWTW at Cairn Road. The proposed application does not involve the redevelopment of a pumping station. The drainage network also requires wayleaves of 3m to be left either side of the drainage and planning permission is not normally granted for development over the top of critical drainage. The pumping station and NIW infrastructure could be moved to facilitate this development.

- 8.31 The CMR notes that the Waterside car park is heavily utilised by shoppers and office workers. It notes that the riverside location is desirable for residential and mixed use development. The CMR envisages the Waterside car park providing a landmark residential-led riverside building maximising views of the River Bann. A single storey store would significantly undermine the levels of car parking and a multi storey car park would most likely be required.
- 8.32 Following assessment, the sequential preferable sites are typical inner urban sites with existing constraints that certain development proposals could overcome. However, taking into consideration: the findings of the RIA, that a need has been identified for convenience retailing, that no significant adverse impact is predicted on the town centre and the arguments put forward on the availability and suitability of the sites, as set out above, it is considered that on balance the three town centre sites can be discounted from the sequential test.
- *CET 03 Clothmakers' Building*
- 8.33 This comprises a Listed Building and is too small to accommodate the new Lidl store.
- *CET 05 Market Yard*
- 8.34 This is under the Council's ownership and is listed. The Council is currently considering a number of options for this site for use primarily as a public space with activities and as such can be discounted.
- *CET 08 Bridge Street/Circular Road*
- 8.35 Bridge Street comprises two parts and multiple ownership, with the existing buildings in active use. The cleared part of the site is currently used as a car park under private ownership. The site lies

within the ATC so it may be difficult to achieve a positive relationship in design terms with Queen Street, compounded by the change in levels across the site. This site is not large enough to accommodate a new Lidl store.

- *JJB Unit*

8.36 This building has an existing car park shared with KFC customers so the current provision of 39 spaces is significantly below the parking requirement for a new Lidl store. Given the nature of the proposal as a main shop with customers using trolleys, that there is no adjacent public car parking that would be easily accessible and the intervening topography, it would be unrealistic to expect the majority of grocery shoppers to carry out a weekly shop some distance and up gradients. In addition, the building also lacks a service yard suitable to accommodate the proposal. This site is regarded as too small and is therefore unsuitable for a new Lidl store.

- *The Diamond Shopping Centre*

8.37 The proposal is for a large convenience store and customers would mainly be reliant on trolleys for main shopping. The Diamond Shopping Centre is not suitable as it is not capable of meeting the vehicular access needs of main food shoppers as it does not provide direct access to any car parking and access to trolleys.

Edge of Centre

- *CET 06 Harbour Estate*

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

8.39 Alternative sites have been explored and are deemed, on balance, not suitable, available or viable for the proposed Lidl store.

Convenience Goods (Grocery) Store- Assessment of Retail Need

- 8.40 The Retail Impact Assessment concluded this proposal is a substantial investment that will provide a significantly enhanced shopping facility. It will address the need for additional convenience floorspace in Coleraine, will regenerate a vacant site and will provide new employment opportunities. It will not have a significant adverse impact on any protected centre and it complies with the sequential test. It is a sustainable development consistent with all relevant planning policy.
- 8.41 The NAP 2016 is not considered an up to date plan in relation to its retail findings and the scheme relates to an out of centre location. The status of NAP in relation to retail was confirmed in a PAC decision 2015/A0129 for Relocation of an approved retail showroom to land adjacent to Unit 10 (Pets at Home) Riverside Regional Centre. Therefore, a sequential test, full retail impact assessment and assessment of need are required.
- 8.42 NEXUS Retail and Leisure Capacity Study was commissioned by the Council to assist in the preparation of the Local Development Plan. This report was presented to the Planning Committee and it was agreed that it would be used as a material consideration in the assessment of planning applications. This report identified that existing out of centre foodstores were overtrading and that there was capacity for further convenience (grocery) floorspace.
- 8.43 Paragraph 6.282 of the SPPS requires in absence of an up to date area plan, applicants to prepare an assessment of need which is proportionate to support their application, which may include a quantitative and qualitative assessment.
- 8.44 The main SPPS tests are on: assessment of need, whether it will create a significant adverse impact or be harmful to the town centre, and if there is a sequentially preferable site in the catchment.
- 8.45 Following review of all the information submitted in relation to retailing, it is concluded that the proposed Lidl store meets with NAP 2016 and SPPS policy requirements. The qualitative argument in relation to the provision of a large convenience store is reasonable

in the context of the level of overtrading from existing out of centre stores.

Bulky Goods Retail Unit

- 8.46 The Bulky Retail Goods retail unit is to be provided by repurposing just over half (929 sqm) of the existing Lidl store building adjacent Dunhill Road. The remainder of the building (819 sqm) is to be used as a Storage and Distribution unit.
- 8.47 The proposal to construct the new convenience (grocery) store includes the demolition of Unit 17. Unit 17 is a retail unit approved with a condition that only bulky goods can be retailed on the premises. While this unit has not, to the knowledge of the Planning Department, ever been occupied, given the extant planning consent, it could trade lawfully for the retail of bulky goods. The extent of the retail floorspace at Unit 17 is 929 sqm. This proposal effectively relocates the extant 929 sqm of bulky goods floorspace to another location within Riverside Regional Centre i.e. the floorspace remains in the same overall out-of-centre site. Given significant weight to this as a material consideration, assessment of alternative sites and retail need would be superfluous. Retail impact assessment would not be required in any case given that the extent of the gross retail floorspace falls below 1000 sqm.
- 8.48 The principle of the 929sqm gross retail floorspace as part repurposing of the existing Lidl store building is acceptable and has no retail consequences relative to the existing or baseline position. Given the specific circumstances, the same terms of the condition limiting retailing to bulky goods at Unit 17 is proposed for this element of the proposal.

Storage and Distribution Use

- 8.49 The proposal entails subdivision of the existing Lidl building into two units. One unit is to be used for Class B4: Storage and Distribution Use measuring approx. 819m².
- 8.50 Dialogue with Development Plan identified there is an allocation of 55.2 hectares of land for Economic Development purposes across 7

sites in Coleraine in the NAP 2016. This includes one zoning, CEED 07 with substantial frontage to Somerset Road.

- 8.51 As of April 2021, 47.7 hectares remain uncommitted of the 55.2 hectares zoned in Coleraine. This is in addition to the 7.8 hectares on existing economic development sites in Coleraine that remain uncommitted. Of the zoned sites, sites CEED 03: Loughan Hill, CEED 04: Off Ballycastle Road, CEED 05: Newmills Road, CEED 06: Wattstown, and CEED 07: Riverside, are all suitable for B4 uses. In addition, there are vacant buildings of 0.83 hectares on existing economic development sites, and 0.32 hectares on zoned sites.
- 8.52 Development Plan advise this B4 use should be set in the context of the levels of vacant sites and buildings either already in existing economic development sites, or on land zoned for this use through the NAP. There are sufficient zonings, including the Riverside Zoning, CEED 07, which are suitable for a B4 use. This is a speculative proposal (no end user identified), and an approval for B4 use on this site has the potential to undermine the zonings, and the level of surplus suitable land available on identified sites indicates there is no need for this proposal at this location. Development Plan concluded there is no justification for the B4 use which, if approved, would undermine the Northern Area Plan in respect of its economic development zonings and the level of uncommitted B4 lands within them.
- 8.53 Policy PED 1 (Economic development in settlements) of PPS 4 is relevant for assessment. A development proposal for a Class B4 storage or distribution use will be permitted in an area specifically allocated for such purposes in a development plan. In addition, a Class B4 development will also be permitted in an existing or proposed industrial/employment area where it can be demonstrated: that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally. Elsewhere in cities and towns such proposals will be determined on their individual merits.
- 8.54 It is acknowledged the proposed B4 use is not located within a zoned area for economic development. The site at No. 2 Riverside

Park North is located between The Jet Centre (a leisure and entertainment complex) and a Petrol Station. In the wider context, there are several car show rooms, several food outlets such as McDonalds and Tim Hortons, a gym, a hotel and the retail park comprising retailers such as Sainsburys, B&Q, Pets at Home, Dunelm as well as a costa coffee and Nandos. This area is regarded as an employment area due to the variety of uses. The proposed B4 Use which is small, extending to 819 sqm would be compatible with this area due to this unique location. In addition, the proposed B4 use will be contained within an existing building so the scale, nature and form is appropriate for the location. The proposed B4 Use will not lead to a decrease in the employment resource at this locality. Material weight is given to the unique circumstances of this site in particular the location and nearby uses, and due to the new B4 use being contained within an existing building.

- 8.55 Policy PED 9 (General criteria for Economic Development) of PPS 4 also applies to this development and a total of 13 criteria must be satisfied. The proposed B4 use within the existing Lidl building does not offend this policy because the use is considered compatible with surrounding land uses; it does not impact upon neighbouring amenity; and it is contained within an existing building with minimal alterations and is visually acceptable.

Design

- 8.56 This proposal comprises two elements – conversion of the existing Lidl building at No. 2 Riverside North and a new Lidl food store at No. 17 Riverside Regional Centre.
- 8.57 In terms of the conversion of the existing Lidl building, the only physical changes proposed to the exterior of the building are the provision of a new entrance (fully glazed) which is for the B4 unit and a new service door (roller shutter) which will serve the bulky goods unit. These alterations are visually acceptable in terms of design.
- 8.58 The new Lidl store follows the typical design of the brand Lidl. The two critical viewpoints will be of the front and side elevations as these will be most in view when travelling or walking near the site. The proposed front elevation entails the glazed entrance, sections of stone cladding to break the bulk up and high level windows and

advertising panels. The proposed side elevation is fully glazed. This design is considered appropriate for this site location within Riverside Regional Centre.

- 8.59 Proposed materials/finishes for the new Lidl food store include white render for the walls and stone cladding (metallic silver), Kingspan Panels (metallic silver) for the roof, grey aluminium rainwater goods and windows and doors. These materials/finishes are considered satisfactory and in keeping with this local context.
- 8.60 The proposal is acceptable in terms of visual amenity and does not result in detrimental harm to local character.

Impact on Amenity

- 8.61 Paragraph 3.8 of the SPPS sets out the guiding principle for planning authorities in determining planning applications. It states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.62 This proposal comprises two elements – conversion of the existing Lidl building at No. 2 Riverside North and a new Lidl food store at No. 17 Riverside Regional Centre. From review of Spatial NI, the closest residential property to the existing Lidl store is 37 Screen Road approx. 70m away and the closest residential property to the new Lidl store is 31 Screen Road approx. 130m away.
- 8.63 A Noise Review by Irwin Carr Consulting was submitted in support of this application. The site of the proposed Lidl Food Store is approx. 160m away from the nearest residential property to the north (Screen Road) and 350m to the south (Somerset Road). Noise from mechanical plant is not expected to be audible at the noise sensitive locations. With regard to the existing Lidl site at No. 2 Riverside North, the changes will be primarily to the internal layout. Once construction works have been completed it is not expected there will be any significant change to the noise level from this area.

- 8.64 Environmental Health was consulted in relation to this application. From the review of the Irwin Carr correspondence it has been concluded that the separation distance to noise sensitive receptors of circa 160m will provide adequate noise attenuation from the operation of mechanical plant and equipment which has been detailed as generating at highest a SWL of 78dB. With regard to deliveries, it has been concluded that the Lidl unit will have one delivery per 24 hours which may be during night-time hours. In mitigation it has been stated that any reversing alarms will be broadband in nature.
- 8.65 Environmental Health have no objections to this application subject to planning conditions. Noise generating plant and equipment should be specified, positioned and designed to include noise attenuation measures in order to safeguard amenity. Aspects of noise, nuisance, inconvenience and general disturbance have been considered but it is not felt this proposal would result in an adverse impact on amenity.

Economic Consideration

- 8.66 The SPPS has five core planning principles which are set out in paragraph 4.1. One is to “support sustainable economic growth”. The SPPS requires Planning Authorities to take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority.
- 8.67 This application will deliver a new Lidl food store which will be an investment of approx. £4.5 million. The store will support 40 jobs, 18 of which are new jobs with the other 22 transferring across from the existing Lidl store. It will also result in construction jobs to implement this project.

Flooding

- 8.68 A Flood Risk and Drainage Assessment dated 26th July 2022 was submitted with this application. Consultation occurred with DFI Rivers who advised The Flood Hazard Map (NI) indicates that the

development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

- 8.69 DfI Rivers advised the site is affected by two designated watercourses as per the terms of the Drainage (Northern Ireland) Order 1973. The Screen Road Drain traverses both the existing Lidl site at No. 2 Riverside North and the new proposed Lidl site travelling in an easterly direction towards its outlet along the River Bann. The Screen Road Drain Extension traverses a small section of the existing Lidl store, travelling in an easterly direction to where it connects into the Screen Road Drain.
- 8.70 At the existing Lidl site at No. 2 Riverside North, access to the Screen Road Drain Extension will remain available even though a maintenance strip has not been provided, because proposed changes only relate to the building and the outside layout is similar to the current regime.
- 8.71 At the proposed site for the new Lidl food store, a suitable maintenance strip is to be provided over the line of the existing Screen Road Drain, which travels in a north easterly direction of the site. It should be noted that the culvert located between inspection chambers SC84316201 to SC84316204 is still active and no maintenance strip was provided nor has it been identified in any of the drawings. Therefore, DfI Rivers requested further details in relation to the proposed buildings and the location of this culvert within the site.
- 8.72 An updated Flood Risk and Drainage Assessment Document was submitted dated 15th May 2023 and a Schedule 6 consent to discharge to the designated watercourse (Screen Road Drain). DfI Rivers was then re-consulted with this new information.
- 8.73 Policy FLD 2 is now satisfied as a 5m maintenance strip has now been shown in the Proposed Drainage Layout Drawing in Appendix N of the Flood Risk and Drainage Assessment Document.
- 8.74 The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained through online underground attenuation system with oversized pipes and hydrobrake, when discharging at a green field runoff rate of 12l/s, and therefore there will be no exceedance flows during this event.

Further assessment of the drainage network will be carried out at detailed design stage.

- 8.75 There is no proposed culverting for this proposed development.
- 8.76 DFI Rivers have no objections to this proposal subject to a planning condition requesting a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed. The proposal complies with Policies FLD 2, 3 & 4 of PPS 15.

Archaeology

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

Sewerage

- 8.78 DAERA: Water Management Unit (WMU) was consulted in relation to this application. The application proposes to dispose of foul sewage to a NIW sewer. WMU advise if NI Water determine the receiving WWTW and the associated sewer network can cope with the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU no longer object to this application.
- 8.79 NI Water was consulted in relation to this application. The receiving foul sewerage network has reached capacity. The public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water plans to upgrade the sewerage system in this Drainage Area. While this remains subject to prioritisation and the availability of funding, NI Water is recommending connections to the system are curtailed. NI Water advise the applicant to submit a Waste Water Impact Assessment to see if an alternative drainage or treatment solution can be agreed.
- 8.80 On 11/07/2023, NI Water issued a Wastewater Impact Assessment Solution Engineer Report (SER) which confirmed that NI Water is

unable to engineer a solution to mitigate downstream capacity constraints within this part of North Coast catchment until upgrade improvements identified in a NIEA Statement of Need (based on North Coast Drainage Area Plan Model) have been completed at Strand Road Wastewater Pumping Station. Although this upgrade work is scheduled for completion during current Price Control 21 period, it is programmed to commence in Autumn 2024 with completion due in Autumn 2026, subject to available funding.

- 8.81 The SER does highlight a number of storm water offsetting options to mitigate the downstream capacity issues, which if confirmed to be feasible, and subject to completion in accordance with WWIA procedures after the completion of the Strand Road WWPS upgrade scheme, would enable NI Water to recommend approval of this proposal. If all the storm water offsetting options presented in the SER are found to be unviable, NI Water is confident alternative storm water offsetting locations can be successfully investigated and identified. Therefore, resolution is feasible over the lifespan of the planning permission.

Contamination

- 8.82 Consultation occurred with DAERA: Regulation Unit (RU) (Land and Groundwater Team) to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water.
- 8.83 A Generic Quantitative Risk Assessment (GQRA) has been provided by RSK Ireland in support of the application. This report advises there is no unacceptable risk to controlled water receptors at the site. RU support the conclusions and recommendations in this report. RU have no objections to this application provided conditions and informatives are adhered to.
- 8.84 Environmental Health was consulted and have no objections from a contamination perspective provided planning conditions issue with any approval granted. The applicant is advised that the onus to consider land contamination risk and ensure that a site is safe and suitable for its intended use rests with the developer.

Access and Parking

- 8.85 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.
- 8.86 The Riverside Regional Centre is highly accessible by road with the main access points having direct connection to A29 Dunhill Road, A54 Castleroe Road and Somerset Road. The internal road network then allows for further access to individual sites.
- 8.87 A Travel Plan Framework (Doc 07 Rev A) has been received for this application. This Travel Plan considers travel by the staff and visitors to the site with the aim of encouraging use of more sustainable modes such as cycling and public transport and minimising car borne trips. Both sites benefit from being located within 200m walking distance of two bus stops. A total of 8 No. cycle parking spaces will be provided adjacent to the new Lidl food store and a total of 4 No. cycle spaces at No. 2 Riverside Park North.
- 8.88 A Transport Assessment Form (TAF) has been submitted in support of this application (Doc 06 Rev A). Parking has been thoroughly assessed under the following sub-headings:
- Units located at No. 2 Riverside Park North
 - Lidl Food Store
 - Existing Parking
 - M&S planning application (LA01/2021/0933/F)
- 8.89 The site at No. 2 Riverside Park North comprises a total of 51 parking spaces. The new Lidl Food Store proposes a total of 132 parking spaces. For full details in relation to the parking for this proposal see Doc 06 Rev A.
- 8.90 It is considered the proposed changes to the parking provision as part of the Lidl store development are sufficient to meet parking requirements and allow for adequate provision to serve all developments within this area (Units 12-17, Costa and Nandos).
- 8.91 Policy AMP 1 of PPS 3 sets out the need to create an accessible environment. The No. 2 Riverside Park North site will provide 4 No. disabled parking spaces and the new Lidl food store will provide 4

No. disabled parking spaces as well as 4 No. Parent and Toddler parking spaces. This proposal ensures the development will be accessible by people of all mobilities.

- 8.92 A Service Management Plan was submitted in support of this application. Servicing of the new Lidl store will be through the loading bay to the western side of the building. It is anticipated that a maximum of two 16.5m articulated lorries will access the site per day. However, most days only one delivery will be made. Servicing of the B4 unit will be via the former Lidl store site access. The servicing of the B4 unit will be out-of-hours and through the loading bay to the west of the building. It should be noted that an HGV service vehicle waiting bay is also located to the western edge of the site. Servicing of the bulky goods retail unit will also be via the former Lidl site access. The servicing of the retail unit will be out-of-hours and through service vehicle spaces located to the east of the building. Appropriate servicing arrangements are in place.
- 8.93 DFI Roads was consulted in relation to this application and offer no objections. A planning condition is proposed to ensure adequate provision has been made for parking, servicing and traffic circulation within the site. The proposal complies with Policies AMP 1 and 7 of PPS 3.

Natural Heritage

- 8.94 A NI Biodiversity Checklist was submitted in support of this application. Consultation occurred with DAERA: Natural Environment Division. The application site is hydrologically connected to the River Bann which flows into the Bann Estuary Area of Special Scientific Interest (ASSI) and Special Area of Conservation (SAC) designated sites.
- 8.95 NED notes from the Flood Risk & Drainage Assessment, that the storm drainage at the site is proposed to discharge into the culverted Screen Road Drain, which flows into the Bann River and is hydrologically connected to Bann Estuary ASSI and SAC, approximately 4.3km downstream. NED notes the mitigation proposed in the Drainage Assessment and is content that any significant impacts on the designated sites can be mitigated through implementation of appropriate buffers and pollution prevention

measures and all Guidance for Pollution Prevention measures are followed.

- 8.96 NED notes a preliminary bat roost assessment was carried out on the buildings planned for demolition at the site. All buildings and structures had negligible bat roost potential. NED is therefore content no further bat surveys are required.
- 8.97 NED notes there is suitable habitat at the site for nesting birds, such as the trees, scrub and ornamental shrubs. NED is in agreement with the ecologist that any clearance of vegetation or demolition of buildings/structures should be undertaken outside the bird nesting season.
- 8.98 There was no evidence of badger at the site and NED is content no further surveys are required.
- 8.99 There is some planting and landscaping proposed for the new Lidl food store. NED recommends the additional planting is of native species to enhance the biodiversity of the site and compensate for the loss of scrub and other habitat for this development.
- 8.100 DAERA: NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.
- 8.101 Consultation occurred with SES who has no objections to this proposal following completion of a Habitats Regulations Assessment. Having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

Habitats Regulations Assessment

- 8.102 Causeway Coast and Glens Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental

Service, dated 20/12/2022. This found that the project would not have an adverse effect on the integrity of any European site.

- 8.103 Mitigation measures being conditioned include a suitable buffer of at least 10m from all watercourses and surface drains present onsite or adjacent to the site. No development is to take place until the method of sewage disposal has been agreed. There shall be no direct discharge of untreated surface water run-off into the culverted screen road drain.
- 8.104 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.
- 8.105 The proposal fulfils the requirements of Policies NH 1, 2, 3 and 5 of PPS 2.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016, SPPS and other material considerations. The proposed new convenience (grocery) store will not have a significant adverse effect on Coleraine Town Centre in terms of retail impact. Alternative sequentially preferable sites have been discounted and there is retail need for the proposal. The proposed part repurposed Lidl store building for the retailing of bulky goods is acceptable as an exchange for the extant floorspace at Unit 17 which is being demolished to accommodate the new convenience (grocery) store. The proposed part repurposed Lidl store building for storage and distribution is, on balance, acceptable given its small size and other uses at Riverside Regional Centre.
- 9.2 The amendments to the design of the existing Lidl building is visually acceptable. The design of the new Lidl store is acceptable in terms of visual amenity and local character. The proposal will not adversely impact on neighbouring amenity in terms of noise. The proposal is acceptable from a flooding and drainage perspective. There are no archaeological concerns. The proposal does not

result in contamination concerns. The proposed development has satisfactory access and parking. There are no natural heritage issues. 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. Floorspace at the proposed convenience store shall not exceed 2475 square metres gross and 1642 square metres net 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. The convenience store hereby approved shall not become operational until the permanent cessation of the retail of convenience goods at the existing store at 2 Riverside Park North, Coleraine.

Reason: To limit the extent of convenience goods retailing at this out of centre location to ensure the ongoing convenience retail function of Coleraine Town Centre.

4. The Bulky Goods Retail Unit hereby approved shall have a gross retail floorspace of 929 square metres which shall be used for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015:
- (a)DIY materials, products and equipment
 - (b)Garden materials, plants and equipment
 - (c)Furniture and soft furnishings, carpets and floor coverings and electrical goods
 - (d)Such other items as may be determined in writing by the Council as generally falling with the category of bulky goods

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

5. The proposed convenience store hereby approved shall solely be operated by Lidl.

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

6. 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 Nos. 04 & 05 date received 2nd August 2022 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.

7. 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.

8. Tonal noise disturbance arising from the movement and operation of vehicles and forklift trucks shall be suitably mitigated, specifically where such operations occur in proximity to sensitive receptors. Reversing alarms “beepers” in such areas should be restricted, with the fitting of white noise (broad spectrum) reversing alarms.

Reason: In the interests of residential amenity.

9. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval in writing.

Reason: To safeguard against flood risk to the development and elsewhere.

10. If during the development works, new contamination or risks to the water environment are encountered which have 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 Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. 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. After completing any remediation works required and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance

with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

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

12. There shall be no direct discharge of untreated surface water run-off during the construction or operational phases of the development into the culverted Screen Road Drain.

Reason: To protect Northern Ireland priority habitats and the Bann Estuary ASSI and SAC. To ensure that the appropriate environmental mitigation during construction/operational phases is in place that will prevent adverse effects on features of the hydrologically connected Bann Estuary SAC.

13. A suitable buffer of at least 10m must be maintained between the location any refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and any watercourses or surface drains present onsite or adjacent to the site.

Reason: To protect Northern Ireland priority habitats and the Bann Estuary ASSI and SAC. To ensure that the appropriate environmental mitigation during construction phase is in place that will prevent adverse effects on features of the hydrologically connected Bann Estuary SAC.

14. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999 by NIEA WMU.

Reason: To ensure a practical solution to sewage disposal is possible at this site that will protect features of Bann Estuary SAC from adverse effects.

15. All hard and soft landscape works shall be completed in accordance with Drawing No. 05 date received 29th July 2022. These works should be completed prior or within the first available landscaping season after operation of the proposal, unless otherwise agreed by the Planning Authority in writing.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

16. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

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

17. A 5m maintenance strip shall be provided in accordance with the Drawing entitled "Proposed Drainage Layout" in Appendix N of the Flood Risk and Drainage Assessment (Doc 15) dated 15th May 2023 and should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development.

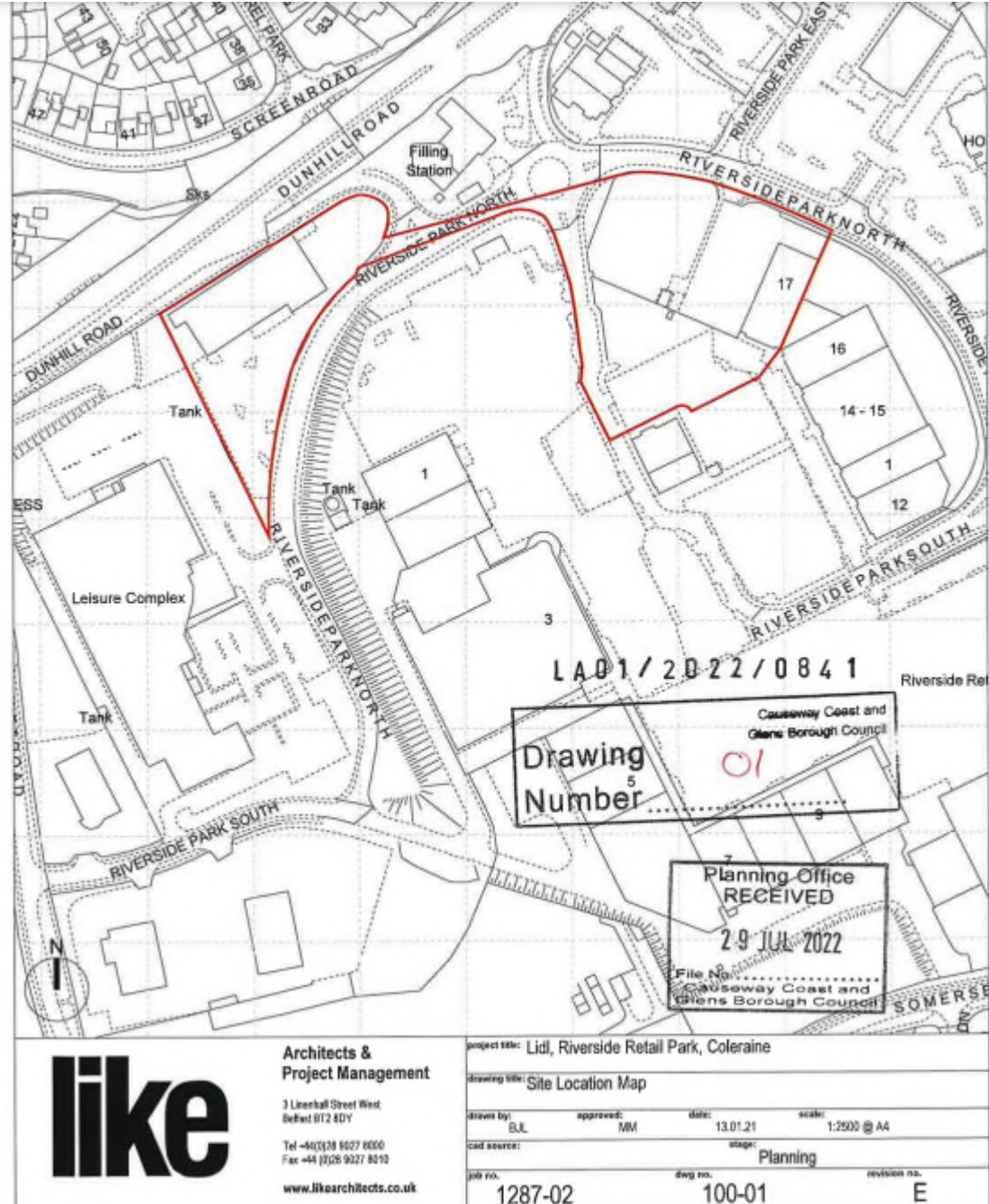
Reason: To enable maintenance of the existing culverted watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

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



like

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Block Plan

