

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2024/0527/S54</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>28<sup>th</sup> August 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Major Item</b>

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

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

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:

	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

**App No:** LA01/2024/0527/S54 **Ward:** Churchland

**App Type:** Full Planning

**Address:** Unit 17 and adjoining vacant land, Riverside Regional Centre, Riverside Park North, Coleraine And existing Lidl store, 2 Riverside Park North, Coleraine

**Proposal:** Variation of Condition 2 (Retail Floorspace – net sales) of LA01/2022/0841/F.

**Con Area:** N/A **Valid Date:** 02.05.2024

**Listed Building Grade:** N/A

**Applicant:** Lidl Northern Ireland

**Agent:** MBA Planning

**Objections: 0**      **Petitions of Objection: 0**

**Support: 0**      **Petitions of Support: 0**

## **Executive Summary**

- 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.
- Planning Approval LA01/2022/0841/F was granted permission on 07/11/2023 for erection of discount food store, car parking, landscaping and associated site works (relocation of existing Lidl food store from No. 2 Riverside Park North) at Unit 17 and adjoining vacant land Riverside Regional Centre which is extant.
- Planning Approval LA01/2024/0099/NMC was granted permission on 21/03/2024 to widen approved Lidl food store by 1.2m (to allow for the provision of fridge doors without affecting customer circulation space).
- This application seeks planning permission to vary condition 2 of Planning Approval LA01/2022/0841/F which relates to retail floorspace (net sales).
- This variation is sought to increase the sales area by 76sqm – from 1,642sqm to 1,718sqm. The increase is proposed because Lidl wish to provide a wider sales floor that can accommodate doors enclosing their fridges without affecting circulation space for shoppers as well as increasing energy efficiency. The Agent advises Lidl will not be displaying/ selling more products so turnover of the approved store and associated retail impacts will not increase.
- The proposal has been considered against the planning policy requirements of the SPPS in relation to retailing and town centres.
- The amendment to Condition 2 relates to the retail floorspace (net sales). There will be a small increase in the width of the Lidl building to incorporate this amendment (as approved in the non-material change application), but the overall design visually remains similar to that previously approved.
- This proposal is acceptable taking into consideration the planning history on the site (the principle of a convenience store has been established); the small increase in net sales floorspace; no objections from development plan; and the capacity for convenience retail floorspace in Coleraine.

- Approval is recommended subject to conditions.

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

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

## **1.0 RECOMMENDATION**

- 1.1** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the conditions set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1** The application site is located at 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 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 Castlerock 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 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. In terms of

retail classification, the site is “out of centre”. 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”.

### **3.0 RELEVANT HISTORY**

#### **3.1 LA01/2024/0520/DC**

Unit 17 and adjoining vacant land, Riverside Regional Centre, Riverside Park North, Coleraine and existing Lidl store No.2 Riverside Park North, Coleraine  
Discharge of Condition 10 of LA01/2022/0841/F  
Under Consideration

#### **3.2 LA01/2024/0099/NMC**

Unit 17 and adjoining vacant land, Riverside Regional Centre, Riverside Park North Coleraine  
Widen approved Lidl food store by 1.2m (to allow for the provision of fridge doors without affecting customer circulation space)  
Approval – 21.03.2024

#### **3.3 LA01/2022/0841/F**

Unit 17 and adjoining vacant land Riverside Regional Centre Riverside Park North Coleraine And existing Lidl store 2 Riverside Park North Coleraine  
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.  
Approval – 07.11.2023

- 3.4 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  
Approval – 09.02.2022
- 3.5 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
- 3.6 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  
Approval – 10.05.2018
- 3.7 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  
Appeal Withdrawn – 29.12.2021

## **4.0 THE APPLICATION**

- 4.1 This is a section 54 application for the Variation of Condition 2 (Retail Floorspace – net sales) of LA01/2022/0841/F.

### **Habitat Regulations Assessment**

- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed under planning application LA01/2022/0841/F in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It was concluded that the proposal would not be likely to have a significant effect on the features of any European site. As this application includes changes to the internal floorspace but does not alter the external design of the building, it is considered that the proposal will not result in any adverse impact on any European designated site.

### **Design & Access Statement**

- 4.3 As per The Planning (General Development Procedure) Order (Northern Ireland) 2015, Section 6 4(a) a Design and Access Statement is not required as the condition to which the variation is sought does not relate to design and access issues. The condition to be varied relates to the retail floorspace (net sales). The proposal entails increasing the width of the Lidl building but visually the design remains similar to that approved. There are no proposed changes to the access to the building or site. However, a “Planning, Retail, Design and Access Statement” dated May 2024 was submitted in support of this application.

## **Environmental Impact Assessment**

- 4.4 The previous approved application LA01/2022/0841/F was considered to fall within Schedule 2: Category 10 (b) of the Regulations- The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks. The threshold for this development is where it exceeds 0.5 hectare. As the site area measured approx. 1.9 hectares this threshold was exceeded. Following an environmental impact assessment screening in accordance with The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, the proposed development did not require submission of an Environment Statement. A further screening determination is not required on this application given the minimal changes. Regulation 12 (1)(b) sets out that a screening determination is not required where the development in question has already been subject to a screening determination.
- 4.5 The purpose of the new proposal is to vary the retail floorspace (net sales) of the approved building because Lidl wish to provide a wider sales floor that can accommodate doors enclosing their fridges without affecting circulation space for shoppers and also to increase energy efficiency. Having reviewed the previous EIA determination under LA01/2022/0841/F completed on 18/08/2022, it is concluded that this determination remains unchanged. Therefore, having considered the Regulations, the development proposal would not have any likely impacts of such a significance to warrant submission of an environmental statement.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External:**

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

#### **5.2 Internal:**

Development Plan: No objections.



- 5.3 Regulation 2(1)(b) of the DM Regulations has the effect that any change to or extension of an existing major development is to be treated as major where the change or extension itself meets or exceeds the relevant threshold or criterion in the corresponding entry in Column 2 of the Thresholds Table.
- 5.4 Application LA01/2022/0841/F was classified as major as it exceeded the thresholds outlined in the table within the Schedule. However, where an application is submitted for a change or extension to 'Major Development' the proposal is not subject to Pre-Application Community Consultation.

## **6.0 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

## 7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

## 8.0 CONSIDERATIONS & ASSESSMENT

### Principle of Development

- 8.1 Planning permission was granted under LA01/2022/0841/F for erection of discount food store, car parking, landscaping and associated site works (relocation of existing Lidl food store from No. 2 Riverside Park North) at Unit 17 and adjoining vacant land Riverside Regional Centre which is still extant.
- 8.2 Subsequent to this, permission was granted under LA01/2024/0099/NMC to widen the approved Lidl food store by 1.2m (to allow for the provision of fridge doors without affecting customer circulation space). There is no change to the height of the Lidl store. The appearance of the Lidl store will remain similar to that approved except it will be wider. The key change in the NMC application was the increase in gross floor area which was previously conditioned on the original application LA01/2022/0841/F (Condition No. 2). The increase in **gross** floor area was 84sqm (a rise from 2475sqm to 2559sqm). This equated to an additional increase of 3% so it was considered relatively minor in terms of the whole scheme approved. The sales floor area remained the same figure as approved therefore, there would be no additional retail impacts.
- 8.3 The current application seeks permission to vary Condition 2 of approved planning application LA01/2022/0841/F. This approved application was for:
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.

The applicant for this approved development was Lidl Northern Ireland. Planning approval was granted on 07/11/2023 with the permission still extant.

8.4 The approved wording of Condition 2 is as follows:

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) Stationery 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 SPSS policies on retailing and town centres.

8.5 The Agent submitted a "Planning, Retail, Design & Access Statement" dated May 2024 in support of this application. The purpose of the application is to vary Condition 2 to increase the sales area by 76sqm – from 1,642sqm to 1,718sqm. The increase is proposed because Lidl wish to provide a wider sales floor that can accommodate doors enclosing their fridges without affecting circulation space for shoppers as well as increasing energy efficiency. The Agent advises Lidl will not be displaying/ selling more products and so turnover of the approved store and associated retail impacts will not increase. Notwithstanding this, an updated retail impact assessment (RIA) has been provided where the store's estimated turnover has been increased in proportion to the increase in proposed floorspace.

8.6 The Agent advises the updated RIA has been undertaken on the basis that the additional floorspace is for convenience

goods meaning that the convenience sales area will be 1,463sqm (76sqm increase over that assessed in the original RIA dated July 2022) and comparison floorspace would remain at 255sqm (no increase over existing store). The RIA demonstrates that even by assuming there would be a proportionate increase in turnover, the impact on Coleraine Town Centre compared to the approved store would be negligible and would not be noticed in the normal fluctuations of trade. For further details, please review the “Retail Impact” section within the “Planning, Retail, Design & Access Statement”.

- 8.7 Development Plan was consulted in relation to this application. The purpose of the proposal is for an increase of 76 sqm net retail floor space, in line with the approved increase of 84 sqm to the unit’s gross floorspace allowed under the Non-Material Change permission. The agent states, for robustness, an updated Retail Impact Assessment (RIA) is included in Appendix 3 of the submission, which refers back to the RIA that accompanied the 2022 application.
- 8.8 Some convenience retail capacity has become available due to the approval of premises for alternative uses since the consultation on the original application LA01/2022/0841/F dated 16/12/2022. It is considered there is capacity available for the proposed small increase of 76 sqm net. The number of vacant units in Coleraine town centre has decreased by 19 units between April 2022 and October 2023. The current rate of 22.5% represents just over 1 vacant unit in 5 units in the town centre.
- 8.9 Development Plan concludes a considered comment cannot be given with regard to the robustness of the RIA. Notwithstanding this, the LA01/2022/0841/F approval has established the principle of this convenience store for 1,642 sqm net floorspace. This current proposal is for a small increase in net floor space to accommodate a change in Lidl’s presentation, which the Agent has stated will not be used for the display or sale of more products. In addition, there appears to be some capacity for convenience retail in relation to the convenience retail floorspace lost elsewhere in Coleraine outside of the town centre at an unprotected location, as in this case, in planning policy terms.

8.10 On consideration of this application, 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. All these issues were considered in the previous application and given the nature of this application they do not require comprehensive assessment. This application seeks to amend Condition 2 of LA01/2022/0841/F in relation to increasing the retail floorspace (net sales). This alteration in terms of a total increase of 76 sqm is acceptable taking into consideration the planning history on the site (the principle of a convenience store has been established); the small increase in net sales floorspace to accommodate increased circulation space for fridge doors; the consultation response from development plan indicating no objection; the capacity for convenience retail floorspace in Coleraine; and the overall design of the Lidl building remains similar to that approved except for width. The proposal does not result in any material planning concerns.

## **9.0 CONCLUSION**

9.1 The proposed variation of Condition 2 regarding Retail Floorspace (net sales) is considered acceptable having regard to the Northern Area Plan 2016, SPPS and other material considerations. The proposal seeks a small increase in net (customer) floorspace to the convenience goods/ grocery store approved at this “out of centre” site in November 2023 (Ref: LA01/2022/0841/F), as amended by a non-material change application. This is to allow circulation space in the store with the fitment of fridges with hinged doors which open outwards. Such fridges assist in conserving energy relative to conventional fridges with open shelving. Given that this proposal does not entail the provision of an enhanced range of goods or turnover, it will have no retail impact of concern on Coleraine Town Centre. 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 2559 square metres gross and 1718 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:
  - (g) Food, alcoholic drink;
  - (h) Tobacco, newspapers, magazines, confectionary;
  - (i) Stationery and paper goods;
  - (j) Toilet requisites and cosmetics;
  - (k) Household cleaning materials; and
  - (l) 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. There shall be no external storage in connection with the Class B4: Storage and Distribution Use hereby approved at No. 2 Riverside Park North.

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

7. 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. 04A date received 8th September 2023 & drawing 05 date received 29th July 2022 of LA01/2022/0841/F to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. No development shall progress beyond the foundation of buildings stage until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewage from the development. No development shall be occupied until connection has been made to the public sewer and the Article 161 Agreement authorised.

Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment.

16. All hard and soft landscape works shall be completed in accordance with Drawing No. 05 date received 29th July 2022 of LA01/2022/0841/F. 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.

17. 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.

18. 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 of LA01/2022/0841/F and should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development.

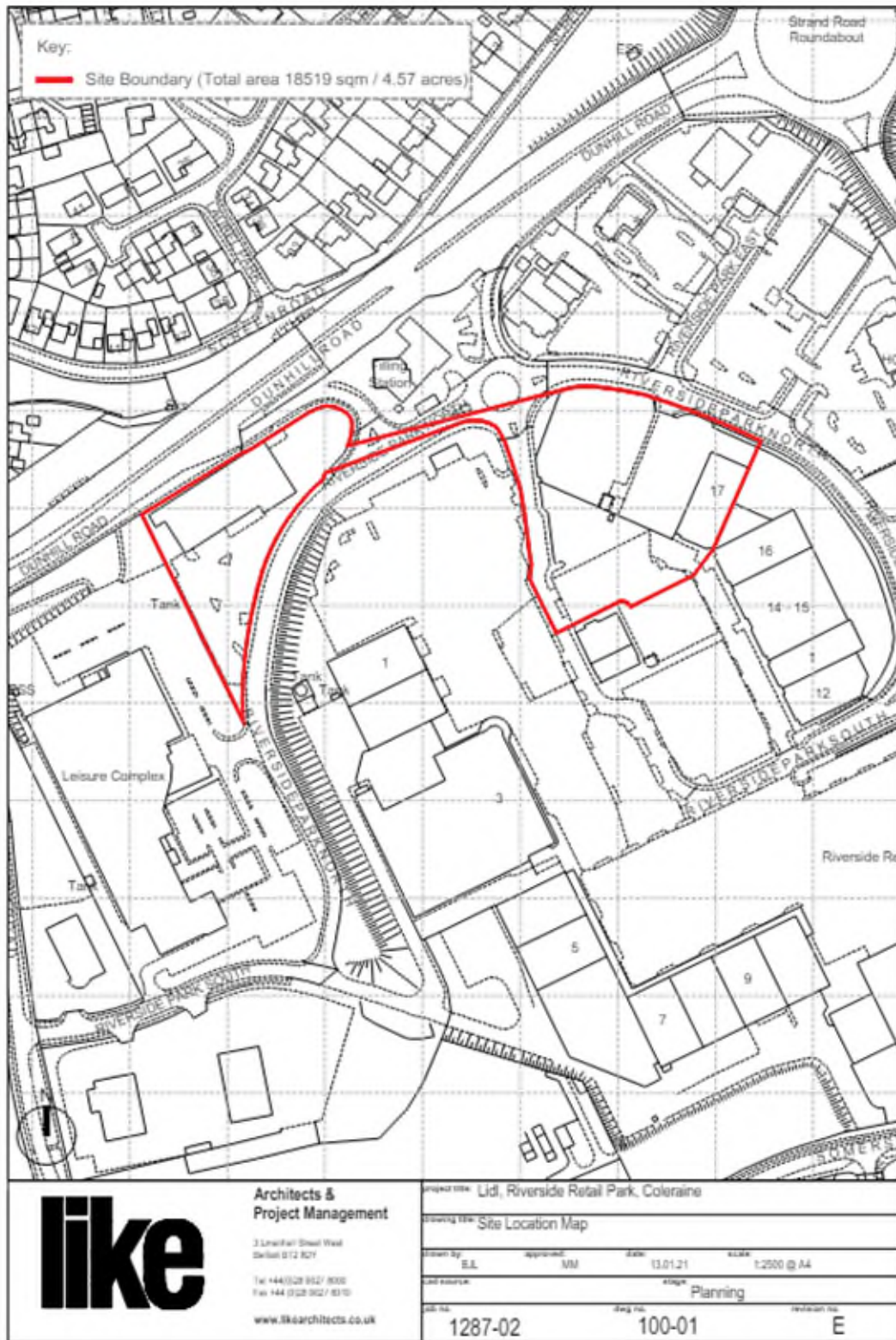
Reason: To enable maintenance of the existing culverted watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

## **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



# Proposed Site Plan

