

Title of Report:	Planning Committee Report – LA01/2024/1094/S54
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th November 2024
For Decision or For Information	For Decision – Major Item

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	Principal Planning Officer

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

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:
	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: Section 54 Application to vary the wording of Condition 15 of Approved Application LA01/2024/0527/S54:-

'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'

to

'The uses hereby permitted of the existing building at No 2 Riverside Park North shall not become operational until it has been demonstrated to the satisfaction of the Council that the mains sewer has the capacity to receive the waste water and foul sewage from this part of the development. Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment'.

Con Area: N/A

Valid Date: 02.10.2024

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.
- Concerns have been raised by the statutory consultee, NI Water 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).
- Planning Approval LA01/2024/0527/S54 was granted permission on 05/09/2024 to vary condition 2 of LA01/2022/0841/F which relates to retail floorspace (net sales).
- This current application seeks permission to vary condition 15 of the previous permission which relates to foul sewage disposal and the timing of the construction of the Lidl building.
- This proposal is unacceptable having regard to the Northern Area Plan 2016, SPPS and other material considerations.
- NI Water objects to this application because Stage 2 of the Wastewater Impact Assessment has not been completed and signed off and an Article 161 has not been authorised.
- It is unacceptable to build the Lidl Store before agreement has been reached with NI Water in relation to sewage disposal as this would present a risk to public health and the aquatic environment.
- Refusal is recommended.

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 **REFUSE** planning permission subject to the reasons 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 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 which has since been completed on site. Construction works are ongoing with the site fenced off from the public to implement the new approved foodstore.
- 2.2** Riverside Regional Centre comprises Sainsburys, B&Q, Halfords, Currys, B&M, Harry Corry, Pets at Home, Poundstretcher and Dunelm. 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 LA01/2024/0527/S54

Unit 17 and adjoining vacant land, Riverside Regional Centre, Riverside Park North, Coleraine and existing Lidl store No.2 Riverside Park North, Coleraine
Variation of Condition 2 (Retail Floorspace - net sales) of LA01/2022/0841/F.
Approval – 05.09.2024

3.2 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
Approval – 12.09.2024

3.3 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

3.4 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

3.5 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

3.6 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

4.0 THE APPLICATION

4.1 This is a section 54 application to vary the wording of Condition 15 of Approved Application LA01/2024/0527/S54:-

'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'

to

'The uses hereby permitted of the existing building at No 2 Riverside Park North shall not become operational until it has been demonstrated to the satisfaction of the Council that the mains sewer has the capacity to receive the waste water and foul sewage from this part of the development.

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

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 relates to the timing of construction for the Lidl building prior to connection for sewerage, 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 timing of the construction of the Lidl building in terms of agreement with NI Water that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewage from this development.

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 nature of this application to vary a condition relating to the timing of construction works prior to connection for foul sewage disposal. 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 wording of a condition. This would allow construction of the Lidl store to proceed to building complete before operation stage prior to demonstration 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. 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 require 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:**

NI Water: 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 Application LA01/2024/0527/S54 was subsequently approved for Variation of Condition 2 (Retail Floorspace – net sales).
- 8.3 The current application seeks permission to vary Condition 15 of approved planning applications LA01/2022/0841/F and LA01/2024/0527/S54. The approved wording of Condition 15 is as follows:

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.

- 8.4 The Agent has advised in a letter dated 30/09/2024 that Lidl's engineers AECOM have been liaising with NI Water regarding foul sewage disposal through a waste water impact assessment (WWIA) application. There is no issue with the capacity of the

receiving WWTW. However, the following measures are required to allow the development to connect to the mains sewer:

1. storm water off-setting is required to free up capacity for the approved Lidl store.
2. a waste water pumping station has to be upgraded before the second phase of the development can operate (subdivision of existing Lidl building for use as bulky goods unit and Class B4 unit).

- 8.5 The Agent advises it is their understanding that the storm water off-setting has been agreed. Therefore, it is proposed to vary condition 15 so that construction of the Lidl store can proceed to building complete before operation stage. The Agent recommends the following wording of condition 15 to ensure that the second phase of the development cannot proceed until the necessary upgrading works are carried out:

The uses hereby permitted of the existing building at No 2 Riverside Park North shall not become operational until it has been demonstrated to the satisfaction of the Council that the mains sewer has the capacity to receive the waste water and foul sewage from this part of the development.

- 8.6 NI Water was consulted in relation to this application. NI Water are unable to confirm the variation of Condition 15 of LA01/2022/0841/F. Their consultation response advised a Wastewater Impact Assessment (ref DS54347) is ongoing for this proposal. A Solution Engineering Report was issued on 11 July 2023 and Stage 1 was signed on 26 June 2024. To date the developer has not applied for connection via an Article 161 agreement.

- 8.7 NI Water advises the condition cannot be varied or discharged until:

- Stage 2 of the Wastewater Impact Assessment has been completed and signed off by NI Water with all necessary third-party sign offs in place; and
- An Article 161 has been authorised, the design has been agreed and is completed with all the necessary third-party Agreements in place.

Once this is completed, connection to the foul sewer will be permitted.

- 8.8 Following assessment, it is not considered appropriate to amend the wording of this condition given comments from NI Water. In addition, the re-wording of condition 15 would remove the proposed Lidl Store with only reference to the existing Lidl building which is unacceptable as connection to the foul sewer applies for both buildings. Approval of the application would allow the proposed Lidl store to operate ahead of authorisation of sewerage connection by NI Water. This would present a risk to public health and the aquatic environment. Accordingly, the existing condition is necessary by limiting development to an appropriate stage until the necessary approval by NI Water has taken place. At present, it has not been demonstrated 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.

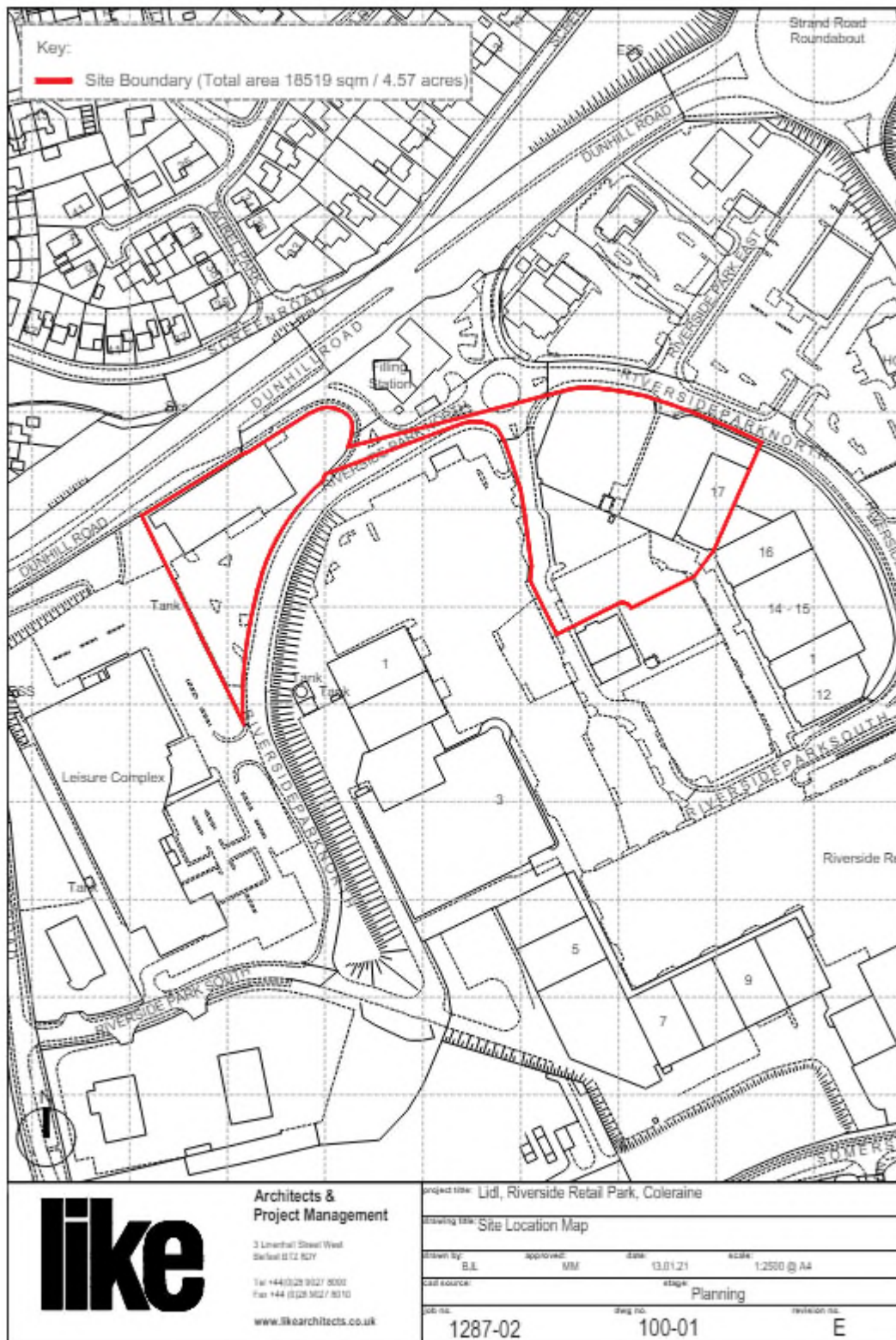
9.0 CONCLUSION

- 9.1 The purpose of the new proposal is to vary the wording of a condition. This would allow construction of the Lidl store to proceed to building complete before operation stage prior to demonstration 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. The proposed variation of Condition 15 regarding foul sewage disposal and the timing of development is considered unacceptable having regard to the Northern Area Plan 2016, SPPS and other material considerations. NI Water does not agree to the re-wording of this condition because Stage 2 of the Wastewater Impact Assessment has not been completed and signed off and an Article 161 has not been authorised. It is not acceptable to build the Lidl Store before agreement has been reached with NI Water. The appropriate way to achieve this is through the discharging of this condition. Refusal is recommended.

10.0 REFUSAL REASON

1. The proposal is contrary to Paragraphs 4.12 of the SPPS in that it has not been demonstrated 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 and that the aquatic environment is protected.

Site Location Map



Proposed Site Plan

