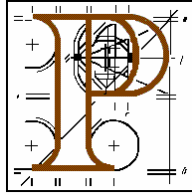


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Longford Town

Planning Register Reference Number: 09/40

An Bord Pleanála Reference Number: PL 68.235978

APPEAL by Luke Baxter care of Vitruvius Hibernicus Limited of Convent Road, Longford and by others against the decision made on the 20th day of January, 2010 by Longford Town Council to grant subject to conditions a permission to Soden Ward Limited care of Tom Phillips and Associates of The Chancery, 3-10 Chancery Lane, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: A seven year permission for a mixed use town centre development on a 2.71 hectare site approximately comprising part of the existing shopping centre (the 'Longford Centre'); existing surface car parking to the north, south and east (including service yard) serving the existing shopping centre; numbers 18B, 19B, 34, 35, 36, 37 and 38 Great Water Street; a vacant site between numbers 19B and 34 Great Water Street; an unnamed access road to the east of the existing shopping centre connecting to Saint Mel's Road and the existing Longford Branch Library, all located at Townparks, Longford, County Longford. The site is principally bounded to the north by Great Water Street; to the south by car parking and existing development; to the east by existing dwellings on Great Water Street, O'Connor Park and Saint Mel's Road and to the west by Rue Noyal Châtillon, Camlin Court Apartments and number 17 Great Water Street. The development, with a total gross floor space of 22,191 square metres approximately (including part-basement), will consist of the refurbishment, extension and re-configuration of the existing supermarket anchor unit to provide a new retail unit of 3,421 square metres gross floor area incorporating 1,289 square metres comparison gross floor area and 929 square metres convenience gross floor area, and storage/associated ancillary office space; four number additional retail units ranging in size from 320 square metres to 400 square metres (including a new convenience retail unit of 400 square metres gross floor area). The development will also consist of the provision of a new retail anchor unit (4,342 square metres comparison gross floor area including storage and

associated ancillary office); and two number new retail units of 1,728 square metres and 863 square metres, one number café unit and two number restaurant units (total 542 square metres); a new library (710 square metres); meeting room/community space (101 square metres) and children's drop-off area/crèche (187 square metres). The development comprises two storeys (including parking level) in height over part-basement level with a set back third floor on Great Water Street; two storeys with screened roof top plant on Rue Noyal Châtillon and two storeys on the northern and eastern frontage of existing surface carpark/civic square. The development will include the demolition of seven number habitable houses (numbers 18B, 19B, 34, 35, 36, 37 and 38 Great Water Street which form part of two separate terraces of 717 square metres gross floor area); the existing Longford Branch Library and associated shed (648 square metres gross floor area); the existing broadband enclosure (77 square metres) and two entrance towers to the south of Longford Centre. Vehicular access to the development will be as follows: to the part-basement car park via Great Water Street and via Rue Noyal Châtillon to the southern surface car park. Access from the south will remain as existing. Access to the service yard will be from Saint Mel's Road. The development will also include road improvement works to (a) the unnamed access road to the east of the existing shopping centre connecting to Saint Mel's Road and (b) to Great Water Street (including a priority junction, the realignment of the existing kerb line and the widening of footpaths). The development will also include all ancillary space comprising plant rooms, switchroom, toilets, mall circulation, lobby/foyer, circulation areas, broadband enclosure, Electricity Supply Board Substation (approximately 1,447 square metres gross floor area); ground and part-basement levels providing 216 number car parking spaces; the upgrade of the existing entrances, demolition and recladding of the western elevation of the existing Tesco unit, pavements and surface car park to the south of the existing shopping centre to include a new landscaped civic space, hard and soft landscaping, bicycle parking spaces and 214 number surface car parking spaces and new pedestrian routes and traffic calming measures. The development will also include: the diversion and connection into existing services as required; boundary treatments; lighting; attenuation; changes in level; all associated site development and site excavation works above and below ground; external roofplant; service yard and recycling, waste management and storage areas and associated signage.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the condition set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective of the appeal site, the provisions of the Longford Town Development Plan 2009-2015 and Longford County Retail Strategy 2005-2015, the existing development on the appeal site and the nature of developments in the immediate vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposal is an acceptable form of development and would not, therefore, be contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development permitted by this order may be carried out shall be seven years from the date of this order.

Reason: In the interest of clarity.

3. Prior to commencement of development, the developer shall submit revised plans to the planning authority which provide for a pedestrian friendly route from Saint Mel's Road to the east of the site. This shall entail a five metre wide passage way, with appropriate lighting and retail frontage addressing this route. The retail unit on the southern boundary shall be a restaurant, in lieu of the omitted restaurant to facilitate the walkway. No development shall commence on site until the revised plans have been agreed with the planning authority and written approval confirming these details has been received.

Reason: In the interest of protecting existing residential amenity and ensuring adequate surveillance of a public footpath.

4. The existing library structure shall only be demolished upon completion and operation of the new library area within the proposed development.

Reason: In the interest of continued civic amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement and such agreement obtained prior to commencement of development.

Reason: In the interest of orderly development and visual amenity.

6. Details of all external shopfronts and signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the amenities of the area and visual amenity.

7. No external security shutters shall be erected on any of the retail unit premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any enactment amending or replacing them, no development or placement of signage, or any advertising material including banners, canopies, flags, or other projecting elements shall take place within the curtilage of the proposed commercial development including any of the retail units, without a prior grant of planning permission other than indicated on the submitted drawings.

Reason: In the interest of visual amenity.

9. The site shall be landscaped in accordance with a scheme of hard and soft landscaping, details of which shall be submitted to the planning authority for written agreement, and such agreement obtained, before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Fully detailed layouts and calculations in respect of both foul and surface water drainage shall be submitted to the planning authority for agreement prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

11. Details relating to provision, modification or reconstruction of the public footpaths to facilitate the proposed development shall be carried out at the developer's expense in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

12. Public lighting, turning bays and parking areas shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

14. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
 - (i) An L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
 - (ii) An L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1 and 2 "Description and Measurement of Environmental Noise" as applicable.

Reason: To protect the residential amenities of property in the vicinity of the site.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management and safe disposal of all waste and demolished material (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2010.