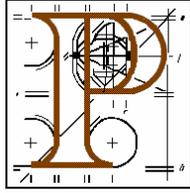


An Bord Pleanála



Inspector's Report

Development: Permission for road and roundabout, all associated site development works and the demolition of ancillary farm out buildings.

Site Address: Ballinalee Road, Lisnamuck and Templemichael Glebe, Longford

Planning application

Planning authority: Longford Town Council
Planning authority reg. no. 09/41
Applicants: Longford Business Park Limited
Type of application: Permission
Planning authority decision: Grant

Planning appeal

Appellants: Luke Baxter
Longford Chamber of Commerce and Industry Ltd.
Type of appeal: Third appeal V Grant
Observers: CFO Construction
Date of site inspection: 17th September 2010

Inspector: Joanna Kelly

1.0 SITE DESCRIPTION

The appeal site is located in the townlands of Lisnamuck and Templemichael Glebe, north-east of Longford Town. The appeal site is located within the town council administrative area while the concurrent appeal (PL.235969) pertaining to the proposed retail development is located within the county council administrative area. The site consists of undeveloped fields which are bounded to the north by undeveloped lands which are subject to the concurrent appeal (PL.235969). Part of the western portion of the site consists of the existing N5/Ballinalee Road where it is proposed to construct a roundabout ca. 150 metres south of the existing N4/Ballinalee Roundabout. The appeal site forms part of the Longford Northern Environs Plan lands and it is noted that there is an extant permission for a mixed-use development which incorporates the appeal site. The permitted development provides for neighbourhood retail units, retail warehousing, drive-through, car showroom, offices and residential.

- 1.2 The Abbot Ireland facility lies to the north of the site on the opposite side of the Ballinalee Roundabout/N4. Green Isle foods factory is located to the south of the appeal site and is accessed via an independent access off the N5/Ballinalee Road to the south. The Irish Prison Service building is located east of the N4 and is accessible via the N5. The area at present is generally considered industrial with dispersed housing in the immediate vicinity of the appeal site.
- 1.3 The site is currently a Greenfield site and the levels of the site generally fall from east to west. The site appears poorly drained with open ditches traversing the lands.
- 1.4 The appeal site is a prominent gateway site on entry into Longford Town from the N4 Sligo-Dublin Road. There is a retail park located at the Red Cow Roundabout which is to the north-west of the appeal site. This retail park is referred to as 'The Axis Neighbourhood centre', and contains a vast range of uses and services such restaurant, café, hard-ware store, Pet Store, Carpet Store amongst others. A number of units including larger units are also vacant. It is noted that there was a previous refusal on this neighbourhood site to convert a vacant retail warehousing unit to a discount store (PL.68.235354).

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposal in this application is for a new road and roundabout and all associated site works. There are also farm buildings which are to be demolished to accommodate the proposal.

This application was one of three concurrent applications to Longford County and Town Councils which are all on appeal. This application is for a distributor road and roundabout to provide access to the proposed retail development (re-located convenience store).

The overall development proposed within the three applications effectively provides for

- a. the relocation of an existing convenience store within the Longford Shopping centre and the renovation and provision of additional retail floor space of this centre (PI.235978)
- b. the provision of a new retail store with a floor area of ca. 10,996 sq.m.(PL.235969). Part of the roads infrastructure associated with this development is located on town council lands.

3.0 TECHNICAL REPORTS

Planning report:

The Assistant Planners report, co-signed by the Senior Planner, sets the context for which the permission for the road is sought. The application is one of three concurrent applications and is proposed so as to facilitate a retail development. The report sets out planning history namely PL.68.214355 and PL.214376 which were granted by the Board.

A number of submissions were noted in the planner's report which raised concerns in respect of the proposal being premature pending the completion of the by-pass, unnecessary development of retail store at this location, Ashfield House and outbuildings are listed on NIAH building survey for Co. Longford.

Reference is made to the various planning policies and more specifically to those in the Northern Environs LAP (NELAP) which have been incorporated into the Longford Town and County Development Plan. Section 4.1.2 of the NELAP outlines road linkages policy. The provision of the road is provided for in the objectives of the NELAP and the basis of this objective was informed by the Strategic Transport Impact Assessment carried out for the NELAP. The current application forms a phase of the distributor road. A master-plan has been submitted as to how the roads may be developed westwards. It is noted that unsolicited information was submitted on foot of the NRA liaison engineers report and remaining concerns were to be addressed by condition.

The report concludes that the proposal complies with relevant planning policy and that this proposal will assist in the promotion of linkages between the town core and the northern environs area. It was recommended that permission be granted for the subject development subject to 14 conditions.

Roads Design Department

The report dated 13th January 2010 sets out that further information is required in respect of horizontal and vertical alignments, construction management plan, re-routing of foul and storm drainage lines around roundabouts, et al.

Water Services Report

The report on file while referring to the correct file reference number does contain an incorrect description of the proposal. It was recommended that the development should not be allowed to proceed until further information was submitted.

External Reports

NRA

This submission sets out the following:-

- The design response to RSA stage does not deal with all of the problems identified in the Road Safety Audit Stage 1.
- The Road Safety Audit Stage 1 has not been taken to its logical conclusion.
- The Road Safety Audit Stage 1 identifies under Problem 3.3. 'the County Council proposals will ensure eventually that the speed limit of the N5 is maintained at a consistent 50 km/h for the entire link.' This would suggest that the proposed development is premature.

4.0 PLANNING AUTHORITYS DECISION

Longford Town Council granted permission for the proposal subject to 14 conditions.

The conditions are summarised as follows:-

- | | |
|-------------|---------------------------------------|
| Condition 1 | Compliance with plans and particulars |
| Condition 2 | Compliance with roads requirements |
| Condition 3 | Landscaping details |
| Condition 4 | Public lighting requirements |

Condition 5	Signage to be agreed
Condition 6	Signage agreement
Condition 7	Compliance with water supply, foul and surface water drainage.
Condition 8	Waste Management Plan
Condition 9	Compliance with Department of Environment publication 'Recommendations for site development works for Housing Areas, 1998'
Condition 10	Control on emissions so as not to cause annoyance
Condition 11	Services to be located underground
Condition 12	Project Management Plan
Condition 13	Provision of a pedestrian link from the proposed business park to proposed pedestrian bridge over the River Camlin to access the Mall Park.
Condition 14	Payment of contribution in respect of public infrastructure.

5.0 APPEAL GROUNDS

5.1 Third Party Appeal – Vitruvius Hibernicus Ltd. on behalf of Luke Baxter

The Third party appeal is summarised as follows:

- The appellant is appealing all three concurrent applications which have been granted by Longford Town and County Council.
- This development is contrary to the objectives and policies of the approved development plan and the local area plan.
- The proposal seeks to convert the N5 National Primary Road into a local service road.
- The NRA considers the proposal to be premature.

5.2 Sean Lucy & Associates on behalf of Longford Chamber of Commerce

This third party appeal is summarised as follows:-

- The proposed development is inextricably linked to the provision of a hypermarket on a Greenfield site.
- The TIA lodged with the application has identified that in the event that the proposed development of a hypermarket is refused, the existing road structure is sufficient to cater for the expected AADT up to 2025. Therefore, should the hypermarket be refused it is considered that the proposed road would also be refused.
- A hypermarket relies on its location on a low cost site close to a national primary route, motorway or dual carriageway.
- It is set out that the Retail Planning Guidelines 2005 identify that large stores should not be located adjacent to National primary and strategic routes in order to protect the future capacity of those routes by reducing unnecessary traffic movements and preventing premature obsolescence.
- It is noted that a previous decision by ABP on the appeal lands for the demolition of Ashfield House required the re-use of materials.
- It is requested that permission be refused.

6.0 RESPONSES

6.1 Response from Planning Authority

There is no response noted on file.

6.2 First Party response to each of the third party appeals

6.2.1 Response to Mr. Luke Baxter's concerns are summarised as follows:-

This response is summarised as follows:-

- It is set out that the proposed retail development complies with the aims, policies and objectives of the relevant statutory documents.
- It is noted that the proposed roads infrastructure is more substantial than is strictly required to serve just the proposed development. The Northern Environs LAP requires landowners to provide portions of the parallel

distributor road across certain lands, thus providing a key piece of infrastructure to serve the wider environs area.

- The N5 currently functions as a regional and local road providing access to various land-uses and to suggest that the proposed development will change the nature and function of the road is incorrect.
- The appeal submission appears to incorrectly associate the NRA observation on prematurity with the delayed N5 bypass (Red Cow roundabout to Strokestown Road). The NRA did not raise any road capacity issue. The 50km/h zone has been extended addressing the NRA objection.
- The traffic assessment carried out as part of this application indicates that the N5 and its relevant junctions can accommodate the additional traffic associated with the development.
- It is requested that the decision to grant permission is upheld on the basis that the proposal accords with the proper planning and sustainable development of the area.

6.2.2 Response to Longford Chamber of Commerce and Industry Ltd.

This response is summarised as follows:-

- A procedural issue is raised in the submission concerning the lack of clarity surrounding the nature of the appellant in this instance and the other two appeals.
- Regarding the link between this application and the retail development it is set out that this application for a road is required to provide access to the retail unit. The proposal is considered to be compliant with the proper planning and sustainable development of the area. The construction of the proposed road will provide access to the retail unit and a section of the parallel distributor road required as an objective to facilitate the development of the wider Northern Environs Local Area Plan area. There are no grounds to state that this application is contrary to the proper planning and sustainable development of the area.
- Regarding the issue pertaining to the catchment area, it is set out that this is dealt with in the RIA. It is set out that Longford town's role and profile in shopping patterns extends beyond the county's boundaries and has a very important regional and inter-regional dimension, which is compliant with the advice provided in Paragraph 36 of the Retail Planning Guidelines.
- The appellant is correct in his interpretation that the TIA demonstrates that without the proposed development the existing road infrastructure operates within acceptable limits up to 2025. The purpose of the road is to provide access to the adjoining retail unit but also to assist with the realisation of an objective of the LAP.
- In response to the appellant's statement that the Retail Planning Guidelines recommend that large stores should not be located near national primary and strategic routes, it is set out that LAP has been developed in conjunction with the NRA and the DoE. It is set out that it is 'material' to highlight that the subject application is not for a large retail centre and neither the NRA nor the DoEHLG have submitted objections to the proposal.
- It is set out that important items and artefacts were salvaged prior to demolition and these are being stored with the intention to reuse these elements at an appropriate time in an appropriate context.

6.3 Response from Third Party, Luke Baxter to other Third Party appeal, Longford Chamber of Commerce and Industry Ltd.

This response is summarised as follows:-

- It is noted that this third party concurs with the views expressed in the Longford Chamber of Commerce appeal.
- An article from the Irish Times is attached with the response setting out that the N5 by-pass from the Red Cow Roundabout to the Strokestown Road is not to proceed in the foreseeable future.

7.0 OBSERVATIONS

7.1 Stephen Little and Associates on behalf of CFO Construction

This observation is summarised as follows:-

- The proposed 'out-of-centre' retail scheme is contingent on the proposed roads infrastructure. (The Board is advised that the third party observer in this instance has lodged an appeal against the concurrent appeal PL.235969). As the retail development does not accord with the sequential test for locating retail development as per the Retail Planning Guidelines 2005, it is submitted that the proposed roads infrastructure required to facilitate the proposed development is also contrary to the proper planning and sustainable development of the area and should be refused. The subject proposal will only partially deliver on the LAP road objectives and therefore would represent a piecemeal approach to the delivery of this important road.
- The road proposals are inextricably linked to the provision of an 'out-of-centre' retail scheme on a Greenfield site removed from the town centre. The Retail Planning Guidelines recommend that such types of retail development should not be located adjacent to national primary and strategic routes in the interests of protecting the future capacity of such important routes. It is contended that the proposed road infrastructure is superfluous in this case, given that the proposed retail scheme is contrary to the retail Planning Guidelines, 2005.
- The TIA submitted with the application confirms that the existing road network is capable of accommodating the expected AADT up to 2025 and it is therefore contended that the proposed road improvements are only required to cater for the additional traffic movements generated by the proposed 'out-of-town' retail scheme.
- It is set out that the proposal is reliant on a location proximate to strategic national roads in order to maximise their potential catchment area. This results in high levels of private car movements and unsustainable travel patterns, compounded by the proposal for 586 spaces and lack of public transport serving the area.

8.0 PLANNING HISTORY

The Planners report notes that the following planning history:-

File Ref. No. PL.214376 and PL.214355 Permission granted for new gateway business park titled 'West-Northwest Gateway' consisting 20,633sq.m. approx. of mixed use development comprising an enterprise centre (2456sq.m.) light industrial units (2300sq.m.) office (1866sq.m.) a 96 no. bedroom hotel, medical centre, motor sales outlets, a drive through take-away, a playschool and crèche, 1 no. Gateway Pavillion, 1 no. multi-use commercial Gateway building, a mixed retail building comprising of 700sq.m. of neighbourhood retail and non-retail services. The development will range in height from one to eleven storeys at Lisnamuck and Templemichael, Glebe, Longford.

9.0 EIS

Schedule 5 of the Planning and Development Act, 2000 as amended set out the classes and thresholds of development for which a planning application must be accompanied by an EIS. An environmental impact statement was submitted for the adjoining retail proposal and as the proposed road is to provide access to this development an EIS was submitted with the application and is considered to generally accord with Article 94 and Schedule 6 of the Planning and Development Regulations.

9.0 RELEVANT PLANNING POLICIES

9.1 National

9.1.1 National Spatial Strategy

Longford Town is identified in the NSS as a county town with 'urban strengthening opportunities'.

9.1.2 Retail Planning, Guidelines for Planning Authorities, 2005

The Guidelines set out a number of policy objectives which include the incorporation of clear policies and proposals for retail development in all development plans, to facilitate a competitive and healthy environment for the retail industry of the future, to ensure accessibility to customers by promoting forms of developments which are easily accessible and to support the continuing role of town and district centres. The guidelines also set out a final objective which is a presumption against large retail centre located adjacent or close to existing, new or planned national roads/motorways.

9.2 Regional

9.2.1 Midlands Regional Planning Guidelines

The Regional Planning Guidelines set out that they are about building on and enhancing the competitiveness and attractiveness of the region that comprises the four Counties of Laois, Longford, Offaly and Westmeath. This will be achieved by focussing on:

- Building up the "Critical Mass" of the region in terms of economic strength, employment, education and population,
- Developing and strengthening the identity of the region,
- Providing better transport and communications connections within the region and between the region and other regions,
- Ensuring both rural and urban areas play their full roles in driving the development of the region in a balanced and sustainable way.

9.3 Local

9.3.1 Longford County Development Plan 2009-2015

Chapter 4 of the County Development Plan refers to economic development. This section sets out that *'it is vital that Longford Town, as the county's principal urban centre continues to develop its retail function to meet expanding shopping needs and to ensure a healthy and competitive retail environment.'*

Section 4.3.6 sets out that *'in order for Longford Town to compete effectively with other urban centres of a similar scale, it is imperative that sufficient high-end comparison shopping is in place in the town core area. The retail strategy review has identified the need for a significant growth of comparison retail provision up to 2015 to address this deficiency and enhance the retail profile of the town core...'*

9.3.2 Longford Town Development Plan 2009-2015

This town plan was adopted in August 2009. The appeal site has a land use zoning objective 'urban regeneration'. The plan sets out the objective *'To primarily provide for mixed use development appropriate to high profile town centre location with an emphasis on the provision of public spaces, civic offices, retail, commercial and amenity uses that maximise pedestrian interaction at street level'*.

Section 4.3 of the plan relates specifically to retail development. Relevant policies pertaining to this file have been enclosed as an Appendix for ease of reference.

Section 4.3.5 of the development plan in relation to the sequential approach has also been included and the last paragraph in particular is of relevance and is highlighted in the Appendix and is discussed in detail in the assessment.

Section 4.3.9.1 set out that *'it is the policy of the Council to promote and encourage major enhancement of town centre activities within Longford to enable it to maintain*

its strategic role as defined in the Midlands RPGs. In order to achieve this it will be necessary to build upon the strong services function of the town and encourage an increase in high-end high street comparison retailing in the core shopping area.'

9.3.3 Longford Northern Environs Local Area Plan 2008-2014

This plan relates to lands on the northern environs of Longford Town overlapping the town council and the county council areas. It is set out that the LAP is required to support the economic development of Longford, building on the strength of the existing industries which have recently located and expanded in this section of the town.

The policies and objectives as relevant to this appeal are discussed in detail in the assessment.

9.3.4 Longford County Retail Strategy 2007-2015

The strategy identifies that there is scope for the county to improve and enhance the quantum and quality of its retail offer. It concludes that there development of retail offer particularly high end high street comparison shopping is vital if Longford is to remain competitive and to prevent expenditure leakage to centres outside the County.

The strategy includes a series of criteria against which all applications for significant new retail development should be assessed. It sets out that in Longford town all developments of or over 1,000sq.m. gross convenience and of or over 2,000sq.m. gross comparison should be tested by the criteria.

Of note in the strategy is the significant increase in retail warehousing from 2003 to 2007. Section 4.3.1.2 sets out results of a survey was to the main purpose of trips to the town.

10.0 ASSESSMENT

Having assessed the national, regional and local planning policies, the appeal and all documentation submitted including the other two concurrent applications/appeals, it is considered that the main planning issues pertinent to this appeal are as follows:-

- 10.1 Context of planning application
- 10.2 Principle of proposed development

10.1 Context of planning application

10.1.1 There are three concurrent planning appeals submitted all of which would appear to be interlinked. It should be noted by the Board that the three appeals are not in the same applicant's name. The proposal in this application is for a road which is referred to as a parallel distributor road in the documentation submitted. It is intended that this road would serve a proposed retail development PL. 235969 which is located within the administrative boundary of Longford County Council as opposed to the Town Council.

10.1.2 There is also a proposal (under File Ref. No. PL.235978) to renovate an existing shopping centre located within the town centre of Longford. It is proposed to provide additional retail floor space, crèche and restaurant and car parking spaces. Whilst each of the three applications and appeal documentation sets out that the three files are interlinked, it is considered that having assessed all three, that each application should be assessed on its own merits.

10.1.3 The proposed road infrastructure in this application is to ensure adequate access to the concurrent appeal on the adjoining site to the north for a hypermarket. It is also proposed to deliver a section of a distributor road which has been identified in Map 1 (enclosed as appendix 3 for ease of reference).

10.2 Principle of proposed development

10.2.1 The proposed road infrastructure in this appeal is to provide a means of access to lands on an abutting site to the north which is subject to a concurrent appeal PL.235969 where it is proposed to provide a hypermarket. The administrative boundary of Longford Town and County Council traverses the lands hence the two concurrent applications. In principle the proposed roads layout is considered generally acceptable and generally complies with the objectives in section 4 of the local area plan.

10.2.2 The Board should read this report in conjunction with the report prepared in respect of the concurrent appeal for PL.235969 where it was recommended by this inspector that permission should be refused for the hypermarket. The reasons and considerations for the refusal are contained in that report and it is not considered necessary to re-iterate such in this report. Accordingly, it is considered by this Inspector that as the hypermarket was not considered appropriate it is inappropriate to permit the partial construction of the road infrastructure. To permit a road layout as proposed including roundabouts would be piecemeal and may potentially prejudice the future development of the northern environ lands in a coherent and logical manner.

11.0 CONCLUSION

11.1 Having reviewed all of the documentation submitted with the application and appeal, it is considered that in the absence of the hypermarket the proposed roads layout is unjustified and would represent piecemeal and haphazard development that would prejudice the future development of these lands in a comprehensive and coherent manner.

12.0 RECOMMENDATION

REFUSE permission for the above proposed development for the reasons and considerations set out below:

13.0 REASONS AND CONSIDERATIONS

1. The proposed development is considered to be associated with a concurrent appeal PL.235969 for a hypermarket which has been refused for the reasons and considerations set out in the Order pertaining to PL.235969. The proposal in this appeal in the absence of the hypermarket is therefore considered unjustified and would prejudice the future development of these lands in a coherent and logical manner. The proposal if permitted would represent piecemeal and haphazard development and as such would be contrary to the proper planning and sustainable development of the immediate lands.

Joanna Kelly
Planning Inspector
1st October 2010