

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Longford County

Planning Register Reference Number: 15/222

An Bord Pleanála Reference Number: PL 14.247105

APPEAL by Tesco Ireland Limited care of Bilfinger GVA of 2nd Floor, Seagrave House, 19-20 Earlsfort Terrace, Dublin against the decision made on the 21st day of July, 2016 by Longford County Council to grant subject to conditions a permission to Ruby Way Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of all existing buildings and structures on the site, provision of one number single storey convenience discount retail unit with off-licence (1,593 square metres gross floor area) including loading bay, external plant area, bin storage areas, signage (on the proposed building and totem pole style), provision of 79 number surface car parking spaces and six number bicycle parking spaces, provision of one number Electricity Supply Board substation (14 square metres) and all associated landscaping, boundary treatment, lighting, engineering and site development works necessary to facilitate the development including the provision of one number new distributor road, cycle lane and footpath that will connect the site with Connaught Road to the south and Little Water Street to the north. All at the former Longford Creamery site, Connaught Road, Longford.

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 conditions 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 nature, scale and location of the proposed development, its site context within the masterplan for the wider landholding and the provisions of the current Longford Town Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the pattern of development in the area and the site context and the adjoining permitted development which form part of the masterplan, it was considered that the proposed development would be an appropriate design response which would integrate successfully and improve the streetscape and would not contravene the zoning objective or the principles of the Retail Design Manual, April, 2012.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of June, 2016, 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. Prior to commencement of development, the following details shall be submitted to, and agreed in writing with, the planning authority:
 - (a) The materials, colours and textures of all the external finishes to the proposed development.
 - (b) All plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with the development, including details of proposed visual amelioration measures to be incorporated within such plant, machinery, chimneys, ducting, filters or extraction vents.
 - (c) Any security grills/shutters to be provided shall be internally fitted; colour finished and be of a see through variety.
 - (d) All external signage shall be located within the landholding. A co-ordinated overall design shall be submitted for all external signage including site identification and variable message signs within the development.

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

3. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

4. The following requirements of the planning authority shall be complied with. Any deviation from that submitted during the construction phase shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (a) The boundary wall set back at the south-east corner of the site along Connaught Road/Richmond Street shall be set back a minimum distance of three metres from the roadside kerb-line.
 - (b) The design of the link road requires raising the vertical alignment of Little Water Street in the vicinity of its junction with the link road (in order to raise it above the CFRAM flood levels). The developer shall carry out the necessary construction work on Little Water Street to facilitate the new vertical alignment. Proposals for this shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

5. The proposed building shall not be occupied until all services have been connected thereto and are operational and the main link road between Connaught Road and Little Water Street is fully completed. In addition, all car parking spaces associated with this site shall be fully marked out and available for use upon first occupation of the building.

Reason: In the interest of orderly development.

6. No display or storage of goods, produce, waste, plant, packaging or crates, machinery or equipment shall be stacked or stored on this landholding at any time, except within such buildings or storage areas as may be agreed beforehand in writing with the planning authority.

Reason: In the interests of orderly development, visual amenity and the proper planning and sustainable development of the area.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

9. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. Provision shall be made for loading bays within the development. Details of this provision, including swept manoeuvring paths and bay dimensions shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory layout for commercial vehicles, in the interest of traffic safety.

12. Prior to the opening of the proposed development for public trading, a management scheme providing adequate measures relating to the future maintenance of the overall landholding including storm water attenuation, roads, public toilets, parking areas, landscaping, litter, services and public lighting shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to ensure the adequate future maintenance of all areas of the development and in order to protect the amenities of the area.

13. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

14. The developer shall pay the sum of (a) €30,000 (thirty thousand euro) in respect of widening and improvement of Little Water Street from the Shopping Centre down and (b) €20,000 (twenty thousand euro) in respect of the provision of footpaths and other improvement measures on Richmond Street (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as special contributions under section 48 (2)(c) of the Planning and Development Act 2000, as amended. These contributions shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

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

Dated this day of 2016.