



An
Bord
Pleanála

Board Order

PL 21.248255

Planning and Development Acts 2000 to 2017

Planning Authority: Sligo County Council

Planning Register Reference Number: PL16/116

Appeal by Cathal McGuinness care of Braniff Associates of 5 Windsor Avenue North, Malone Road, Belfast, Northern Ireland against the decision made on the 28th day of February, 2017 by Sligo County Council to grant subject to conditions a permission to Church Road Development Limited care of Tony Bamford Planning of 127 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of structures on site including works to the rear of the Mill Building (which is a Protected Structure RPS Number 44) being the demolition of a rear return/shed. The proposed development includes: (a) a foodstore with an ancillary off-licence sales area; (b) a feature building (to be used as a café) and plaza/public realm at the north-east corner; (c) vehicular access at two points on the Finisklin Road; a one way 'in only' vehicular access and a two-way vehicular access. Both access points provide for pedestrian access. The development would also provide for points of vehicular and pedestrian access to lands to the south of the application site. The development includes all free standing and building mounted signage; refrigeration and air conditioning plant and equipment; car parking and bicycle parking; trolley bay, external bin storage, hard and soft landscaping, with services to connect to existing connections and all other ancillary and associated site development works (including any retaining structures)

above and below ground level to complete the development, and all boundary treatments. The development allows for both pedestrian and vehicular access to the properties abutting the two way access into the development (between the Sligo Office Supplies Unit on Finisklin Road and number 3 Lyons Terrace, a Protected Structure (RPS Number 47). It will also include the creation of a service yard for the Sligo Office Supplies unit with vehicular access off the two way access road. The proposed development includes works to the Mill Building which is a Protected Structure and is also located close to other structures on the Finisklin Road and Union Place which are Protected Structures all on lands bounded by Lyons Terrace, Finisklin Road and Union Place, Sligo. These structures include Units 1-4 Union Place (RPS Numbers 218, 219, 220, 221) and Number 12 Union Place (RPS Number 222), as amended by the further public notice received by the planning authority on the 3rd day of February, 2017 as follows: removal of feature building (which was to be used as café at the north east corner of the development) as well as the removal of the one way (in only) vehicular access from Finisklin Road and will include the renovation of the Mill (a protected structure) to include a variety of uses with a café/restaurant at ground floor and offices at upper floors. An external enclosure for services and plant is also proposed to the south of the Mill building. Additional land for parking to the rear of Units 1 and 2 Finisklin Road (both protected structures) is also included to provide for additional car parking, additional lands to the rear of the office supplies unit to allow for the realignment of the main access road, and includes all works associated with the revised project.

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 zoning of the site under the Sligo and Environs Development Plan 2009-2016, to its location at the edge of the town centre and to the pattern of development in the area, it is considered that the proposed development would meet a sequential site assessment, would comply with the retail planning strategy set out in the development plan and with the provisions of the Guidelines for Planning Authorities on Retail Planning, 2012 and would not adversely affect the vitality and viability of Sligo Town Centre. The proposed renovation of the protected structure on the site and the provision of a public space at its north-eastern corner would respect the architectural heritage and historic character of the area. It is considered, therefore, that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of traffic safety and convenience and would be in accordance with 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, as amended by the further plans and particulars submitted to the planning authority on the 25th day of January, 2017, 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. The authorised foodstore shall be used only for the sale of convenience goods and shall have a net sales area of no more than 1,620 square metres as defined in the Guidelines for Planning Authorities on Retail Planning issued in April, 2012.

Reason: In the interest of clarity.

2. The proposed public square and the renovation of the Mill Building shall be completed before the authorised food store opens for trading. The developer shall submit a phasing programme that adheres to this principle for the agreement of the planning authority before the commencement of development.

Reason: To ensure that the development achieves an adequate standard of urban design and protects the architectural and historic character of the area.

3. Renovation of the Mill Building shall be carried out in accordance with the Conservation Impact Assessment submitted to the planning authority on the 25th day of January, 2017. Repairs to all stone masonry and brickwork shall be carried out using lime based mortars. Where damaged brickwork is replaced, substitute brick samples, preferably of recycled brick, shall be submitted to, and agreed in writing with, the planning authority.

Reason: To protect the architectural heritage of the protected structure.

4. The proposed totem signs shall be no more than four metres in height and 1.2 metres in width. No additional signage shall be erected on the buildings or elsewhere on the site other than those shown on the drawings submitted with the application, whether or not they would otherwise constitute exempted development. Drawings showing compliance with this condition shall be submitted to, and agreed in writing with, the planning authority before the commencement of development.

Reason: To protect the visual amenity of the area.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any overhead cables crossing or bounding the site shall be undergrounded as part of the site development works.

Reason: In the interests of visual and residential amenity.

6. 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.

7. 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, including specific details of the proposed stone wall to Union Place.

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

Reason: In the interest of visual amenity.

- 8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

- 9. 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 interest of public safety and residential amenity.

10. Details of the materials and finishes of the underside of the roof on the eastern gable of the food store shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

11. The Japanese Knotweed on the site shall be managed in accordance with the relevant plan submitted to the planning authority on the 25th day of January, 2017, unless otherwise agreed in writing with the planning authority.

Reason: To protect natural heritage and prevent the spread of an invasive species.

12. A waste and litter management plan for the operation of the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of environmental protection.

13. A Mobility Management Plan for the development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development which shall include measures to promote sustainable travel to and from the site, including measures to facilitate the use of the car park for multi-purpose trips to the town centre, measures to facilitate pedestrian movement through the site, and the provision of adequate bicycle parking at convenient locations close to the entrances to the shop and the Mill Building.

Reason: To limit the demands which the proposed development would place on the road network in the area.

14. The developer shall pay the sum of €11,101 (eleven thousand, one hundred and one euro) (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 a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of improvements to the traffic control system on the Michael Conlon Road. This contribution shall be paid prior to 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.

15. 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.

