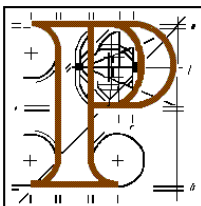


# An Bord Pleanála



## Inspector's Report

**PL26.245925**

**DEVELOPMENT:-** Mixed use scheme including 46 no. residential units, 2 no. office units and 1 no. retail unit at McCurtain Street and Paul Funge Boulevard, Ramstown Lower, Gorey, Co. Wexford.

### PLANNING APPLICATION

**Planning Authority:** Wexford County Council

**Planning Authority Reg. No:** 20150998

**Applicant:** Anthony Neville

**Application Type:** Permission

**Planning Authority Decision:** Grant

### APPEAL

**Appellant:** Gorey Chamber of Commerce

**Type of Appeal:** 3rd-v-Grant

**Observer:** Brian Acton

**DATE OF SITE INSPECTION:** 17th February 2016

**Inspector:** **Colin McBride**

## 1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 1.14 hectares, is located to the south west of Gorey Town Centre at the junction of McCurtain Street and Paul Funge Boulevard with the site having road frontage along both streets. The appeal site mainly consists of a green area on the western side of the existing Tesco supermarket as well as including a small part of the car park serving the supermarket. In regards to adjoining uses, to east on the McCurtain Street frontage are single-storey dwellings as well as the supermarket building. To the west is the public road and roundabout junction linking McCurtain Street and Paul Funge Boulevard. On the opposite side of Paul Funge Boulevard are existing dwellings. To the south is a larger green area located to the west of the Tesco car park. Levels on site fall in a southern direction from their highest level along McCurtain Street and levels also fall in an easterly direction on the northern portion of the site towards the existing supermarket building.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the construction of a mixed use scheme with a gross floor area of 5,993sqm ranging in height from two to four-storeys over a lower ground floor/basement level. The development consists of 46 no. residential units, 2 no. office units (Block 1) with a gross floor area of 317sqm and 1 no. retail unit (over two levels, Block 8) with a gross floor area of 719sqm, 125 car parking spaces at surface and basement level are also proposed. Vehicular access to the development will use the existing access to the Tesco store car park as well as vehicular access from McCurtain street. Pedestrian access is provided from McCurtain Street, Paul Funge Boulevard and the Tesco car park.

The residential component consists of a three-storey block with 10 no. 2 bed apartments at upper ground floor and 10 no. 3 bed duplex apartments at first and second floor level (Block 2, 3, 5, 6 and 7). There is also a four-storey apartment block containing 24 no. two bed apartments (Block 4) and 2 no. two bed apartments located at first and second floor level over the retail unit (Block 8).

### 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

#### 3.1

- (a) An Taisce (19/10/15): The Council should have regard to the Department of Transport's policy, Smarter Travel: A Sustainable Transport Future-A New Transport Policy for Ireland 2009-2020 in assessing the proposal.
- (b) Development Applications Unit (12/11/15): There are no archaeological requirements relating to the current proposal.
- (c) Planning Report (23/11/15): The overall design, scale and nature of development was considered to be acceptable in the context of Development Plan policy and the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions outlined below.

### 4. DECISION OF THE PLANNING AUTHORITY

#### 4.1 Permission granted subject to 13 conditions. Of note are the following conditions...

Condition no. 2: The retail unit to be used as a convenience store only and not for the sale of comparison goods.

### 5. PLANNING HISTORY

#### 5.1 PL26.243866: Permission refused for a retail development in 2 blocks, refuse storage area, parking, access road, landscaping incorporating amendments to previous permission PL26.238781 and site works. Refused based on the following reasons...

*1. Having regard to the nature and scale of the proposed development including the quantum of retail floorspace proposed, the quantum of existing and proposed car parking and to the Town Centre Zoning of the site, it is considered that the proposed development, by reason of its location outside and remote from the designated Retail Core Area of the town centre of Gorey, and the lack of any connectivity with the retail core area, would fail to provide for synergy with the established shopping centre and would have an adverse impact on the vitality and viability of the existing town centre. The proposed development would, therefore, militate against the consolidation of the town centre and would be contrary to the Retail Planning Guidelines 2012, the Retail Strategy for Gorey as set out in the Wexford Retail Strategy 2013-2019 and in the Gorey and Environs Local Area Plan 2010 and to Development Plan policies ED33 and ED34. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*2. Having regard to the Town Centre zoning of the site, the large scale, mass, bulk and elevational treatment of the proposed buildings, it is considered that the proposed development would, by reason of its general layout, form and design, fail to create an urban form which would relate to the town centre. The proposal would, therefore, seriously injure the visual amenities of the area and of properties in the vicinity, would conflict with the Urban Design Principles contained in the Design Manual of the Retail Planning Guidelines 2012, and would be contrary to the proper planning and sustainable development of the area.*

*3. Having regard to the nature and scale of the development proposed, taken in conjunction with the existing retail development granted by the Board under PL26.238781, the Board is not satisfied, on the basis of the information provided with the application and appeal and in the absence of an Environmental Impact Statement, that the proposed development individually, and in combination with other plans or projects, would not be likely to have significant effects on the environment.*

5.2 PL26.243865 – Permission granted for petrol filling station, shop, car wash and drive thru restaurant.

5.3 PL26.238781: Permission granted by the Board on 2/9/2011 following a third party appeal for a retail development comprising 8,242sq.m (gross f.a.). This application was accompanied by an EIS. The net sales area was 5,102m2. The development consisted of the following elements:

(1) Convenience – 2,990m2 (net)

(2) Comparison – 2,112m2 (net)

(3) Service including restaurant – 3,140m2.

(4) Total net sales area – 5,102m2/ GFA 8,242m2 (5) 606 surface car parking spaces.

The Board's Inspector had recommended refusal on the following grounds:-  
The proposed development, of a large scale retail development with significant area of surface car parking, in an area zoned for town centre uses, is considered to unsatisfactorily address the town centre, in that the proposed development fails to provide an active streetscape to McCurtain Street and to a lesser extent Ramstown Road. It is considered that the siting of the proposed store behind the existing built environment and the dominance of the proposed link road on the site, fails to integrate with the defining feature of the subject site namely the town centre location. It is considered that the lack of connectivity of the proposed development with the surrounding areas,

particularly with reference to the lack of satisfactory vehicular and pedestrian access directly to the proposed store from the northern boundary of the site, is an inappropriate response to the wider context of the subject site in a town centre. It is considered that the proposed development is not in accordance with the proper planning and sustainable development of the area.

However the Board decided to grant permission subject to 16 no. conditions, one of which, (Condition 3), capped the convenience goods net retail sales area of the hypermarket to 3,000sq.m. Other conditions of note included Condition 2 which required several amendments to the permitted scheme. The amendments included requirements to omit the most westerly row of parking; provide seating in the park area between the hypermarket and McCurtain Street; provide glazing along western frontage of hypermarket; and omit the entrances opposite the southern section of the realigned Ramstown Road. Condition 7 required the submission and approval of a scheme of surface/boundary treatment for the lane adjacent to Ramsgate Cottage. Condition 9 restricted refrigerated deliveries to 0800-2000 Mon-Sat and 1000 – 2000 Sun.

The Board's Direction stated that having regard to the policy framework, the proposed development was considered to be an appropriate extension to Gorey Town Centre, would not adversely affect the vitality and viability of the town centre, would assist in achieving necessary road infrastructure and would not seriously injure the residential amenities of property in the vicinity. The Direction further stated that:-

“in deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the site was located to the rear of a street which was an effective continuation of the main street of the town and the proposed development was designed to fit the topography of the site and to provide for the roads objective of the Gorey Town and Environs LAP 2010. The board also conditioned certain revisions to the development granted to aid its visual integration”.

- 5.4 20051405: Permission granted in May 2005 for a shopping centre development comprising 14,743m<sup>2</sup> of retail – anchor store, 18 no. retail units on site to east (Gorey shopping Centre/Dunnes Stores). This included 432 parking spaces, 40% of which were basement spaces. The retail element of this development is confined to the ground floor and accessed from the relief road. There is a medical centre on the first floor, which is connected by a pedestrian bridge to the civic centre, through which pedestrian access can be gained to The Avenue, (approx. 200m south of Main Street).

- 5.5 20061117: Permission granted for erection of 3 no. single storey warehousing units, carparking, access road together with associated site works (alterations to approved retail warehouse park previously granted under 20052190). The site is located to the east of The Avenue and to the south of the Dunnes Stores development (20051405).

## 6. PLANNING POLICY

### 6.1 Gorey Town & Environs Local Area Plan 2010-2016:

The site is zoned 'Town Centre' and is located within Area 8 of the Masterplan. Map 11 contains the relevant zoning information and objectives for Area 8, which includes a "possible link" running east-west through the southern part of the overall lands of which the subject site forms part. Reference is made to the desire to develop a linking between the Dunnes Stores development and the Ramstown area. This Map also includes the Retail Core Area.

The Zoning objective for Town Centre is "to protect and enhance the character of the existing town centre by providing for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic uses", (Section 4.3). Comparison and convenience retailing uses are permitted in principle.

Section 5.3 sets out the policies regarding retail and commercial development. Objective RC1 seeks to encourage development of infill sites and backlands within the town centre and adjoining area as locations for retail, commercial and residential uses, having regard to the surrounding building uses in the area. Section 5.10 sets out the policies in relation to the Town Centre and Section 5.11 sets out the policies relating to transport, infrastructure and parking. At 5.11.3, it is stated that it is the policy of the P.A. to seek an additional 20% parking over and above the county standards on undeveloped greenfield sites in the Town Centre.

### 6.2 Wexford County Development Plan 2013-2019:

Chapter 3 sets out the core strategy. It is noted that the SERPGs designated Gorey as one of three 'Larger towns', (3.4.6), the roles for which are either as a target for growth or more measured growth to allow for retail, social, community development to catch up with recent residential development. Gorey falls into the latter category (page 62), whereby the focus is on facilitating further development of physical and social infrastructure.

Chapter 6 sets out the strategy for retail development for the county (6.4.11) and the revised Retail Strategy is contained in Volume 4 of the CDP. The relevant policy objectives are ED31 – ED44 (extract attached to this report). The Board's attention is drawn in particular to Obj. ED33 (protection of vitality and viability of town centres), Obj. ED34 (have regard to capacity assessment in Retail Strategy) and Obj. ED38 (edge of centre sites and the sequential test). At 18.7.1 it is stated that a Retail Impact Assessment will generally be required for development proposals containing greater than 1,000m<sup>2</sup> net retail floorspace

### 6.3 Retail Planning Guidelines for Planning Authorities April 2012:

These guidelines provide a comprehensive framework for planning and development of retail floorspace. The guidelines generally support retail development in town centres or in locations which are accessible to local housing and are very accessible by a variety of modes of transport. Future retail development is required to be plan-led and thus Retail Strategies are required to be put in place. In addition, the promotion of a competitive market place, encouraging sustainable travel and the promotion of quality design in retail development are also key elements of the national retail policy framework.

The guidelines also support the continuing role of the town centre as a preferred location for new retail development in the interests of maintaining its vitality and viability, or if no sites are available, immediately on the edge of town centres, with a presumption against development elsewhere, except in designated district or neighbourhood centres. At the heart of this policy objective is the concept of vitality and viability which are described in some detail in Annex 2 "Assessing the Vitality and Viability of Town Centres" Where a town centre location is not possible, consideration can be given to an edge of centre site, which is defined as

"A location within easy walking distance of the primary retail area of the city or town centre or district centre" (A.1.6)

The sequential approach is, therefore, considered to be critical to the assessment of retail need in terms of location and the concept of there being no alternative sites within/closer to the town/city centre based on the criteria of being (a) suitable, (b) available and (c) viable is emphasised in Chapter 4.

## 7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by the Gorey Chamber of Commerce. The grounds of appeal are as follows...

- The appellants note that the Council has designated Gorey Main Street and Esmode street as the core retail area of Gorey and that The Gorey Town & Environs Local Area Plan aims to protect the vitality and viability of town centre. It is noted that the size of the proposed retail unit and its distance from the town centre would have a detrimental impact on this core retail area.
- The appellants raise the issue of traffic safety and notes the internal report of the Council's note that the Retail Planning Guidelines require the carrying out of a detail Retail Impact Assessment and no such assessment has been carried out in this case.
- It is noted that there have been a number of larger retail edge of town units permitted and constructed in recent years and have remained vacant or had sporadic occupancy. It is noted that such development and the proposed retail development is not balanced retail expansion and is moving the retail core away from the established one.
- It is noted that there has been a number of convenience retail developments permitted in the vicinity and it is questioned the need for another one at this location.
- In relation to the residential development it is noted that the majority of residential units have no private amenity space or outdoor areas as well no adequate communal recreational space with such proposed space in close proximity to busy roads.

## 8. RESPONSES

### 8.1 Response by Wexford County Council.

- The floor area of the proposed retail unit is well below the threshold that would require a Retail Impact Statement. It is noted that the proposal would not have an adverse impact on the established retail core and that the proposal will make up 2.3% of the total convenience spend.
- It is noted that all apartments have sufficient private open space and are within a 5 minute walk of the town centre.
- The Planning Authority request that the Board uphold their decision.

### 8.2 Response by John Spain & Associates on behalf of the applicant, Anthony Neville.

- The response notes the previous refusal for a retail development on site under PL26.243866. It is noted that the current proposal seeks to address the concerns raised in the refusal of permission for the previous proposal. The



significant changes include a much reduced retail element, better pedestrian connection with the retail core, the provision of an active frontage and urban edge along Paul Funge Boulevard, a suitable mix of uses appropriate to the town centre zoning and also the provision of a sub-threshold EIS development that would not warrant a new EIS having regard to the nature of uses and scale.

- It is noted that the proposal is satisfactory in the context of its overall design and quality in regards to zoning policy, development control objectives, quality of amenities for future occupants and the amenities of adjoining land uses. The proposal is also noted to be satisfactory in the context of car parking provision, access and traffic safety.
- In regards to the retail aspect of the proposal the applicants notes relevant national policy in the form of the Retail Planning Guidelines 2012 in addition to Development Plan policy. It is noted having regard to such policy and the scale and extent of retail development proposed that the size of such and distance from core would mean the proposal would not be detrimental to the established retail core of Gorey.
- It is noted that the proposal is consistent with land use zoning and Development Plan policy in regards to retail development. The proposal was accompanied by a Retail Impact Statement (RIS) that provides justification for the proposal and demonstrates that there is sufficient expenditure capacity in the catchment area.
- It is noted that the floor space of retail development proposed is below the level requiring a RIS, however the applicant has provided one anyway.
- The proposal provides for residential development of sufficient quality and in keeping with Development Plan policy the proposal provides sufficient levels of amenity space for the residential development. The design of the residential units complies with Development Plan standards and the Sustainable Urban Housing Design Standards for New Apartments (2007) with it noted that the proposal would conform to the new recently published standards (December 2015).

## 9. OBSERVATIONS

9.1 An observation has been received from Brian Acton, Laraheen Cottage, Hollyfort, Gorey, Co. Wexford.

- The proposal would have a detrimental visual impact.
- The proposal taken in conjunction with adjoining development would increase overall site coverage resulting in loss of green belt/open space amenity area.
- The proposal would be out of character and scale with adjoining development and impact adversely on the setting of the 1798 monument.

## 10. ASSESSMENT

- 10.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/development plan policy

Development control standards

Visual/adjoining amenity/pattern of development

Retail Impact

Residential amenity/qualitative assessment

Traffic

Other issues

### **10.2 Principle of the proposed development/development plan policy:**

- 10.2.1 The relevant plan is the Gorey Town & Environs Local Area Plan 2010. The site is zoned 'Town Centre'. The proposal is for a mixed use development mainly consisting of residential units (46), 2 no. office units (gross floor area 317sqm) and 1 no. retail unit (gross floor area 719sqm, net floor area 536sqm). Figure 4.1 of the Local Area Plan is the Land Use Zoning Matrix with all uses proposed, residential, office and retail (both convenience and comparison) identified as being 'permitted in principle'. It is notable that one of the main issues raised in the appeal submission relates to the level of retail development proposed and its impact on the established retail core of Gorey. In addition it should be noted that a previous proposal for a larger retail development on site was refused due to its remote location from the retail core despite its 'town centre' zoning and the quantum of retail space proposed was considered to be detrimental to the vitality and viability of the existing town centre. A detailed assessment of the retail component and its subsequent impact will form part of a later section of this assessment as well as an assessment of other components of the proposed scheme. Notwithstanding such, I would consider that the principle of the proposed development is acceptable.

### **10.3 Development control standards:**

- 10.3.1 The proposal is a mixed use development however the main component of such is a residential development with 46 no. units. The development can be broken down into 8 blocks which are as follows....

Block 1 is a two-storey office block with 2 no. office units with gross floor area of 317sqm.

Block 2 is a three-storey block with 2 no. two bed apartment units at ground floor level and two no. three bed duplex apartment units at first and second floor level.

Block 3 is identical to Block 2 in design and unit type.

Block 4 is a four-storey over basement apartment block featuring 24 no. two bed apartment units with 6 no. apartments per floor.

Block 5, 6 and 7 are identical to Block 2 in design and unit type.

Block 8 is a part three, part four-storey building featuring a retail unit at lower ground floor and upper ground floor with a gross floor area of 719sqm and 2 no. two bed apartment units with one on each floor (first and second floor).

The proposal provides for a residential density of approximately 40 units per hectare. Under Section 4.3 of the Local Area Plan greater than 30 units per hectares is identified as higher residential density and the appropriate location for such is identified as being “at strategic locations including the town centre, neighbourhood centres and transport nodes”. I would consider that the proposed density is consistent with such policy in that it is located on a site zoned town centre and is within a convenient walking distance of the existing long established town centre.

10.3.2 The Development Management Standards for various types of development are contained in the Wexford County Development Plan 2013-2019. In relation to apartment development the development control requirements are under Section 18.11. Under this section, table no. 37 sets out the minimum internal space and private open space standards for apartments. In the case of the proposed development there is a mix of two and three bed apartment units with the requirement being for 75sqm of internal space and 7sqm of private open space for a two bed unit and 86sqm of internal space and 9sqm of private open space for a three bed unit. In the case of all units, which are a mix of two and three bed apartment units, the minimum required standards set down for both internal space and private open space is met and exceeded in most cases. In addition I would acknowledge that the apartment sizes and layouts are compliant with the standards set down under the Sustainable Urban Housing Design Standards for New Apartments: Guidelines for Planning Authorities (2007) and the recent document that has superseded these guidelines, Design Standards for New Apartments: Guidelines for Planning Authorities (December 2015).

10.3.4 In regards to public open space under Section 18.10.4 of the County Development Plan it is noted that “the Council will generally require that useable public open space shall be generally be provided at a rate of around 1 hectare per 150 dwellings or 10% of the site area (whichever is greater) but the Council may accept or require a lower or greater provision depending on

the location and characteristics of the site, the overall design quality of the development and open space proposed, and the availability or otherwise of existing open space provision nearby". In regards to the provision of public open space, there are three separate areas that form the bulk of open space provision on site. There is an open space area to front of Block 2 and 3, an area to the south of Block 8 (both have a mix of soft and hard landscaping) and a hard landscaped area located to the rear of Blocks 5 and 6. According to the information on file these areas account for 1,713sqm of public open space (this is accurate based on my measurements). Based on development plan standards as outlined above the requirement is 3,066sqm based on a standard of 1 hectare per dwelling or 1,140sqm based on 10% of the site area, whichever is the greater. Given the size and shape of the site and the nature of the development, which is a mixed use development mainly consisting of apartments, I would be consider that the provision of 3,066sqm of the site area as public open space to be excessive and more suitable/achievable in a lower density housing development. The proposal does provide for over 10% of the site area as public open space with such broken up and distributed throughout the site. I would consider that the level of public open space provided to be satisfactory in the context of development control standards.

10.3.5 The proposal is also compliant in regards to car parking standards under the County Development Plan and this fact is elaborated upon under the later section dealing with traffic issues. The proposed development is acceptable in the context of all relevant development control standarda set down under the Wexford County development plan 2013-2019.

#### **10.4 Retail Impact:**

10.4.1 It is notable that one of the main issues raised in the appeal submission relates to the level of retail development proposed and its impact on the established retail core of Gorey. In addition it should be noted that a previous proposal for a larger retail development on site was refused due to its remote location from the retail core despite its 'town centre' zoning with the quantum of retail space proposed considered to be detrimental to the vitality and viability of the existing town centre. The current proposal is a mixed use development with the main focus on residential development with a small portion of the overall development dedicated to retail and office use. The retail component consists of a two-storey retail unit with a gross floor area of 719sqm and a net floor area of 536sqm. This is a huge reduction in terms of the retail space proposed on site over that sought under PL26.243866. In relation to the need for a retail impact assessment the Retail Planning Guidelines note under Section 4.9 (Retail Impact Assessment) that "the threshold at which an RIA will be required will be determined in the context of the development plan policies and objectives for retailing or may be raised by

the planning authority in pre-application on discussions or in the course of determining the planning application". As noted earlier under the planning policy section the Wexford County Development Plan 2013-2019 set the threshold for a Retail Impact Assessment at 1000sqm. In this case the proposed retail floor space is below this threshold.

10.4.2 Notwithstanding the fact that retail policy (County Development Plan) does not require a Retail Impact Assessment (RIA), the applicants submitted a Retail Impact Statement (RIS). The RIS includes details of Gorey's status in regards to the settlement and retail hierarchy in the county as well as details the planning history of significant retail developments in the vicinity and in the wider area. The RIS outlines the contents of the Wexford County Retail Strategy 2013 under which Gorey is identified as a Level 2 'Major convenience and comparison centre'. It is noted that the site is part of lands identified as an opportunity site for retail development under the Retail Strategy as well recognising that site is zoned town centre under the Local Area Plan. The RIS includes a Qualitative Assessment including a health check assessment that concludes that the established retail core centred around Main Street is currently in a healthy and vibrant state with a low level of vacancy. The Quantitative Assessment includes details of catchment area, convenience expenditure including projected expenditure (2018), turnover of existing and proposed convenience floor space. The proposal is assessed as being a convenience food store with a net floor area of 536sqm. The RIS projects that the proposed retail component would account for 2.3% of convenience expenditure available based on estimates for 2018 (based on population statistics, expenditure information in the retail strategy). It is noted that there is sufficient capacity for additional retail convenience floor space proposed based on the assessment year of 2018 with surplus of convenience space still available with the proposed development in place. It is concluded that there is more than adequate capacity for the proposed convenience retail unit. It is concluded that the proposal would be compliant with the contents of the Retail Planning Guidelines and would not have a detrimental impact on the vitality and viability of the core retail area focused around Main Street and also noting that it would have a positive impact in regards to the existing town centre.

10.4.3 The previous proposal on site under PL26.243866 represented a significant amount of retail floor space (3,406sqm) with the concern raised about the quantum of retail space proposed remote from the designated Retail Core Area of Gorey. In the case of the current proposal the level of retail space is greatly reduced in level with the majority of the proposed development being residential in nature. The applicants have submitted a Retail Impact Statement (RIS) to demonstrate that there is capacity for the proposal and that such would not impact adversely on the established town centre. I am

satisfied with the scope and methodology of the RIS and consider that the information submitted is satisfactory and does demonstrate that there is sufficient capacity for the level of retail development proposed. I am satisfied based on the much reduced level of retail space proposed and the conclusions of the Retail Impact Assessment that the proposed development would be consistent with Development Plan policy, the recommendations of the Retail Planning Guidelines, and would not have a detrimental impact on designated/traditional retail core of Gorey.

### **10.5 Visual/adjoining/pattern of development:**

10.5.1 The proposed provides for 8 blocks that front partially onto McCurtain Street to the north and mainly Paul Funge Boulevard to the west. The development is split into eight blocks. Block 1 is at the highest ground floor level and is a two-storey office block fronting McCurtain Street. Moving south on site Blocks 3 and 4 are three storeys and step down due to the fall in ground levels moving south. Block 4 is a four-storey over basement structure and Blocks no.s 5, 6 and 7 are identical to no.s 2 and 3. Block 8 is a three-storey Block at the southern end of the development. In regards to height the lowest ridge height is Block 1 with the remainder of the Blocks on site having similar ridge heights but broken up due to slightly differing ridge heights as a result of reduction in ground levels moving south. Blocks 1, 2, 3, 5, 6, 7, 8 have a pitched roof profile with external finishes of black roof tiles and smooth render. Block 4 has a flat roof profile with external wall finishes of mix of render and brick. The elevations of the Blocks are broken up by the varying ridge height as well as the proposal to use different colours on different blocks.

10.5.2 In regards to visual impact there is currently a lack of a strong pattern of development at this location. The proposal does take account of the established pattern and scale of development with the structures proposed concentrated along McCurtain Street and to the side of the existing Tesco store. The development proposed along McCurtain Street has regard to scale of existing dwellings along the street with the adjoining development to the east along the street being single-storey dwellings. The proposal provides for a gradual step up in development with a significant gap between Block 1 and the existing residential development due to the provision of a parking area and access. The step up in height to Block 2 is only one-storey and through the adjoining blocks there is no great variation in height with a decrease in ridge height due to decreasing ground levels moving south. Although I would consider that the proposed development is not of any great architectural merit, it's overall design and scale would not be detrimental to the visual amenities of the area or out of character at this location. The proposal is successful in providing a better defined urban edge along Paul Funge Boulevard, which is currently weak in this regard due to the lack of any strong character or urban design exhibited by the existing Tesco store. The location of the proposed

development completely screens the western elevation of the existing Tesco store and provides for an improved urban edge along the road frontage. I am satisfied that the design and scale of development proposed although not of any great architectural merit would be acceptable in the context of the visual amenities of area.

## **10.6 Residential amenity/qualitative assessment:**

10.6.1 As noted under Section 9.3 of this report the proposal is compliant with the minimum development control standards set down under the County Development Plan and the relevant apartment design standards in relation to provision of public and private open space, internal dimensions and overall layout. Notwithstanding such standards, I would consider that the proposed development would be satisfactory in regards to overall residential amenity/quality in terms of the provision of private open space with all units having dedicated and useable open space directly accessible to each unit it serves. In addition I am satisfied that the design and layout of public open space is satisfactory and is sufficiently well distributed/defined throughout the site as well providing sufficient details regarding landscaping proposals for such open space.

10.6.2 I would also consider that overall design and layout has adequate regard in regards to the orientation of windows, light levels, privacy and general quality of the residential units proposed. I would consider that the proposal although not of any exceptional architectural merit would not be at odds with the recommendations of Urban Design Manual: A Best Practice Guide. In this regard I am satisfied that proposal provides for a residential development of sufficient quality for future occupants.

## **10.7 Traffic safety:**

10.7.1 It is proposed to access the bulk of the development using the existing vehicular access and internal road network serving the Tesco store to the east of site. The bulk of the development uses the existing vehicular access from Paul Funge Boulevard (existing roundabout) with vehicles travelling along the existing access road along the south with the Tesco car park extended westwards providing for a new internal access road running north south and an additional row of parking bays provided (40 spaces) off the new access road. Access to the rear of the development and lower ground floor parking is from the existing internal road network of the Tesco car park and runs north south between the rear elevation of the proposed blocks and the western elevation of the Tesco Store. Blocks 1, 2 and 3 entail the provision of a separate access off McCurtain Street to the north of the site with access to a separate car parking area to the side and rear of Block 1. The applicant submitted a Transport Assessment Report (TAR) in support of the application.

The TAR includes details of trip generation, assignment and distribution with the assessment based on an opening year of 2017. The TAR includes details of traffic surveys carried out and a detailed analysis of impact on the local road network including the key junctions. It is noted that there are currently no capacity issues of excessive queuing at the site access and that the proposed development would have a negligible impact upon traffic conditions.

10.7.2 In regards to car parking it is noted that based on the requirements of the County Development Plan (Table 5.1) is 117 spaces (1 per 20sqm of retail space, 1.5 spaces per house/apartment and 1 per 25sqm of office space). It is noted that in 125 spaces are provided in excess of the minimum requirements. In regards to pedestrian and cycling facilities there are existing footpaths and a dedicated bicycle lane along the both sides of Paul Funge Boulevard. Although there is no provision for separate pedestrian and cycling facilities along the internal access road, such is already provided for with pedestrian access from such existing facilities to the proposed development. There is some indication of bicycle parking on the plans submitted (landscaping detail), however I would consider a more detail proposal is required. I would consider that such could be addressed by way of condition.

10.7.3 I am satisfied with the scope and methodology used to carried out the Transport Assessment Report. In regards to traffic impact, the site is served by an existing road network that would appear to have been put in place in recent times with dedicated pedestrian and cycling facilities. The road network in the vicinity of the site is of good level and provides a standard that is satisfactory in terms of providing for the level of traffic likely to be generated without any concerns in terms of congestion or traffic safety. The bulk of the development proposed uses an existing roundabout access from Paul Funge Boulevard that was already designed to cater for a high level of traffic movements. The access off McCuratin Street provides access to Blocks 1, 2 and 3 and a separate parking area serving these Blocks. I am satisfied that the provision of a vehicular access at this location would be acceptable in regards to sightlines and the traffic movements likely to be generated and that the proposal would be satisfactory in the context of traffic safety. In addition to satisfactorily catering for vehicular movements, the proposed development is also well serviced in regards to pedestrian and cycling infrastructure with good quality facilities along the existing public road that runs along the western boundary of the site. I would also note that the proposal, which is mainly a residential development, is in walking distance of the town centre so is not totally reliant on vehicular traffic.

## **10.8 Other Issues:**

10.8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues



arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

## REASONS AND CONSIDERATIONS

Having regard to the town centre zoning of the site, to the pattern of development in the area and to the acceptable design and scale of the proposal, it is considered that the proposed development, subject to compliance with the conditions attached hereto, would not seriously injure the amenities of the area or of properties in the vicinity, would be acceptable in the context of the visual amenities of the area, retail impact on the established town centre, and would be acceptable in terms of traffic safety and convenience and would, therefore, 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, 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 retail unit shall be used as a convenience store only and shall not be used for the sale of comparison goods.

**Reason:** In the interests of clarity and orderly development.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The proposed development shall be amended as follows.

(a) The applicant shall make provisions for bicycle parking on site.

(b) The applicant shall provide full details of traffic control system (barriers etc.) to be provided to control access to the parking areas including the separate parking area with access from McCurtain Street.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interests of orderly development.

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

**Reason:** In the interests of public health.

6. 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:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.

(b) Location of areas for construction site offices and staff facilities.

(c) Details of site security fencing and hoardings.

(d) Details of on-site car parking facilities for site workers during the course of construction.

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.

(f) Measures to obviate queuing of construction traffic on the adjoining road network.

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.

(i) Provision of parking for existing properties during the construction period.

(j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

7. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

8. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

9. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

12. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed landscaping scheme submitted. This work shall be completed before any of the apartments are made available for occupation

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

13. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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.

**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.

Colin McBride  
29<sup>th</sup> March 2016