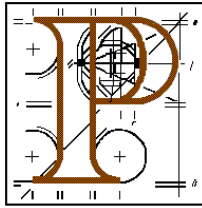


An Bord Pleanála



Inspector's Report

PL26.246524

DEVELOPMENT:-

Replacement of an existing discount foodstore with a new discount foodstore and all associated site works at Bellefield Road, Enniscorthy, Co. Wexford.

PLANNING APPLICATION

Planning Authority: Wexford County Council

Planning Authority Reg. No: 20151220

Applicant: Lidl Ireland GmbH

Application Type: Permission

Planning Authority Decision: Grant

APPEAL

Appellant: RGDATA

Type of Appeal: 3rd-v-Grant

DATE OF SITE INSPECTION: 29th June 2016

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.9 hectares is located to the north west of Enniscorthy Town centre and on the north eastern side of Bellefield Road. The appeal site is occupied by an existing convenience store (Lidl). The site also includes a vacant undeveloped portion of land to the north of the site of the existing convenience store. Access to the site is off an existing service road that links into a roundabout on Bellefield Road. Adjoining uses include another convenience store to the north west (Aldi) also served by the same service road, existing retail units to the south east fronting Bellefield Road and to north is a sports hall and football pitches. To the east and behind the existing retail units is day care centre and pre-school. On the opposite side of Bellefield Road is residential development.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for replacement of an existing discount foodstore with a new discount foodstore. The proposal entails expansion of the site to undeveloped lands to the north (0.9 hectares), reconfiguration of the site layout. The new discount foodstore will be part single-storey and part two-storey with gross floor area of 2,774sqm. Access to the site is through a relocated access (16m to the north of the existing) with access using the existing roundabout on the Bellefield Road. It is proposed to provide for 129 no. car parking spaces and 12 no. cycle parking spaces. The proposal entails hard and soft landscaping, new boundary treatment and new signage including building mounted and totem signage.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Planning report (12/02/16): Further information required including consideration of a revision to facilitate access to community lands to the north of the site.
- (b) Planning report (01/04/16): It was noted that the County Retail Strategy indicates capacity for additional convenience floor space and the proposal is for extension of an established retailer. The overall design and scale was considered acceptable. The proposed development was considered acceptable in the context of traffic and access. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 8 conditions. Of note are the following conditions...

Condition no. 2: Details of treatment of 7.8m wide strip of land a northern part of site to be agreed in writing.

5. PLANNING HISTORY

- 5.1 20101132: Permission granted for the construction of a single-storey extension to an existing discount foodstore.

6. PLANNING POLICY

- 6.1 The relevant plan is the Enniscorthy Town & Environs Development Plan 2008-2019. The site is split between two zoning, the majority of the site is zoned Neighbourhood Centre (N), with a stated objective 'to provide for Neighbourhood Centre and associated facilities'. This zoning coincides with the site of the existing store. The remainder of the site (a portion of land to the north is zoned Community and Education (CE) with a stated objective 'to provide for and improve local neighbourhood, community, ecclesiastical, recreational and educational facilities'.

6.2 Chapter 6 Retail Strategy

Goal

To promote and encourage major enhancement and expansion of the retail floor space and town centre functions of Enniscorthy, to further develop its competitiveness with nearby towns such as Carlow, Waterford and Wexford and its importance as a Sub-County town centre in the County and wider South East Regional and to promote greater social inclusion.

Objectives

1. To ensure an efficient, equitable and sustainable spatial distribution of retail centres and around the town;
2. To make an important contribution to sustaining and improving the retail profile and competitiveness of County Wexford with the retail economy of the South East Region and beyond;
3. To address leakage of retail expenditure from the town and its catchment by facilitating the strengthening of the range and quality of its retail offer;
4. To establish clear principles and guidance on where various forms of new retail floor space would be acceptable;

5. To ensure that the retail needs of the Enniscorthy catchment area are met as fully as possible to promote social inclusion within the town and take due cognizance of the South East Region retail hierarchy;
6. To provide the criteria for the assessment of retail development proposals.

Zoning - Neighbourhood Centre

This zoning provides for the development of a new neighbourhood centre to serve the needs of residential areas. A mix of retail, community and recreational development is sought in this zone. Only limited residential development sufficient to ensure the viable and satisfactory working of the neighbourhood centre will be considered in this zone. This centre is intended to serve the immediate needs of the local working and residential population and complement, rather than compete with the established town centre. Medical clinics and professional offices, workshops, a crèche, small convenience stores, or a café are all envisaged in this zone. However priority will be given to anchor stores of 1000-1500sq. m. This threshold shall be monitored over the period of this Development Plan.

Wexford County Development Plan 2013-2019 includes the County Retail Strategy (Volume 4).

6.3 Guidelines for Planning Authorities: Retail Planning

Section 4.6 Sequential Approach and Extension – Change of Use Applications

The sequential approach should also be used to assess proposals for the extension or material change of use of existing development where they are of a scale which could have a significant impact on the role and function of the city/town centre. Such extensions will of course also have to be assessed in the context of the floorspace requirements of the development plan/relevant retail strategy where appropriate.

Section 4.8 Out-of-Centre Retailing

An out-of-centre site is defined as a location which is clearly not classifiable as a city or town centre location as defined in these Guidelines but which is within the urban area, including planned extensions to the urban area in a development plan. New large-scale out-of-centre developments are likely to have an adverse impact on the vitality and viability of established city/town centres. This is a consequence of the competitive environment in which retailing operates. It is not the purpose of the planning system

to prevent competition or trade diversion in itself, but rather the goal is to promote healthy urban centres, in the public interest. Where proposed new retail developments have the potential to significantly undermine and compromise the goal of maintaining the vitality and viability of established city/town centres, they should be subject to a detailed retail impact assessment where these issues, in particular the issue of significant trade diversion from the city or town centre, are addressed, in detail and mitigation of such impacts considered.

Where, following the sequential approach, the planning authority has determined that no city/town centre or edge-of-centre sites are suitable, viable and available and which can provide the form and scale of development required under the development plan or relevant retail strategies, the planning authority must not approve such development unless it is satisfied that there will be no negative impact on the vitality and viability of the retail core.

In assessing the suitability of an out-of-centre site, both applicants and planning authorities can utilise the headings of retail impact assessments set out in the section below.

Section A.1.3 Types of Retailing

Supermarket

Single level, self service store selling mainly food, with a net retail floorspace of less than 2,500 M2.

Section A.1.5 Types of Centre

Local Centre or Neighbourhood Centre

Comprise a small group of shops, typically comprising newsagent, small supermarket/general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population.

7. GROUNDS OF APPEAL

7.1 A first party appeal has been lodged Stephen Ward Town Planning & Development Consultants Ltd on behalf of RGDATA, Rock House, Blackrock, Co. Dublin. The grounds of appeal are as follows...

- The site is an out of town centre site zoned as neighbourhood centre and the scale of the proposal is beyond the level appropriate for a neighborhood centre and is likely to cater for more than the local catchment and as such

would contrary National Retail Planning guidance and the Enniscorthy Development Plan.

- Part of the site is zoned Community and Education and the proposed use is contrary the zoning objective with no need for retail expansion at this location in favour of appropriate community uses.
- The proposal is contrary the objectives the Enniscorthy Town and Environs Development Plan in relation to retail and town centre objectives. The proposal is contrary the Wexford County Retail Strategy and would use up net spare expenditure capacity up to the year 2022 and is noted that the area is well served by retail development.
- The application is lacking in detail regarding a number of issues including the lack of retail impact assessment, an appropriate assessment screening report, a traffic impact assessment and a road safety audit.
- The proposal is in lacking detail regarding service infrastructure.
- The appellant notes concerns regarding the overall design, scale and urban design quality of the development.
- The appellant is critical of the Planning Authority's assessment of the proposal and raise issues regarding discrepancies in terms of a number of details including site size, floor areas and public notices.

8. RESPONSES

8.1 Response by BMA Planning and Development Consultants on behalf of the applicant Lidl GmbH.

- The location has already been deemed appropriate and passed the sequential test and such is supported by the Retail Planning Guidelines.
- The proposed development entails the provision of improved staff and customer facilities with a significant portion of the increased floor area dedicated to ancillary staff facilities and customer toilets and baby changing facilities.
- In regards to traffic impact the proposal would not result in any significant additional traffic impact on the road network.
- The overall design of the proposal is a marked improvement over the existing store on site.
- It is noted that the application was deemed valid by the Council and that public notices gave an appropriate and accurate description of the proposal.
- It is noted that sufficient details have been submitted in regards to service infrastructure and that the proposal was screened for appropriate assessment and it was concluded that significant effects are not likely to arise, either alone or in combination with other projects that would effect the integrity of the Natura 2000 Network.

9. ASSESSMENT

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

Principle of the proposed development.
Retail Impact/Planning policy
Design/visual amenity/adjoining amenity
Traffic safety
Other Issues

9.2 Principle of the proposed development:

- 9.2.1 The proposal entails demolition of an existing convenience store and the construction of a new convenience store on an enlarged site that includes a portion of land to the north. As noted above the site is split between two zonings. The majority of the site (corresponding to the existing curtilage of the foodstore on site) is zoned Neighbourhood Centre (N), with a stated objective 'to provide for Neighbourhood Centre and associated facilities'. Under this zoning the retail (convenience) is noted as being 'permitted in principle'. The remainder of the site consists of an undeveloped portion of land to the north zoned Community and Education (CE) with a stated objective 'to provide for and improve local neighbourhood, community, ecclesiastical, recreational and educational facilities'. Under this zoning retail (convenience) is noted as being 'open for consideration'. The majority of the site is already in use as a retail convenience store with the proposal seeking a larger store on an expanded site that takes in the adjoining lands to the north. The principle of the proposed development is acceptable in regards to the land use zoning objectives as set out under the Town and Environs Development Plan.

- 9.2.2 The main issue concerns the overall scale of the development in the context of retail impact and its location. The site is mainly zoned neighbourhood centre. The appellant notes that the proposal entails a significant increase in floor area over the existing retail store and that such an increase would be inappropriate outside of the town centre. The applicant's response notes that the proposal is for a replacement store with enhanced staff and customer facilities and the most significant increase in ancillary spaces and not retail floor space.

9.3 Retail Impact/planning policy:

- 9.3.1 The existing retail store on site is located within a site zoned for neighbourhood centre in addition to a portion of the site being zoned for Community and Education. It is proposed to demolish the existing convenience store and construct a new convenience store, the gross floor

area of the existing store is 1,615sqm with net convenience floor space of 1,180sqm. It is proposed to replace this store with a new two-storey structure with a gross floor area of 2,744sqm and a net convenience floor space of 1,676sqm. The appellant is of the view that the proposal entails an unacceptable increase in floor space that is inconsistent with its location remote from the town centre and far exceeds the local needs appropriate at a neighbourhood centre location. The appellant notes that the proposal has not been subject to a retail impact assessment and would be contrary planning policy in regards to retail development including local and national policy. The applicants are of the view that the proposal does not entail a significant increase in floor area and the majority of additional floor area is dedicated to ancillary staff and customer facilities. The applicant also notes that the existing retail store was subject to a sequential approach and that the National Retail Planning guidelines do not require a demonstration of compliance with the sequential approach again.

9.3.2 Retail strategy under the Development Plan is outlined above and it focuses on improvement of the town centre in regards to retail floor space and to prevent leakage of expenditure outside of Enniscorthy. The objectives also include an efficient, equitable and sustainable spatial distribution of retail centres in and around the town. As noted earlier the proposal does entail an increase in the net retail floor space over the existing store by 496sqm. The Wexford County Retail Strategy identifies the core retail area of Enniscorthy (map No. 4) with the site located outside of such. Under Table 59 of the retail strategy the net expenditure capacity is identified for the periods 2011-2019, 2019- 2022 and 2011- 2022 as being 1,429, 2,542 and 2,526 square metres respectively which indicates that there is sufficient capacity for the proposed additional net convenience floor space proposed.

9.3.3 I would consider based on the information in the Wexford County Retail Strategy that there is sufficient expenditure capacity available within Enniscorthy to facilitate the level of increase in net floor space proposed over and above that of the established store on the appeal site. In addition I would consider that the level of increase in net retail floor space would not have a significant impact at this location given the established supermarket use on site. I would note that the proposal which provides for a net retail floor space of 1,676 square metres and is well below the upper level of net floor space identified as constituting a supermarket development as defined under Section A.1.3 (Types of Retailing) of the Retail Planning Guidelines. I would consider that such would not be out of keeping within a neighbourhood centre and is not out of keeping with established and permitted development at this location. I am satisfied that level of retail development proposed can be accommodated without undermining the viability or vitality of the established town centre and that a retail impact assessment is not required.

9.4. Design/visual amenity/adjoining amenity:

- 9.4.1 The proposal is for a part single-storey part two-storey structure with a monopitch roof, a ridge height of 7.906m and external finish consisting off a mixture of render, glazing, grey wall panels and a grey metal roof. Although larger in scale than the existing structure on site, the proposal does not represent a significant change in the overall character and scale of development at this location. The design of the new store is a little bit more contemporary than the existing and I would consider it satisfactory in the context of its overall visual impact in the surrounding area. The appellant is critical of the overall design of the proposal citing the retail Planning Guidelines which contain recommendations regarding design quality for retail developments. I would consider that the proposal is not particular high quality in terms of its overall design and is a generic type of development. Notwithstanding such I do not consider that the proposal would merit rejection on purely design quality grounds and constitutes an acceptable standard of development.
- 9.4.2 In regards to nature of use the proposal entails no change of established use and consists of the replacement of an existing convenience store with a larger convenience store on the same footprint. In this regard there will be no additional impact on the amenities of adjoining properties over and above that of established use on site. I would also consider that the overall design, scale and location of the structure on site would have no significant or adverse impact on the amenities of adjoining properties.
- 9.4.3 I am satisfied that signage proposals, landscaping and boundary treatment are all acceptable in the context of visual amenity.

9.5 Traffic Impact:

- 9.5.1 Access is from a roundabout on the Bellefield Road with a service road currently providing access to the appeal site/existing Lidl convenience store as well as the existing Aldi convenience store to the north west of the site. It is proposed to relocate the existing access to the site just further north along the service road to provide access. As noted above the proposal provides for an increase in the gross floor area of the convenience store at this location of 1,129sqm and an increase in net retail floor space of 496sqm. The existing road network in the area is of a good standard in terms of alignment and provision of pedestrian facilities with an existing roundabout facilitating access to the site the adjoining retail use. Despite the increase in floor area I would consider that the standard and layout of the road network is sufficient to cater

for any increase in traffic likely to be generated and I do not consider that a traffic impact assessment is merited in this case.

9.5.2 Car parking requirements for development types is set out under Table 5 of the Development Plan. For Shopping: Retail floor space the requirement is 1 space per 20sqm. The proposal has a gross floor area of 2744sqm giving a total requirement of 137 spaces. The proposal is for 129 car parking spaces and 12 no. vehicle parking spaces. Although marginally below the required standard I would consider that sufficient levels of car parking are provided on site for the proposed development and would note that the site is in walking/cycling distance of residential development.

9.5.3 In response to further information a revised layout was provided that entailed the provision of a strip of land along the northern boundary allowing for future two-way road access to the County Wexford Community Workshop (Enniscorthy) Ltd lands to the north of the site from the service road. This alteration has not impacted upon the number of car parking spaces to be provided with 129 spaces still proposed on site. Condition no. 2 required that the details of treatment of 7.8m wide strip of land a northern part of site to be agreed in writing. The applicant indicated a willingness to cede this portion of land to the Council. In regards to physical access, I can see no issue of concern regarding provision of access to the site to the north and the details of such should be agreed between the applicant and the Local Authority. In this regard I would recommend attaching the same condition in the event of a grant of permission.

9.6 Appropriate Assessment:

9.6.1 The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that “any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in light of its conservation objectives. In light of the conclusion of the assessment of the implications for the site, and subject to the provisions of paragraph 4, the competent national authorities shall agree to a plan or project only after they have ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

9.6.2 The Board as a competent authority is obliged, as noted earlier in this section "shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned". In this regard it is appropriate to carry out a stage 1 screening assessment and then if

necessary a stage 2 appropriate assessment. There are two Natura 2000 sites within 15km of the site, which are as follows...

Slaney River SAC (Site Code 000781) approximately 1.5km to the east of the site.

Wexford Harbour and Slobs SPA (Site Code 004076) approximately 14km to the south east of the site.

The qualifying interests of the Slaney River SAC include the existence of a number of habitats and species listed on Annex I/II including estuaries, tidal mudflats and sand flats, floating river vegetation, old oak woodlands, alluvial forests, freshwater pearl mussel, sea lamprey, brook lamprey, river lamprey, twaite shad, Atlantic salmon, otter and common seal. The potential impacts of development would be habitat loss or deterioration of water quality and subsequently a detrimental impact on aquatic based species. Given the remote location of the proposal from the site and lack of any direct or indirect source/pathway receptors between the project and designated site, the proposal is not likely to have any effects on the Slaney River SAC. In the case of the Wexford Harbour and Slobs SPA the site is designated based on a number of bird species of conservation interest. The proposal is so remote in distance from the designated site as to have no effects on the conservation status of the SPA. In this regard it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have effects on any designated Natura 2000 and that a Stage 2 Appropriate Assessment is not therefore required.

9.7 Other Issues:

9.7.1 The appellant notes that proposal is lacking in detail regarding infrastructural services. In this regard I would note that the Council has raised no issue regarding servicing of the site. In addition I would note that proposal is replacement of an existing development similar in nature albeit of smaller scale that is located in an existing built up area and serviced area. I am satisfied subject to a standard condition regarding drainage and services that the proposal is satisfactory.

9.7.2 The appellant raises issues regarding discrepancies in the information in relation to the size of the development and public notices. I would consider that sufficient information is available on file to establish the extent of development proposed and assess the proposal in the context of the proper planning and sustainable development of the area.

RECOMMENDATION

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

REASONS AND CONSIDERATIONS

Having regard to the pattern of development in the area, Development Plan policy, the Wexford County Retail Strategy, the recommendations of the Guidelines for Planning Authorities: Retail Planning (DOECLG, April 2012) and the satisfactory extent of the net retail floor area increase over the existing established retail development on site, 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.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received on the 15th day of December 2015 and the 15th day of March 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 the commencement of development, the applicant/developer shall submit for the written agreement of the planning authority the details of treatment of 7.8m wide strip of land identified for 'future road reservation' along the northern part of the site.

Reason: In the interests of orderly development.

3. 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.

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

Reason: In the interest of residential amenity.

5. The internal road network serving the proposed development [including turning bays, junctions, parking areas, footpaths and kerbs] shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

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

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

Colin McBride
03rd August 2016