



An
Bord
Pleanála

Inspector's Report

PL09.246696

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| Development | Demolish building, Change Use of Rye Vale Tavern to Office Use and Associated Conservation Works. Change of Use or Building on Pound Street to Office Use. Construct a Discount Foodstore, and parking at 5 & 5 Pound Street, Leixlip, co. Kildare |
| Planning Authority | Kildare Co. Co. |
| Planning Authority Reg. Ref. | 15/402 |
| Applicant(s) | Aldi Stores Ireland Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant permission with conditions |
| Appellant(s) | 1. Vinand Ltd. 2. Tesco Ireland Ltd. |
| Observer(s) | None |
| Date of Site Inspection | 5 th of September 2016 |
| Inspector | Caryn Coogan |

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1.0 **Site Location and Description**

1.1. The site is located in Lexilp town centre, just west of Main Street across the river along the lower level of Pound Street. It is within easy walking distance of the Main Street, Leixlip.

1.2. There are a number of buildings on the subject site, 0.8058 Ha, which includes a public house the Rye Vale Tavern/ Loft restaurant, which is a protected structure. A large tired carparking area occupies the rear of the site, which is accessed from a service road that dissects the site along its central axis. The protected structure is the Rye Valley Tavern a five bay three storey building which dates from the 1830s. The site and its environs are within an Architectural Conservation Area, and there are notable heritage building and features contiguous to the site. The site is also in close proximity to the gates of Leixlip Castle and Demesne. The site slopes upwards from Pound Street to the rear site boundary, which is an embankment with a backdrop of mature trees. There is a river across the street from the subject site.

1.3. There are maps, photographs taken during my site inspection and aerial photos of site included in the appendix of this report.

2.0 **Proposed Development**

2.1. The following is a description of the proposed development:

- Demolition of the existing buildings to the rear of and adjoining the Protected Structure (The Rye Vale Tavern) and the demolition of the Zinc venue nightclub/ function room
- Change of use of existing Rye Vale Tavern from public house/ residential/ office use and associated conservation works to the building

- Reconstruction of rear and side walls of existing store/ bar and solicitors office on Pound Street and change of use of part ground floor and 1st floor from longue nightclub to office use.
- The construction of a part single storey and part two storey discount foodstore (with an off licence use) and a net retail area of 1,254sq.m. to the rear of the existing office building on Pound Street. The proposed building has a maximum height of 11.19metres.
- Access shall be from pound Street, with 104No. carparking spaces to the rear.
- Free standing signs, 2No. internally illuminated gable signs, 1No. internally illuminated sign and entrance glass signage.
- The proposed development includes landscaping and site development works, and the provision of a landscaped plaza to the front of the proposed entrance to the store form Pound Street.

3.0 **Planning Authority Decision**

3.1. **Decision**

Kildare Co. Co. granted the proposed development subject to 49No. conditions. Most of the conditions were standard, however a number were site specific.

2. External finishes shall be in accordance with drawings received on 08/04/2016

3. The gable sign on the Pound Street elevation shall be omitted.

11. An architectural inventory of the interior and exterior of B11-31 and B11-32 shall be provided.

12. The change of use of the protected structure Ryevale Tavern (B11-32) shall be for office use only.

49. Development Contribution of €129,746

3.2. Planning Authority Reports

The report of the Executive Planner can be summarised as follows:

There was further information requested on 8th of July 2015, and the response was received on 8th of April 2016. The building line of the proposed development was brought forward to create a strong street frontage along Pound Street. The applicant stated the revised design reflects the vernacular architecture of Leixlip. The further information included a full visual assessment and an assessment of the impact on the Protected Structures and Leixlip ACA. The free standing illuminated sign was removed from the overall proposal. The cross section through the site was submitted, and the attenuation tank is 3metres clear of existing boundaries. The applicant states that 101No. spaces is sufficient to cater for the development. The floor area of the proposed development was increased from 1820sq.m. to 2005sq.m. with no increase of the net retail area. Recommendation to grant permission as outstanding issues expressed in the initial assessment of the case have been overcome by the further information response.

3.3. Other Technical Reports

Development Contribution Calculations – 2389sq.m. x €54.31 = €129,746

Transportation Dept: Recommend a Refusal as the proposed entrance is located in close proximity to a bend in the public road, and there is substandard sightlines. The proposal does not provide a safe location for a pedestrian crossing. There is a shortfall of 50No. spaces and this constitutes a 33% in capacity required by Chapter 19 of the County Development Plan. Concerns about HGVs entering and existing the site. **However**, the department was advised to include conditions following a meeting with Senior Management.

Irish Water: No objections

Water Services: No objections

Department of Arts, Heritage & Gaeltacht: There has been insufficient consideration given to the potential adverse impact of the development on the protected structure. There are some inconsistencies in the documents. The precise nature of works to the protected structure are unclear. Archival research is required. The use of the protected structure as an office is questionable, and more appropriate use should be considered. Concern is expressed regarding the levelling of the tiered carpark which would result in a fundamental change to topography at this location.

Department of Environment, Community and Local Government

An Archaeological Impact Assessment required.

3.4. Third Party Observations

- Tesco Ireland objected to the proposed development stating the design was not in keeping adjoining buildings, signage would be prominent, and there is a deficiency of carparking spaces.
- Third party objectors expressed concerns regarding the entrance, streetscape, signs, scale, elevational treatment
- Vinand Ltd expressed concern about the piecemeal nature of the development, contrary to the provisions of the Zoning Objective A, fails to deliver on the Town centre Objectives, proliferation of retail outlets, shortfall of parking, contrary to the retail planning guidelines, undesirable precedent.

4.0 Planning History

4.1. Hannigan Holdings Ltd have a number of planning permissions on the subject site for the following:

- An ATM bank machine, change of use of a shop unit to a store, with outstanding levy balance of €35,760 (02/214)
- New toilets

- Change of use of existing approved conference room, discotheque/ function room to the rear of No. 5 Pound Street to a licenced premises conference room/ function room
- Completion and extension of cellar together with relocated goods entrance for the cellar at the rear of and linking the adjacent building. (97/855 PL09.104714)

5.0 Policy Context

5.1 **Regional Planning Guidelines for the Greater Dublin area (2010-2022)**

Leixlip is designated as a Large Growth Town in the guidelines and it is a Level II.

Large Growth Towns II Smaller in scale but strong active growth towns, economically vibrant with high quality transport links to larger towns/city Newbridge, Greystones, Cherrywood, Arklow, Balbriggan, Dunboyne, Maynooth, Leixlip.

Large Growth Towns

These towns, located both within and outside of the Metropolitan Area are, in addition to the Gateway, critical to the success of the RPGs. They will accommodate significant new investment in transport, in economic and commercial activity and in housing. These towns act as important self-sustaining regional economic drivers for the GDA, capitalising on their international connectivity and high quality connections to Dublin City Centre, whilst also supporting and servicing a wider local economy, and for some this extends beyond the GDA into surrounding Regions. They are important centres for delivery of public services, with hospitals, Courts, Local Authority and Civil Service offices located within the town; alongside IDA promoted companies, high order retail businesses, supported enterprise centres and active Chambers of Commerce providing a strong commercial hub within the town and environs. This category is sub-divided into two layers, with Large Growth Towns II distinct from the Large Growth Towns I. This recognises the smaller population base and a lesser range of facilities provided within the town, and the division allows for growth to develop in category II towns in line with their scale, with new facilities and services provided as the town expands. It is envisaged that Large Growth Towns I would plan for growth up to 50,000 persons in scale with level II planning with a range suitable to the scale of the town – approximately 15-30,000 persons. It is essential to the achievement of the delivery of the RPG settlement strategy that new and appropriate mechanisms are developed to deliver enabling infrastructure to allow the planned development and consolidation of these towns to take place, particularly for key non-national roads, bus services and investment in water services.

5.3 **Retail Planning Guidelines 2012**

2.5.1 Plan-led Development/Retail Strategies

The first national policy objective is to secure plan-led development. Locations that have strong retail functions and a high quality shopping environment in Ireland and abroad tend to represent the historical settlement patterns but also the outcomes of plans and strategies that have:

anticipated the requirement for retail development in line with regional strategies; and

facilitated the development required in suitable locations, sometimes enabling the development of those locations through acquisition, assembly and resale of key sites, facilitating infrastructure and bringing the key infrastructure providers together.

All future retail development should be plan-led following the settlement hierarchy, including the identification of retail requirements and appropriate planning policies and objectives and implementation measures aimed at securing development plan objectives.

2.5.2 Sequential Development Approach

The second national policy objective is to promote greater vitality in city and town centres by promoting a sequential approach to retail development.

Sequential development means that:

1. The overall preferred location for new retail development is within city and town 1. centres. Retail development may also be appropriate within District Centres identified in the settlement hierarchy at a scale appropriate to the needs of the area. See Section 3.4 - District Centres; and
2. Subject to the requirements below, only where the applicant can demonstrate, 2. and the planning authority is satisfied, that there are no sites or potential sites within a city, town centre or designated district centre should an edge-of-centre site be considered. In addition, only in exceptional circumstances where it can be demonstrated that there are no sites or potential sites available either within the centre or on the edge of these centres should an out-of-centre site be considered.

In this regard, these guidelines require development plans and their supporting analyses to adopt a vigorous approach to:

Assessing the vitality and viability of city and town centres;

Investigating development opportunities aimed at city and town centres;

Activating potential development and redevelopment opportunities in city and town centres; (See Annex 2)

and assisting the private sector in the resolution of impediments to city and town centre redevelopment opportunities that may arise through infrastructural, flood risk, land ownership and built heritage considerations.

2.5.3 Competitiveness in the Retail Sector

The third national policy objective is to ensure that the planning system continues to play its part in ensuring an effective range of choice for the consumer, thereby promoting a competitive market place.

Strong competition is essential to reduce retail costs and ensure that savings are passed on to retail customers through lower prices. Competition also promotes innovation and productivity.

The planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. In interpreting and implementing these Guidelines, planning authorities and An Bord Pleanála should avoid taking actions which would adversely affect competition in the retail market. In particular, when the issue of trade diversion is being considered in the assessment of a proposed retail development, planning authorities and An Bord Pleanála should assess the likelihood of any adverse impacts on the vitality and viability of the city or town centre as a whole, and not on existing traders

2.5.4 Encouraging Sustainable Travel

The fourth national policy objective relates to securing a general shift towards sustainable travel modes through careful location and design of new retail development relative to the catchment area being served.

While the private car tends to be attractive for activities such as more substantial convenience goods shopping or bringing home bulky goods, careful location of retail developments and attention to detail in terms of how they are connected by footpaths and cycle facilities to surrounding areas can substantially boost trips on foot or bicycle for smaller purchases and make a substantial difference in encouraging smarter travel in line with the Smarter Travel strategy.

Moreover, by encouraging appropriate retail development in locations with good public transport facilities such as the centres of cities and larger towns, increased usage of public transport can be encouraged.

2.5.5 Retail Development and Urban Design

The fifth national policy objective is to ensure that retail development plays its part in realising quality outcomes in relation to urban design. Quality design aims to create attractive, inclusive, durable, adaptable places for people to work in, to live in, to shop in, or pass through.

Planning authorities should promote quality design in retailing in their development plan and/or retail strategies and then implement this through the development management process. This is of particular importance for retail development because of the dominant visual and use role it plays in a city, town or village streetscape.

5.2.5 Historic Centres

As indicated in these guidelines, through using the sequential approach the focus for retail development will generally be the centre of cities and towns. In city/town centres, generally, development should be of a scale appropriate to the size of the

centre in order to minimise the potential for adverse impact, and as such, retail development should recognise the special character of the area. Where a larger floor plate is essential to respond to the need of the particular retail sector, and this corresponds with the appropriate retail location within the city or town for such a use, a designed solution, using appropriate conservation principles and expertise will be required which will adapt the historic buildings, retaining the building in use and maintaining the essential character of the streetscape.

5.2.6 Urban Framework Approach

Where, however, heritage issues are likely to be a major consideration in the development of a city or town, because of the wealth of protected structures, architectural conservation areas, and archaeology, planning authorities should consider how to enhance and harness these assets to bring economic wellbeing to the city/town. In such circumstances planning authorities will need to make an in-depth examination and undertake a detailed examination of the city/town centre, through an urban framework approach, using either a statutory process such as an LAP or a non-statutory planning framework.

Within this planning context the planning authority can closely and precisely examine the particular issues that relate to the city/town. It may be one where the dominant issue is one of traffic congestion because of a narrow street pattern, or an issue around existing car parking and linkages from the car parks into the historic core; or it may be an issue relating to the appropriate location of different floor plate sizes reflecting the different needs of the different retail formats.

Planning authorities may find it helpful within this context to establish a hierarchy of areas in the city/town centre, indicating:

1. those areas which are particularly sensitive with regard to architectural heritage and for which particular retail uses and unit sizes are suitable and where the focus may be on providing linkages between the different shopping areas (at 2 and 3 below);
2. those areas where, with appropriate conservation expertise, a variety of retail uses and sizes may be accommodated; and
3. those areas where significant retail intervention is possible.

Having established such a hierarchy, the planning authority should then decide the level of conservation protection appropriate to the different areas above, understanding the different requirements of the RPS and the ACA. Both of these designations have their own particular strengths, and the use of one or the other will depend on the particular local situation and its heritage value.

Ultimately, the adaptation and re-use of historic buildings by way of appropriate interventions, stimulating the overall regeneration of an historic urban area, is preferable to allowing such buildings to fall into disuse while developments are relocated to edge-of-centre or out-of-town locations

As previously indicated in Chapter 3, planning authorities should therefore be proactive in identifying opportunity sites, of different sizes and in the different locations of the core retail area, and providing the necessary linkages between the different types of retail areas of a city/town. It is important that these linkages are safe, pleasant, and attractive, particularly for the pedestrian and cyclist.

Planning Authorities may also wish to consider as part of an overall approach to supporting their city and town centres, related issues of, for example, tailoring the contribution scheme to encourage retail development into the appropriate locations, having compatible traffic management and car parking measures to encourage city and town centre usage.

5.4 Draft Kildare Retail Strategy 2010

Convenience Discounters: the two German discounters – Aldi and Lidl – have been increasing their share of the market over the last five to ten years and are generally well represented across the County. The current economic climate has increased their market penetration across all sectors of the community and has been a catalyst for a greater range of discount lines being introduced in the mainstream convenience stores and more recently the emergence of Irish discounters. This sector is still active but at a reduced pace. They are prepared to go into main centres but largely in the cities, with there still being a continued preference for out of centre and cheaper locations. Discount foodstores are recognised in the RPG and 2008 GDA Retail Strategy as suitable anchors for neighbourhood and local centres but this equally applies to symbol group stores or express format mainstream convenience shops. There remains potential for increased representation of this sector in a number of the main centres of Kildare.

5.3 Leixlip

5.3.1 Health Check

Leixlip, with Celbridge, Kilcock and Maynooth, forms part of the Metropolitan Area Primary Dynamic Cluster in the RPPGDA 2004 – 2016 and the County Development Plan 2005 – 2011 settlement strategies. All of these centres are designated as Moderate Growth Towns in the County Development Plan settlement hierarchy and are close to the M4 Motorway. Leixlip is designated as a Level 3 Metropolitan Area Town Centre in the 2005 County Retail Hierarchy but this has been reassessed in the 2008 GDA Retail Strategy which designates the town, including Collinstown, as the Level 2 Major Town Centre to serve North East Kildare. This reaffirms and clarifies the strategic retail policy objectives of both the 2001 GDA Retail Strategy and the 2005 County Development Plan. The 2008 GDA Retail Strategy identifies that this is likely to gradually occur over a twenty year timeframe.

The town is an attractive and vibrant centre but suffers from a good deal of congestion throughout the day. The town centre is characterised by a robust well maintained urban fabric and mix of retail uses, offices, bars and restaurants. It has the offer and ambience to attract both local people and visitors but parking and congestion are issues that serve to deter the town centre maximising its potential.

Since the 2002 Census, Leixlip has sustained its position as the fourth largest settlement in the County growing by 9.1% from 13,451 to 14,676 between 1996 – 2006, with the town accounting for 7.88% of the County's population at 2006. Based

on its designation, including Collinstown, the recently adopted LAP projects that Leixlip's population will grow by 6,160 to 20,836 over the period 2006 – 2016, the end year of the LAP. The majority of this (60.0%) will be accommodated in the Collinstown area, which is the subject of a separate LAP – the recently adopted 2010 Collinstown LAP.

5.3.3 Sequential Approach – Land Availability & Potential

As was recognised in the 2002 Leixlip LAP and the 2005 Strategy, Leixlip is too small a centre to meet the needs of its expanding population and has limited potential within the heart of the town for any substantial enhancement to be achieved. The major enhancement will be delivered through the designation of Collinstown as the Town Centre Expansion Area and this needs to be progressed in parallel to improvements within the traditional town centre. Based on this, the retail strategy for Leixlip (including Collinstown), is as follows:

- In accordance with the County Development Plan, 2008 GDA Retail Strategy and recently adopted Leixlip and Collinstown LAPs, Collinstown is the designated area for Leixlip's town centre expansion which will enable it to grow over the next twenty years into the Level 2 Major Town Centre to serve North East Kildare. It is envisaged that the centre may ultimately comprise some 65,000m² of comparison floorspace with associated ancillary non retail services and other town centre activities and be of the quality and importance of other GDA Level 2 Major Town Centres.
- There will be continued promotion of the enhancement and consolidation of the traditional heart of Leixlip Town Centre, including the creation of a new street between Captain's Hill and Mill Lane that will provide for a range of town centre uses including shopping, car parking, residential, educational and employment opportunities.
- In addition to encouraging the enhancement and expansion of the established neighbourhood scale centres at Confey and Louisa Bridge, it is not envisaged that there will be a requirement for additional neighbourhood centres in the town.
- Contrary to what was envisaged in the 2005 Strategy, additional retail warehousing is not part of the retail strategy for the town.

In parallel, although recognising its limited potential for any major enhancement, the framework requires to remain in place for the vitality, viability and attraction of Leixlip Town Centre to be sustained and enhanced.

The 2010 Leixlip Local Area Plan promotes the continued promotion of the enhancement and consolidation of the traditional heart of Leixlip Town Centre, including the creation of a new street between Captain's Hill and Mill Lane that will provide for a range of town centre uses. In addition, there is the yet relatively untapped potential of the town's heritage and tourism asset, which requires to be harnessed.

It is the policy of the Council:

RP 13 *To assist in the promotion and expansion of Leixlip (including Collinstown) as the Level 2 Major Town Centre in the Metropolitan Area of North East Kildare over the next twenty years to ensure that the retail needs of this area of the County,*

consistent with regional retail policy, are fully met and enable it to grow into one of the key retail centres within the GDA.

RP 14 *To work with development interests/landowners, other key stakeholders including local organisations, businesses and people in the development of the detailed masterplan for the area zoned Major Town Centre in the 2010 Collinstown Local Area Plan.*

RP 15 *To work with national and regional bodies to ensure that the strategic infrastructure is programmed and implemented to ensure the phased development strategy for the new Level 2 Metropolitan Area Major Town Centre is progressed.*

RP 16 *To sustain and enhance the retail and services offer of Leixlip Town Centre and harness the potential of its heritage asset.*

6.0 Development Plan

6.1 Kildare County Development Plan 2011-2017

Chapter 9 Retailing is the relevant Chapter and it is appended in full to this report.

9.5.3 Metropolitan Area: Major Town Centre – Leixlip, including Collinstown

In accordance with the 2001 GDA Retail Strategy, Leixlip, including Collinstown, was designated as the location for the Metropolitan Area Level 2 Major Town Centre to serve North East Kildare in the County Development Plan. This was in response to the high levels of population growth in this area of the county and in recognition of the need to counteract the high levels of expenditure leakage, particularly comparison from the North East. The detailed framework of how this should evolve over the next twenty years is set out in the 2010 Collinstown Local Area Plan. The Plan provides for the development of Leixlip, including Collinstown, into a mixed use centre that is attractive to leading national and international retailers providing the same level of attraction and profile as other Metropolitan Area Level 2 Major Town Centres. It is envisaged that the new centre will ultimately comprise some 65,000m² net of comparison floorspace with associated non retail services and other town centre uses. In parallel, although recognising its limited potential for any major enhancement, the framework requires the vitality, viability and attraction of Leixlip Town Centre to be sustained and enhanced. The 2010 Leixlip Local Area Plan, promotes the continued enhancement and consolidation of the traditional heart of Leixlip Town Centre, including the creation of a new street between Captain's Hill and Mill Lane. It also encourages the enhancement and expansion of the established neighbourhood scale centres at Confey and Louisa Bridge. In addition, Leixlip has the relatively untapped potential of its heritage and tourism assets which requires to be harnessed.

It is the policy of the Council:

R 10: To assist in the promotion and expansion of Leixlip, including Collinstown, as the Level 2 Major Town Centre in the Metropolitan Area of North East Kildare over the next twenty years to ensure that the retail needs of this area of the county, consistent with regional retail policy, are fully met and enable it to grow into one of the key retail centres within the GDA.

R 14: To encourage and facilitate sustaining and enhancing the retail and services offer of Leixlip Town Centre and harnessing the potential of its heritage asset.

6.2 Leixlip LAP 2010

The Kildare County Development Plan 2005-2011 sets the broad development framework for the county of Kildare. The strategic objectives of the Kildare County Development Plan 2005-2011 are outlined in Section 1.3 of the Plan and include the following:

1. To provide for balanced and sustainable distribution of economic and social growth across the county.
2. To provide infrastructure and transportation in accordance with the principles of sustainable development.
3. To ensure the highest quality living environments, urban centres and civic spaces as well as open space and recreational facilities accessible to all the citizens of Kildare.
4. To protect, conserve and enhance the built and natural heritage of Kildare for future generations.
5. The County Development Plan recognises the role of Leixlip in the Dublin Metropolitan Area and its role along with Celbridge, Maynooth and Kilcock as part of a Primary Dynamic Cluster.

10.1 Town Centre Objectives

In addition to the policies of the Council outlined in Chapter 7 of the Kildare County Development Plan (2005-2011) or the relevant chapter of any subsequent County Development Plan, it shall be an objective of the Council:

TC 1 To facilitate the development of the following in order to improve the vitality and vibrancy of the Town Centre (See Maps 4a and 4b);

(i) To provide a new street to link Captains Hill and Mill Lane.

(ii) To facilitate pedestrian links between St. Mary's/Riverdale and the new street and from the New Street onto Main Street

(iii) To consider development proposals adjoining the New Street that will improve traffic movement and parking arrangements in the town.

(iv) To consider appropriate development along the escarpment between Riverdale and the New Street.

(v) To facilitate development that will act as a dynamic centre to attract and retain business in the town centre and reduce the negative visual impact of the ESB mast'.

TC 2 To seek the renewal of derelict, underused and vacant sites in accordance with relevant legislation.

TC 3 To favourably consider development proposals to upgrade and expand the existing retail outlets in the town centre especially where such outlets are underused or vacant.

TC 5 To require a strong street frontage where possible onto roads and footpaths, ensuring that the existing historic street pattern is retained. The design of all development shall be of a high standard and will respect the character of the

surrounding built environment, the existing building lines and contribute toward the creation of a well-defined streetscape.

TC6 To ensure that all shopfronts, signage and advertisements do not visually detract from the quality of the streetscape. Poor signage, inappropriate signage (in particular neon and plastic signs), projecting lights, internally illuminated signs and projecting signs shall not be permitted. It shall be an objective of the Council to investigate the viability of colour charts outlining requirements for future colour schemes for new developments in the town centre.

TC 7 To preserve the townscape character of the town centre with its patterns of two storey buildings with pitched slated roofs.

TC 9 The development of large-scale retail, retail warehousing or buildings of a warehouse/shed like design shall not be permitted in the town or in close proximity to residential units in accordance with the Retail Planning Guidelines (or as subsequently amended). Where appropriate, larger units should anchor smaller units.

TC 11 To encourage the construction of sustainable and energy efficient buildings.

TC 12 To require the undergrounding of utility cables in the town centre.

10.2 Architectural Conservation Area Objectives

Architectural Conservation Areas (ACA's) are designated in order to protect and enhance those parts of towns and villages that have special character or are of historic interest.

The following objectives shall apply to all development sites within the ACA boundary of Leixlip (See Maps 4(a) and 4(b)).

In addition to the policies of the Council outlined in Chapter 21 of the Kildare County Development Plan (2005-2011) or the relevant chapter of any subsequent County Development Plan, it shall be an objective of the Council:

ACA1 To have regard to the sensitive nature of the Architectural Conservation Area of Leixlip in the assessment of all planning proposals within its boundary. This Architectural Conservation Area has been identified for protection in Chapter 21 of the Kildare County Development Plan 2005-2011 and is shown on Map 4(a) and 4(b) of this Local Area Plan.

ACA 2 To favourably consider the conversion or adaptation of existing property/properties over the demolition and replacement of such properties.

ACA 3 To require that extensions and alterations to properties within the ACA boundary complement any existing building(s). Extensions shall be subordinate in scale and in a form which allows the identity and character of the original structure to be retained. Important architectural details shall be preserved and protected, including stone walls, iron railings, sash windows and moulded plasterwork.

ACA 4 To require that all new buildings within the Architectural Conservation Area have regard to the rhythm, scale, mass and outline of neighbouring properties and adjacent spaces and do not visually detract from these. Regard shall also be given to the details, materials, texture and colour of buildings in any new build proposals and planning conditions shall be imposed to regularise such important details.

ACA 5 To require recessed lighting as part of all development proposals. No projecting lights shall be permitted.

ACA 6 To prohibit the use of plastic, neon and other similar

advertising.

ACA 7 To require the use of traditional shopfront designs, materials and signage.

ACA 8 To retain important features of traditional shop fronts such as the following which, where found, shall be retained, preserved and enhanced in all cases.

The subject site is governed by **TOWN CENTRE** zoning objective. appropriate town centre uses including retail, commercial, office, residential and civic use.

The purpose of this zone is to protect and enhance the special character of Leixlip town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of the town. It will be an objective of the Council to encourage the use of buildings and backlands and especially the full use of upper floors. The established building height in the town centre shall not be exceeded except in exceptional circumstances. Warehousing and other industrial uses will not be permitted in the town centre.

The size and scale of all new developments, particularly retail developments shall not be out of character with the already established town centre area.

7.0 The Appeals

There are two appeals and both will be summarised separately.

Appeal 1

7.1 Brock McClure has taken the appeal on behalf of Vinand Ltd. The key grounds of appeal area as follows:

7.3 **Kildare Co. Co. Planner's Report** : It has not been adequately assessed against the provisions of the local planning context, particularly the county development plan and the Leixlip LAP. The Planning report comes in two parts, the initial assessment in June 2015, and a further assessment of the further information submitted in May 2016. There was no meaningful analysis of the revised design and it is not assessed against the themes highlighted in the request for further information. There is no assessment of how the proposal relates to the architectural character of the area, the Leixlip ACA or to the extensive siting of car parking to the rear of the proposal and the relationship with protected structure.

The assessment does not provide any analysis of how the proposal meets the requirements of the Leixlip LAP, which is the most relevant documents for the area. The applicant lodged a significant portion of additional information and the planner's report does not provide any on detail on how the revised proposal was assessed and

how the grant of permission was therefore justified. The proposed development does not provide an appropriate design solution in terms of traffic and transportation. The Roads department recommended refusal.

7.4 Inappropriate Design

The proportions of the building, building line and changes to the facade were not given any meaningful consideration in the assessment. The primary element of the development is a flat roofed retail building that is designed in a warehouse type arrangement to the rear of the property. It is inappropriate to the character of the area and the protected structure. The large carparking to the rear providing 104No. spaces is a poor approach to landuse for a key town centre site and inappropriate for the character of the area.

7.5 Contravention of Planning Policy and Objectives

The proposal has failed to address the key planning policy contained in Kildare County Development Plan 2011-2017 and Leixlip LAP 2010.

- The proposal has failed to address the town centre objectives of the Leixlip LAP. It is contrary to Objective TC3, which seeks to favourably consider development proposals to upgrade and expand existing retail outlets in the town centre. The provision of retail at this site is contrary to the consideration of expansion of existing retail provision in the town.
- The proposal materially contravenes Objective TC7 of the LAP, which seeks the preservation of the townscape character of the town centre with its patterns of two storey buildings with pitched slated roofs. The majority of the proposed roofscape is flat roofed.
- In relation to objective TC9 states large scale retail, retail warehousing or buildings of warehousing/ shed like design shall not be permitted in the town centre or in close proximity to residential units. The subject site is zoned Town Centre and beside residential dwellings.

The proposal fails to deliver on planning policy issues.

7.5 Traffic and Transportation Issues: The site is located on a heavily trafficked portion of the road with manoeuvrability issues regarding the nearby bend. There is a shortfall of carparking spaces. The transportation department recommended a refusal, and this was not given adequate weight.

The proposal has failed to deliver appropriate carparking facilities to serve the overall development. The County development Plan states there should be 1 space per 12sq.m. gross floor area and a maximum of 25sq.m. gross floor area for office use. This equates to a maximum provision of c. 183 No. spaces required to cater for the proposals. The applicant has only provided 104No. spaces. The Board is asked to consider the report by Transport Insights in relation to the traffic and transport issues. The Transportation department has recommended a refusal for 4No. reasons, please see report.

The Planner's Report does not provide adequate justification as to why the proposal should be granted overriding the transportation concerns. The access to the development is from a constrained section of the road with a bridge and a bend in the road, and this will be further diminished with limited manoeuvrability of HGVs entering and existing the site and with the inclusion of a pedestrian crossing at this location.

7.6 Appeal No. 2

Bilfinger GVA has taken this third party appeal against the decision to grant permission for the proposed development, on behalf of Tesco Ireland Limited. The issues raised are broadly similar to those raised in Appeal No. 1 above.

7.7 Development Context

The mixed use proposal is located on land zoned Town Centre 'Objective A'. The primary retail led development is located outside of the Core Retail area as outline in the Draft retail strategy 2010. The proposed development is located within a

ACA and it includes works to the protected structure. Any development along Pound Street should be to the highest standards and sympathetic to the ACA.

7.8 Traffic Hazard and Carpark

Traffic concerns such as under provision of car parking, deliveries and road safety have not been fully considered by the planning authority. The car parking requirement as per the Kildare County Development Plan 2011-2017 is 167No. spaces, i.e. 152No. spaces for the large store and 15No. spaces for the offices. The under provision of carparking will lead to overflow parking, increased congestion and may lead to traffic hazards on surrounding road networks. There is very limited on street parking in the general vicinity. The Transportation department recommended a refusal. The development contribution towards parking will not alleviate the shortfall of parking spaces. This matter remains unresolved as development contributions are not a mitigation measure in this instance. The appellant supports the Transportation Department's reason for refusal.

7.9 Architectural Conservation Area and Design

The revised design by way of further information is an improvement on the original proposal submitted. However, the design accepted by Kildare Co. Co. is still inconsistent with the development in the context of the ACA.

The proposed development should have a sympathetic design towards the historic structures in the vicinity. A portion of the north-east elevation has been projected towards the street, the building line has been broken by the modern flat roofed structure that is recessed from Pound Street.

TC 5 To require a strong street frontage where possible onto roads and footpaths ensuring that the existing historic street pattern is retained. The design of all development shall be to a high standard and will respect the character of the existing building lines and contribute towards the creation of a well-defined streetscape.

The proposed building line and overall façade design is inconsistent with the streetscape. The modern recessed element of the proposed building which will be visible from Pound Street is inconsistent with surrounding protected structures and the ACA in general. The proposal is also inconsistent with policy TC 7 which states it is policy to maintain the two storey buildings with pitched slated roofs.

7.10 Planning Authority Response

The planning authority had nothing further to add to its reports on file.

7.11 First Party Response

John Spain and Associates has made a submission on behalf of the applicant. Rather than repeating a lot of the content of this report I shall summarise the relevant response to the third party concerns outlined in both third party appeals.

- The submission documents were accompanied by a detailed analysis across disciplines within Kildare Co.Co. Following a detailed request for further information the applicant's design team met with a team of planners, engineers, conservation officer and an architect from the planning authority to agree on a revised design.
- The proposal comprises of the redevelopment of the site with a mix of office and retailing, which is zoned for Town centre uses in the Leixlip LAP 2010. The land uses, shop convenience, shop comparison and offices are permitted in principle under the town centre zoning. The development will contribute to the wider mix of uses within the town centre.

The application was accompanied by a sequential test assessment which identified that there are no sites within the Core retail Area of Leixlip which are suitable, viable and available to accommodate the proposal. The proposal is a modern scale convenience retail unit adjacent to the retail core of Leixlip

through the redevelopment of a brownfield site. The site is most appropriate to accommodate the scale and nature of the development. There is a shortfall of retail floorspace in the town centre and the proposal will revitalise the town centre.

- The proposed development is plan-led. The Draft Kildare County Retail Strategy 2010 recognises that Leixlip's retail offering is limited for a town of its size and this is largely due to its proximity to Liffey Valley, Blanchardstown, and Maynooth. There are no sites within the retail core area capable of accommodating the proposed development. Collinstown has potential to meet the retail needs of the expanding population, as there are no sites within the retail core of Leixlip. Although Collinstown is designated the retail Strategy also seeks to enhance the vitality and viability of Leixlip town Centre. There is no supermarket in Leixlip town centre, this requirement is currently met by out of centre shops. The proposed development helps address the significant shortfall in retail floorspace in Leixlip and claw back trade currently been lost to other centres.
- Objectives TC3 and TC7 relate to underused or vacant sites within the town centre and preserve the character of town centres. The proposal seeks to provide a strong retail frontage onto Pound Street in order to create a link between the site and the retail core in Leixlip. The proposed development reflects the size, shape, materials and layout of most two storey buildings in the retail core. The proportions, façade and upper level fenestrations are derived from the adjoining buildings and in keeping with the local vernacular. The revised proposal involves a pitched slated roof element fronting Pound Street which aligns with adjacent office building and retains and respects the Protected structure. There was an Architectural Heritage Assessment prepared By Molloy & Associates.
- TC9 of the LAP states there will be no large retail permitted in the town or beside residential units. However the proposal is not a large scale retail unit

and it is not a warehouse/ shed like design. It will replace the existing large floorplate pub and nightclub structures on the site.

- The proposed design is appropriate in the context of the carparking to the rear of the site. The discount foodstore was set back approximately 10m from the existing building line on Pound Street. In accordance with the FI request the proposed building line has been brought forward to meet existing building line to the north of the site with a two storey element with a slate pitched roof. The new revision results in a strong street frontage to Pound Street and continues the building line of the adjacent properties with the ACA in accordance with TC5 of the Leixlip LAP. The proposed Pound Street elevation is a contemporary interpretation of the traditional streetscape of Leixlip. The proportions of the façade and upper levels of fenestration are based on those of Georgian buildings. In order to minimise variations along Pound Street, the Aldi entrance and exit are set back from the street. Timber slats and a timber colonnade will be provided along the southeast elevation of the Aldi store to reduce the visual impact from Pound Street.
- It should be noted there are a number of concerns raised on appeal regarding the design of the development. The applicants also met with people from the Leixlip tidy towns, Councillors and local heritage groups, the revised design was considered to be sympathetic and appropriate to the character of the area. In addition, the applicant met with the Planners Conservation officer and County Architect regarding the revised design. Furthermore the applicant has experience in delivering architecturally sensitive projects beside protected structures, Aldi stores in Cashel (242579) and Terenure (239300).
- The proposed development has been carefully considered and designed in terms of traffic and transportation. There is a detailed Traffic Impact assessment with the planning application, and it demonstrates how the development is in line with road safety standards.

- The parking standards for retail floor space over 100sq.m. is a maximum provision of 1 space per 12sq.m. of gross floor space. These are maximum standards. The proposed store is directly adjoining a town centre. It is at the higher end of the range in terms of parking provision. Based on existing and permitted Aldi Stores throughout Ireland, the proposed parking is sufficient. The application of maximum parking provision on town centre sites is not required given the potential for linked trips and alternative sustainable transport modes. The increased gross floor area by way of revised design to 2,005sq.m. includes a glazed corridor, trolley bay and staff accommodation, the net floor area remains unchanged at 1,254sq.m.. The increase in floor area was ancillary, and does not result in any increase in the usage of the site or parking requirements. The gross retail floor area is 1758sq.m. with retail sales area at 1,254sq.m. Based on the standards a maximum of up to 147No. spaces is required to serve the discount foodstore. The Councils parking standards are cited as maximum standards in the County Development Plan. In this regard the deviation from the parking standards does not represent a 'shortfall' as these standards are clearly cited as maximum standards. The development also notes the Council reserve the right to alter parking standard requirements of Table 19.9 having regard to the circumstances of each particular development. The proposed parking provides convenient access to the store. Existing Aldi stores operate with a carparking provision of 1 space per 20 sq.m. Therefore on that basis only 88No. spaces would be required for the proposed development.
- In terms of the proposed office building and parking requirements, the proposed building due to the protected structure status and building regulations, the building can only accommodate 8No. office staff These 8No. staff in the 167sq.m. buildings and the office staff in the 217sq.m. building can walk, cycle or use public transport. The proposed parking provision is more than adequate, and the office use will not coincide with peak retailing use,

Thursday, Friday and Saturday evening. The proposed 104No. spaces is more than adequate to cater for the proposed development. The draft Kildare County Development Plan 2017-2023 should be considered where parking requirements are to be viewed as a target with other considerations to be taken into account. The parking requirements will also be reduced under the new plan, a gross floor area of 1,758sq.m. will require 117NO. spaces, and 13No. spaces for the offices.

- It is suggested the development contribution will not alleviate the shortfall of car parking spaces. It has been demonstrated that the 104No. spaces is more than adequate. The decision to grant does not include a financial contribution towards parking.
- The current proposal is the redevelopment of a brownfield site that is currently a pub/ nightclub, and the proposed access is almost the same as the existing access. There is no new or additional access onto pound street. There was a Road safety Audit process. There has been a low level of minor accidents associated with the R148 in the vicinity of the site. There is a controlled pedestrian crossing proposed between the Aldi site and the road bend on the R150 south of the application site, as outlined on Drawing No. : 114-A77-LP01. The taxi rank will be removed adjacent to Ryevale Tavern and it will be replaced by an extended footpath. The site access radii will be reduced to 7.5metres.

8.0 Assessment

8.1 The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of the Development
- Development Plan Policies and Retail Policies

- Design/ Heritage Issues
- Traffic/ Access
- Carparking
- Appropriate Assessment

8.2 Principle of the Development

The subject site is located in the centre of Leixlip village along Pound Street which is just west of Rye Bridge. The site includes a number of buildings including a public house, restaurant, solicitor's office and a nightclub/ function room with a large tired carpark to the rear. The buildings are located along the streetscape of Pound Street (R148) with the river on the opposite side of the road with its landscaped embankments. Access to the car park area at the rear of the site is directly from Pound Street between the two main buildings on the subject site. The carpark is layered across the incline of the site and currently caters for 100No. cars. The public house, Ryevale Tavern, is a five bay three storey building which is a protected structure and dates back to 1830s. There are a number of notable vernacular structures and features in the general vicinity of the site along Pound Street and notably the entrance gates to Leixlip Castle. In my opinion, this is a charming part of Leixlip with old buildings fronting onto the river and the street is approached from Main Street by a stone bridge. The aesthetics of section of Leixlip are clearly visible in the built fabric and details on the front facades. I do consider Pound Street would appear to be under-utilised in terms of its town centre location, as there is very little retail activity in this part of the town centre.

8.3 The proposal is for a new Aldi Discount Foodstore, offices and associated parking on the subject site. The proposed development was the subject of extensive further information, which resulted in a revised proposal been submitted on the 8th of April 2016. The Board should note the grant of permission relates to the revised proposal presented by way of further information, and both appeals acknowledge the revised

scheme, the building line of the proposed development has been brought forward to meet with the existing building line to the north along Pound Street. There is a contemporary facade proposed with the proportions based on Georgian buildings. The Aldi entrance and exit will be set back from the street, and the applicant has provided a report which gives a design analysis stating the design responds to the vernacular character of Leixlip and the ACA. A traditional Palette of materials including white painted render and timber windows are proposed. The design is discussed later in this report.

8.4 The proposed development is essentially the redevelopment of a town centre site from a nightclub/ public house/ restaurant use to a retail/ office use. The site is zoned as **Town Centre** in the current Leixlip LAP 2010 which is '*to provide for the development and improvement of appropriate town centre uses including retail, commercial, office, residential and civic use*'. The principle of retail and office use is in accordance with the landuse zoning objective for the site, and is appropriate to the town centre location.

8.5 Development Plan Policies

The third party appellants claim the proposed development is contrary to the Town Centre objectives in the Leixlip LAP 2010, namely TC 3, TC7 and TC9. I wish to examine all *relevant* Town Centre objectives relating to the proposed development.

8.6 The proposal complies with TC 2 which is the renewal of derelict, underused or vacant sites within the town centre. The proposal will provide a modern scale convenience retail unit adjacent to the main retail core of Leixlip centre. TC 3 states *to favourably consider development proposals to upgrade and expand the existing retail outlets in the town centre*. The appellants considered the proposal was contrary to this objective, however I do not agree. The retailing offer in the middle of Leixlip is very limited, possibly due to its proximity to large retailing outlets such as the Liffey Valley and Blanchardstown, and indeed Maynooth. Due to the restrictive configuration of the town within a river valley, Leixlip's retailing core is too small to

cater for its expanding population, to the north and east of the village. In the development plans any major enhancement of retailing activities in Leixlip is designated at Collinstown, however the development plan states that Collinstown needs to be progressed in parallel to improvements within the traditional town centre.

8.7 The Draft Kildare Retail Strategy states the policy for Leixlip is:

In accordance with the County Development Plan, 2008 GDA Retail Strategy and recently adopted Leixlip and Collinstown LAPs, Collinstown is the designated area for Leixlip's town centre expansion which will enable it to grow over the next twenty years into the Level 2 Major Town Centre to serve North East Kildare. It is envisaged that the centre may ultimately comprise some 65,000m² of comparison floorspace with associated ancillary non retail services and other town centre activities and be of the quality and importance of other GDA Level 2 Major Town Centres.

There will be continued promotion of the enhancement and consolidation of the traditional heart of Leixlip Town Centre, including the creation of a new street between Captain's Hill and Mill Lane that will provide for a range of town centre uses including shopping, car parking, residential, educational and employment opportunities.

The proposed development complies with the Draft Retail Strategy for Leixlip, it is providing shopping in the centre of the town which is compatible with the existing mixed uses of the historical core. There is currently no supermarket in the centre of Leixlip, there is extremely limited convenience retail provision. According to the applicant, the supermarket shopping needs of Leixlip are catered for by Supervalu at River Forest and Lidl to the west of the town centre. I believe the proposal represents a sustainable form of development and will address this significant shortfall in retail / supermarket floor space within the town centre. In addition, this could enhance the vitality of the town centre with spin off benefits for the existing retailers in the town centre. In addition, this will comply with Objective TC3 of the Leixlip LAP as cited above.

8.8 TC7 states the Leixlip LAP seeks to preserve the townscape character of the town centre with its patterns of two storey buildings with pitched roofs. A portion of the front elevation will consist of the two storey pitched roof. The existing three storey protected structure will remain intact. Therefore the most significant changes will be the removal of an unusual hexagonal shaped structure and single storey extension to side of the protected structure. The revised design submitted by way of further information respects the protected structure and is legible as a two storey building along Pound Street. I believe the proposed streetscape will represent an enhancement in comparison to the existing fragmented structures on the site which will be removed and bare little or no relationship to the integrity of the Architectural Conservation Area.

8.9 Contrary to the claims made by the appellants, I consider the proposed development is not a large scale retail development a retail warehouse or a warehouse/ shed like design, as referred to in Objective TC 9 of the Leixlip LAP. The bulk of the development is single storey, however the single storey building envelop is to the

rear of the two storey buildings located along the streetscape. It will not read as a warehouse type unit from Pound Street as it has a glazed façade along its entire south east elevation (Drawing No. 15-50/212-) . There will be a strong street frontage onto Pound Street, and the building line will be continued along the ACA. I would therefore conclude the proposed development complies with the relevant Leixlip LAP Town Centre policies.

8.10 Design and Heritage Issues

The further information submitted on 8th of April 2016 includes photomontages of the existing and proposed visual impact on the area surrounding the subject site in Leixlip. The further information also included an Architectural Heritage Assessment prepared by Molloy Architects. Ryevale Tavern is included as a protected structure, Reference IP50, in the Leixlip LAP and the site is located within the Leixlip ACA. I have considered both documents.

- 8.11 The protected structure is a 5 bay, three storey pitched roof building of vernacular style, however it has been significantly modified. Under the current proposal the Tavern will be restored and maintained as an independent structure, and it will be converted to entirely office use. The new detached retail unit will be constructed to the rear of the two storey buildings along the streetscape. The existing tiered carpark will be levelled. It is proposed to demolish the majority of the buildings on the site, safeguarding the Tavern, with none of the buildings to be demolished are of any architectural significance.
- 8.12 The works and proposed office use of the Tavern building are acceptable as it will restore the structure respectfully with least disruption to its present character and original profile. A Georgian door will be provided in the front elevation and the PVC windows will be removed and replaced by sash windows. The asbestos cement roof tiles will be replaced by a natural slate finish. I consider the proposed works to the protected structure to be acceptable.
- 8.13 According to Chapter 12 of the Kildare County Development Plan 2011-2017, new developments within ACAs will only be granted permission if it is demonstrated the development will not harm the character or appearance of the area. I believe the removal of the fragmented buildings and their replacement with a traditional 18th century typology will enhance the ACA. I believe the overall architectural rhythm along Pound Street will be strengthened. The views of the site from Leixlip Castle are largely obscured by mature planting, and the impact from the Castle will be negligible.
- 8.14 The appellants concerns regarding the proposed building line appear to stem from the original proposal submitted to the planning authority in 2015. The new revised proposal redesigned as part of the further information submission, reinforces the existing building line along Pound Street.

8.15 Traffic/ Access

The Transportation Department in its report dated 12th May 2016 recommended a refusal of the proposed development for 3No. reasons. This report is one of the salient issues in the grounds of appeal for both third parties. The recommendation was overturned at a Senior Management team meeting and the Transportation Department recommended conditions. The following are the reasons for refusal cited:

1. *The proposed entrance is located in close proximity to a bend on a public road, on a section of road governed by a continuous white line where the sight visibility distances at the proposed entrance would be substandard and the proposed development would endanger public safety by reason of the traffic hazard and obstruction to road users.*
2. *The development will not be able to provide a safe location for a pedestrian crossing due to the road layout, carparking and footpaths adjacent to the proposed development.*
3. *There is a shortfall of 50No. parking spaces for the proposed development and this constitutes a 33% loss in capacity required by Chapter 19 of the County Development Plan. Transportation has general concerns about the lack of parking in Leixlip.*
4. *Transportation has concerns about HGVs entering and exiting the proposed access.*

8.16 Both third party appeals have placed a strong emphasis on these reasons for refusal and consider the applicant has not overcome any of them or addressed the issues in the proposed development as the recommendation was made following consideration of the revised proposals submitted as part of the further information.

8.17 The Traffic Impact Assessment was prepared by TPS limited, and considered its content as part of this appeal. There were traffic counts taken in the area on 11th of March 2015. The traffic counts examined the peak PM traffic as the Aldi shop will not be open during the typical peak morning traffic flows (08:00am-09:00am). Traffic growths with and without the proposed development were estimated. There will be a reasonable free flow of traffic conditions along the R148 / site access junction in 2033, which was determined to be a general 32% traffic growth. The traffic to Aldi may also reduce in future if other supermarkets are opened. It was concluded the projected traffic levels generated by the proposed development can be accommodated within the site access without impacting on the operation of the surrounding road network. I am satisfied with the findings of the report as the traffic to the Aldi store will be staggered throughout the day.

8.18 The DMURS advises providing a sightline of 2.4m x 45m within central urban areas within a 50kph zone. These sightlines are achievable as per Drawing No. 114-A77-LP01, and the proposed access has been fully assessed within a Stage ½ Road Safety Audit carried out by Road Plan Consulting Engineers. Therefore, I believe Item 1 of the Transportation Department concerns has been addressed.

8.19 In terms of pedestrian safety, the subject site is located within an urban area with footpaths fronting the site and along the opposite side of the road. The existing land use generates a significant amount of footfall albeit most of which would be during evening times. It is proposed to extend the existing footpath on the south side of the Aldi site to connect with the footpath on the other side of the site access. It is also proposed to provide a signalled controlled or non-controlled pedestrian crossing on Pound Street at the or adjacent to the subject site connecting both sides of the street. I welcome this proposal as I found it difficult to cross the street at the location due to the level of traffic along the R148 at this point. I consider this would be a planning gain benefitting the wider community as I observed pedestrians from the suburban environs to the south were crossing Pound Street at the junction with Clay Steps and found crossing onto Pound Street at this point difficult. I believe the pedestrian crossing could benefit the connectivity of the wider area to the town centre and the subject site.

8.20 The appeal has strongly emphasised the lack of parking provision associated with the proposed development. It considers the proposal falls significantly under the development plan carparking requirements for a discount foodstore and offices. There is concerns overspill carparking will occur onto the Pound Street resulting in traffic congestion and a traffic hazard.

8.21 **Carparking**

Both of the appellants claim there is an under provision of carparking to cater for the proposed development. Both appellants have provided two different calculations based on Table 19.9 of the Kildare County Development Plan. It should be noted Table 19.9 cited maximum and not minimum parking requirements and the standard for retail floor space over 1,000sq.m. is 1space per 12sq.m. The applicant has submitted that they operate over one hundred stores nationwide with 75-100 spaces which is adequate to cater for the development. The third parties submit the gross floor area of the development increased to 2005sq.m. by way of further information. This increase in gross floor area included a glazed corridor, a trolley bay and staff accommodation, the net floor area of the shop remained at 1,254sq.m.

8.22 Bilfinger GVA suggests the incorrect car parking requirement has been applied to the proposed office space. It states that based on a gross floor area of 384sq.m. that a maximum rate of 1 car space per 25sq.m. is required, hence 15No. spaces for the office development. The Board should be mindful of the existing use and parking associated with the protected structure and the existing office use on site. Furthermore, the subject site is a town centre location with quality public transport links it is not a car dependent development. The occupants of the office development may cycle, or use public transport or indeed walk to work. The Protected Structure is limited in terms of office use and only 167sq.m. of the building will be offices with a total of 8No. staff. It is submitted by the applicant that the office use carparking is unlikely to coincide with peak parking requirements for retailers, e.g Thursday, Friday or Saturday evening.

8.23 There are 104No. spaces proposed to cater for the proposed development. According to Bilfinger GVA the carparking requirement is 167No. spaces i.e. the

2005sq.m. store requires 1 space per 12sq.m. which is 152No. spaces and there is 384sq.m. of office space proposed at 1 space per 25sq.m. which is 15No. spaces. The Transportation Report of the 12/05/2016 states there is a shortfall of 50No. spaces, and it has general concerns regarding the lack of parking provision in Leixlip. It is very disappointing the planning reports do not address or assess this issue, and why the lesser figure of 104No. spaces was accepted by the planning authority. It merely states the issue regarding the Transportation Departments concern over the lack of parking provision has been resolved, when it is clear from the planning file, there was no documented resolution. However I believe the planning authority was correct to accept a figure below the maximum requirements of Table 19.9 of the development plan as appended to this report. The required figure of circa 160No. spaces fails to have regard to the town centre location, and solely relies on a table that cites standards relating to general areas, including out of town, and rural locations. The calculations and requirements fail to have regard to public transport links and assumes the entire development is car dependent. It fails to have regard to the existing carparking use of the subject site, which is currently completely underutilised as a prime town centre site, the existing car park on site has very little day time usage. The carparking associated with the proposed Aldi Store is short term parking, and the duration of stays will in most instances will be less than an hour, with peak usage during Thursday, Friday and Saturday evenings which will not clash with the office use on site. The net floor area of the Aldi Store is the standard discount foodstore floor area, 1,254sq. I believe 104No. spaces is sufficient to cater for the parking needs of this town centre development, based also on the type of short term parking associated with the development.

8.24 The deliveries to the shop will occur within the curtilage on the site to the rear of the proposed discount store. The development contributions applied by the planning authority in condition No. 49 to the sum of €129,746 were not related to levies for carparking as implied by the third parties.

8.25 Appropriate Assessment

A screening report was prepared by Openfield Ecological Services, and it was submitted as part of the further information submission. The Rye Water Valley/ Carton SAC is located across the road from the subject site, 30metres from the boundary. In order for an effect to occur to the SCA there must be a pathway between the source (the development site) and the receptor (the SAC or SPA). Where a pathway does not exist, an impact cannot occur. There is a public road between the site and the boundary of the SAC. The construction of the surface water headwall and associated pipework will result in a temporary loss of a small portion of the riparian habitat. However it is not associated with the qualifying interests of the SAC. There may be potential for seepage of contaminants during the construction phases into the Rye River. Pollution will be avoided and it is considered the impact cannot result in significant effects to the SAC due to its location downstream of all relevant qualifying interests. Best practice site management will minimise risk to water sources, and the measures are outlined. No significant effects can occur from the operation of the proposed development due to hydrology as an attenuation tank is proposed. The screening process found that significant effects are unlikely to arise either alone or in combination with other plans

or projects to the Natura 2000 areas in its zone of influence. Therefore it is concluded a full Appropriate Assessment of the project is not required.

9.0 Recommendation

9.1 I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations/ Reasons

Having regard to :

- (a) The existing landuse on the site and existing site layout;
- (b) The 'Town Centre' land use zoning objective for the site in the Leixlip Local Area Plan 2010
- (c) The proposed use of the protected Structure for office use;
- (d) The provision of a Discount Food Store and associated carparking to the rear of proposed buildings along Pound Street streetscape;
- (e) the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts, Heritage and the Gaeltacht in 2011
- (f) the Retail Planning Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in 2012,
- (g) the Design Manual for Urban Streets published by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in 2013, and
- (h) the overall quality of the proposed design and landscaping of this important site and the proposed development as revised reducing the impact on the Protected Structure

it is considered that, subject to compliance with the conditions set out below, the proposed Discount Foodstore/Restaurant development as revised, would be acceptable in terms of the archaeological heritage and architectural heritage in the area, would enhance the retail offer in the town in a unique and high-profile setting in Leixlip Town Centre, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would in urban design terms enhance the public realm of the of Leixlip . The proposed development 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, as amended by the further plans and particulars submitted on the 8th of April 2016 and 15th of April 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. The developer shall fully comply with the following requirements as set out hereunder:-

(a) In advance of works commencing on the site, the developer shall appoint a qualified and experienced conservation professional to oversee the project, and the appointed professional shall certify the repair works to the protected structure upon completion. The strategy of proposed works to the protected structure as outlined in the Architectural Heritage Response date-stamped 8th of April 2016 should be drawn up into a specification and methodology by the conservation professional, shall be submitted to the planning authority for approval prior to commencement of works.

(b) The specified repair works to the protected structure, and boundary features shall be undertaken and completed to the satisfaction of the planning authority concurrent with construction of the retail outlet. The retail unit shall not be open to the public until such time as the required works to the protected structure and boundary features are completed to the satisfaction of the planning authority.

(c) Details of new elements to the protected structure required for fire safety purposes shall be submitted to the planning authority for approval prior to commencement of the development.

Reason: To ensure the continued preservation of the Protected Structure and the Architectural Conservation Area.

3. All external finishes shall be in accordance with the revised drawings submitted on the 8th of April 2016.

Reason: In the interest of visual amenity.

4. The proposed externally illuminated corporate sign on the side gable of the front elevation shall be omitted from the development. A new back lit stainless steel sign may be erected on the south east elevation. Prior to the commencement of

the development, the applicant shall submit to and approve in writing ALL signage and advertisements associated with the elevations of the proposed development.

Reason : In the interests of visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001 or any statutory provision amending same, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water run-off shall not be allowed to discharge onto the public road or onto adjoining properties. The development shall not become operational until such time as the storm sewer network has been installed and connected to the public storm sewer to the satisfaction of the planning authority.

Reason: In the interest of orderly development.

7. All service cables associated with the proposed development as revised (such as electrical, telephone, street lighting cables) and any existing power lines traversing and/or bounding the site, shall be run underground in ducting of appropriate size and quality within the site and shall follow the line of the access road into the site.

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

8. All deliveries to the discount foodstore development including deliveries during the operational phase of the proposed development shall only occur during day-time hours 0800 hours to 2000 hours. Operation of diesel-run refrigeration vehicles on the site during the operational phase of the proposed development shall be prohibited during nighttime hours 2000 hours to 0800 hours.

Reason: To prevent noise nuisance in the interest of the amenities of the area including residential amenity.

9. Construction and any demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects" published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be

generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. Parking and access arrangements for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of any works on site and shall include details of the proposed pedestrian crossing along Pound Street. All works shall be at the developers expense.

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

11. The internal road network serving the proposed development including loading bay, junctions, parking area, footpaths and kerbs, and the surface finishes and markings, shall comply with detailed standards of the planning authority for such works.

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

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

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

Reason: In the interest of residential and visual amenity.

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

The assessment shall address the following issues:

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

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

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

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

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 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, 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.

Caryn Coogan
Planning Inspector

29th Of September 2016