



An
Bord
Pleanála

Inspector's Report PL15.246710

Development	Construction of a new discount foodstore with ancillary off-licence sales at Donore Road, Drogheda, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	15/716
Applicant(s)	Lidl Ireland Gmbh
Type of Application	Permission
Planning Authority Decision	Grant
Appellant(s)	Tesco Ireland Ltd.
Observer(s)	None
Date of Site Inspection	9 th September 2016
Inspector	Fiona Fair

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.87 ha is located to the south west side of Drogheda town to the south side of the L1601 Donore Road, and is accessed from the western side of Matthew's Lane South. To the east of the site (on Matthew's Lane South) are a number of Commercial / warehousing units.
- 1.2. To the south and west of the site is a vacant undeveloped site. North of the site (to the north of Donore Road) is a large vacant industrial / factory premises. North and west of the appeal site (on Marley's Lane, which extends to the Rathmullan Road) are schools, residential estates and a leisure centre, while to the northeast of that site are the St. Finian's, Rathmullan and Ballsgrove estates.
- 1.3. Generally, the area to the south of the site (extending to the Navan-Drogheda rail line) is a mix of industrial and commercial uses and there is also the cleared site of the former Coca Cola plant. There is vehicular access through between the Donore Road at the Drogheda Retail Park roundabout and Matthew's Lane South.
- 1.4. The appeal site has operated for a number of years as a Lidl store. The opening hours are 08.00 – 22.00 Monday to Saturday and 09.00 – 21.00 Sunday. It is noted that there is also a more recently opened Lidl store to the north of the Boyne at the M1 Retail Park. The Donore store primarily serves the area of Drogheda and environs on the south of the River Boyne.
- 1.5. The site is laid out with a rectangular building extending along the west side of Matthew's Lane South (separated from the road by a boundary wall / fence and landscaping).
- 1.6. The site access is formed by a 7m roadway along the south boundary of the site extending west to the boundary with the adjoining undeveloped site, from a junction on Matthews Lane south. The access road junction is located some 160m south of the Donore Road junction.

- 1.7. The existing car park contains 199 car parking spaces and is laid out as a block paved surface on the western and northern side of the site, with the loading dock on the south elevation of the building, accessed by reversing in from the car park aisle.
- 1.8. There are three points for pedestrian access to the site, two from Matthews Lane South and one from Donore Road.

2.0 **Proposed Development**

2.1. The proposed development will comprise:

- Permission for the construction of a new discount foodstore with ancillary off-licence sales
- The proposed development comprises:
 - 1) The demolition of existing single storey licensed discount foodstore with ancillary off-licence sales measuring 1,778 sqm gross floor space with a net retail sales area of 1,286 sqm,
 - 2) The construction of a two storey mono-pitch licensed discount foodstore with ancillary off-licence sales measuring 2,834 sqm gross floor space with a net sales area of 1,685 sqm,
 - 3) Redevelopment and reconfiguration of existing car park to provide 158 no. parking space (and 10 no. bicycle parking spaces),
 - 4) The proposed development is to be accessed via existing pedestrian and vehicular accesses on the Industrial Estate Access Road, with the existing pedestrian access along Donore Road to be replaced with a relocated ramped access, and will be serviced via existing infrastructure connections, and
 - 5) Provision of associated free standing and building mounted signage, free standing trolley bay and enclosure, refrigeration and air conditioning plant and equipment, hard and soft landscaping, boundary treatments and all other associated ancillary works above and below ground level.

2.2. The development was revised by way of Additional Information submitted inclusive of the following amendments:

- An increase in floor area from 1,685 sq. m to 1,690 sq. m Net Sales area and 2,834 sq. m to 2,906 sq. m GFA
- The design of the building was revised with removal of roof lights and the inclusion of a high level window band along the eastern elevation providing natural light within the aisles area
- The structure has been relocated and moved westwards by 0.5m to provide a wider landscaping buffer between the building and the public road.
- Hard and soft landscaping links and pedestrian connections within the car park have been upgraded. Landscaping Plan submitted.
- Soft Landscaping has been upgraded along the boundaries
- Cycle parking (28 spaces) has been enhanced and relocated outside the store entrance.

2.3. **Decision**

Permission Granted subject to 22 no. conditions; conditions of note are summarised as follows:

2. Project construction and demolition waste management plan

3. Restriction of on-site hours of construction works

4. & 6. Restriction on emissions

7. Noise Restrictions

8. Signage

9. & 16 Landscaping and boundary treatments

11. Car Parking

14. Hours of Operation to be agreed with the p.a.

15. Disability access

2.4. **Planning Authority Reports**

Following a request for further information with respect to (1) design statement (2) landscaping plan (3) bicycle parking and (4) legal ownership issue, the p.a. concluded that while the development is located on employment generating lands, the Lidl store on site predates the zoning of the current Plan. It is accepted that the redevelopment affords an opportunity to include landscaping. All concerns of the p.a. have been addressed.

Other Technical Reports

Water Services– No objection subject to condition

Infrastructure – No objection subject to condition

2.5. **Third Party Observations**

A number of submissions / objections were submitted to the proposal. The grounds of objection are similar to those raised in the third party appeal and are summarised below.

3.0 **Planning History**

3.1 Reg. Ref 13510044 Permission Granted to Lidl Ireland GmbH for advertising signage.

3.2 Reg. Ref. 10510110 Permission Granted for single storey extension with a flat roof to the front of the existing store and relocation of car parking.

3.3 Reg. Ref. 06510142 Permission Granted for alterations to include a reduction in the GFA of proposed food store from 1730.6 sq. m to 1644.8 sq. m, revise site layout and car parking, and change to licensed discount food store.

3.4 Reg. Ref. 05510023 Permission Granted for erection of a discount foodstore and dock leveller with connection to all existing services to incl. vehicular entrances, car parking spaces and signage.

4.0 **Policy Context**

Retail Planning Guidelines for Planning Authorities 2012

Louth Retail Strategy 2014 (Appendix 12 Vol. 2(c) of the Louth County Development Plan 2015 – 2021)

5.0 **Development Plan**

The statutory Development Plan pertaining to the area is the Drogheda Borough Development Plan 2011 – 2017. The lands are zoned employment generating and are located within the Donore Road Character Area. The employment generating zoning objective is *'to provide for the development of business and employment generating business activity, which is primarily manufacturing, service orientated and whose retail output is ancillary to the primary uses.'*

Within the employment generating zone shop major is not a use which is open for consideration. Local shops and retail warehousing are a permitted use. It is an objective of the Donore Road Character Area *'To promote the development of appropriate employment generating land uses, both within the Borough and the adjacent southern environs.'*

The Louth County Development Plan 2015 -2021 is also pertinent to the appeal site, it sets out retail policies which aim to preserve and enhance the viability and vitality of the town and village centres whilst recognising the need to provide for new retail formats to meet consumer demands.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeals have been lodged, by GVA Planning on behalf of Tesco Ireland Ltd. The grounds of appeal can be summarised as follows:

Contrary to the Employment Generating Zone land uses

- Negative impact upon the delivery of employment generating land use zone
- Query the appropriateness of expanding a non-conforming use at this location
- The proposal has to be considered on its merits and it is not considered as open for consideration under the land use zoning matrix.
- Negative impact on attracting new employment uses to Drogheda.
- Could have negative consequences should a manufacturing facility seek to locate proximate to the expanded foodstore.
- Conflict could arise with respect to vehicular and pedestrian traffic to the foodstore and to / from a manufacturing facility.
- The Donore Road is identified as one of the main areas for economic development in Drogheda.
- Ongoing operation and expansion of the foodstore at this location could have a detrimental impact on the delivery of the development plan. The future

development of Drogheda could be prejudiced by a grant of planning permission.

Impact Upon Designated Centres

- Question the need for an expansion of a non-conforming use that is located proximate to a designated centre.
- Conflict with the planned expansion of the district centre zoned lands at Donore Road
- Conflict with retail policies in the Drogheda Borough Development Plan and the recently adopted Louth Retail Strategy, which forms part of the CDP.

Car Parking and Opportunity for Alternatives

- Quantum of car parking spaces proposed is excessive
- It is inappropriate to apply shopping centre car parking standards to a standalone retail store – more akin to a retail shop.
- The large area of car parking could be re-purposed for another use
- Dual use of the site could be facilitated if an appropriate development was proposed
- Long term strategy for changing the entire site to an employment generating use and re locating the retail use to an appropriately designated centre.

Premature Development

- The development is premature pending the making of the Drogheda Local Area Plan, especially when the Authority who established the DBDP has now been dissolved.
- Proposal for extension to non-conforming use would have a negative impact on the development of land in the southern environs of Drogheda, as well as potentially having a detrimental impact on an established district centre.

Appeal accompanied with:

- Notification of decision to grant planning permission Reg. ref. 15/716

6.2. Planning Authority Response

Two number responses were received from the planning authority, summarised as follows:

- It is accepted that the development is a non-conforming use, however, the site is an established retail site within the town of Drogheda.
- Section 7.15 of the Development Management Guidelines which states: ‘a statement of objectives in a development plan should not be regarded as imposing a blanket prohibition on particular classes of development and does not relieve the planning authority of responsibility for considering the merits or otherwise of particular applications...’
- Had the retailer decided to apply for an extension to the existing store in all probability the p.a. would have considered the application as an extension to an authorised development.

- The p.a. applied a level of reasonableness in so far as it was considered that the existing floor space would have been considered as part of the existing retail offer.
- The Louth Retail Strategy 2015 has set out that there is 17,441 sq. m convenience floor space in Drogheda.
- The proposal is an enhancement of the retail offer in Drogheda, in accordance with policy.
- Car parking is in accordance with the Development Plan standards.
- The proposed development includes substantially more disabled car parking in addition to cycle parking than the existing facility on site.

6.3. Other Party Responses

6.3.1 The first party response can be summarised as follows:

- The appellant Tesco Ireland is a serial objector with objective of delaying planning permission
- Request that the Board consider the appeal vexatious, frivolous, anti-competitive in motivation.

Subject site zoning and designation

- The site has an established retail use and the proposal is an expansion / extension of an existing use
- The proposed development is relatively limited in scale
- Appropriate in terms of Development Plan policies and objectives
- Refusing planning permission would not result in the appeal site becoming available for primarily manufacturing or service orientated uses

- The presumption that the refusal of permission would result in Lidl's relocation to another site in Drogheda is not viable or realistic.
- The existing use pre dates the Development Plan and hence the zoning of the site was applied with the expectation of the subject site remaining in retail / discount foodstore use regardless of the zoning.

Compatibility with employment generating uses on adjoining lands

- Proposal would not prejudice the future development of adjoining lands
- Adjoining lands unconstrained in terms of layout and access options
- Development of adjoining lands could integrate with the appeal site
- The adjoining lands have previously been granted permission for substantial development (of a retail park) which would if implemented generate a substantial volume of traffic.
- PL54.215377 is of relevance to the subject application
- Substantial road frontage exists along the northern and eastern boundaries of the subject lands providing a number of access options

Impact on the Designated Retail Centre

- The scale and format of the proposed development will not have any discernible effect on the adjacent District Centre anchored by a Tesco Store (which provides some 2,776 sq. m net convenience retail sales area).
- The appellants were confident that there would be inconsequential effects on the subject site from the development of the (much larger) District Centre.
- The Retail Impact Statement submitted with the Tesco application Reg. Ref. 07/510106, is of relevance, it did not anticipate that their development would provide sufficient floorspace to meet the needs of the area.

- It is disingenuous of Tesco to now argue that an expansion of the existing Lidl (which was in place at the time of the Tesco planning application) could impact negatively on the operation or expansion of the District Centre.
- The Retail Impact Assessment submitted by Tesco in support of their planning application 07/510106 estimated a retail impact of the Lidl store as only approx. 1%
- The proposed development of an additional 404 sq. m (equivalent to 13.1% of the Tesco convenience floorspace) would have no discernible effect on the operation or expansion of the District Centre, and to suggest otherwise would contradict their previous position.

Prematurity

- The existing Drogheda Borough Council Development Plan 2011 – 2017 is within its six-year timeframe and is relevant
- Strategic retail policies for the County incl. Drogheda have only recently been reviewed and adopted as part of the County Development Plan, wherein there are no policies or objectives arising that would suggest that the proposed development is inappropriate.
- The new Retail Strategy identifies an ‘opportunity’ for Drogheda to ‘Facilitate the expansion of retail facilities including national and international retailers.’

Over provision of car Parking

- Submit that the proposed level of car parking (154 no. spaces) is appropriate and compatible with Development Plan standards, using the appropriate parking category of ‘Retail (Shopping Centre) as previously applied by the Board in determining car parking requirements on the adjoining lands incorporating the subject site.

- The extent of car parking proposed while is a reduction on the existing overall car parking provision incorporates an increase in disabled / parent and child spaces.
- The Boards assessment of car parking proposals for a retail park on the lands adjoining the subject site PL54.215377 is of relevance. The existing development was assessed by the Board as being appropriately placed within the retail (Shopping Centre) category, at 1 space per 20 sq. m gross floor space.
- The issue of over provision of car parking is not valid
- The design and layout of the proposed development with weighted regard to car parking and landscaping was considered in depth, with a detailed rationale / design statement / consideration of alternatives provided.

6.3.2 The third party response can be summarised as follows:

- The basis of the appeal is that the proposed development is a non-conforming use.
- The appeal seeks clarification whether it is appropriate for a non-conforming use to be extended in the context of the wider development of Drogheda
- Do not agree that the appeal is frivolous or vexatious.
- The validity of the Retail Impact Assessment is not questioned, aware of the statements that were made in the retail impact assessment that was submitted as part of reg. ref. no. 07/510106
- Because there is capacity for the proposed floorspace, does not mean permission should be granted without question
- Land use zoning and retail hierarchy are of relevance

- While there is the available expenditure in the catchment for this expansion, the diversion of this trade could prevent the district centre from establishing itself as the primary destination for the area.
- Car parking should be reviewed and conditioned if necessary.
- The applicant's response classifies the proposed development as a supermarket. A local shop, a shopping centre and a 'Discount Foodstore' without the applicant clarifying exactly which definition should apply.
- The proposal will provide a net floor area of 1,685 sq. m which is in excess of a 'shop local' and is classified as a 'shop major' under the Development Plan
- The lands were not zoned when the parent permission was granted and are now zoned for employment generating uses. This change in zoning alters the context in which this application should be viewed compared to the parent permission.

7.0 Assessment

I consider the key issues in determining this appeal are as follows:

- **Nature of the 3rd Party Appeal**
- **Development Plan Policy/Principle of the Proposed Development**
- **Impact Upon the Surrounding Area**
- **Prematurity**
- **Car Parking**
- **Appropriate Assessment (AA)**

7.1. Nature of the 3rd Party Appeal

I highlight for the attention of the Board that the first party submits that the appellant is a serial objector with the objective of delaying planning permission. It is requested that that the Board consider the appeal vexatious, frivolous, anti-competitive in motivation.

I have considered Section 138 (1) (a) of the Planning and Development Act 2000, as amended, and I consider that while there is an element of anti-competition the points raised in the appeal are not without substance or foundation and the appeal is not to my knowledge made with the sole intention of delaying the development or the intention of securing the payment of money, gifts, consideration or other inducement by any person.

I acknowledge that the Boards opinion on this matter may differ and they may decide to dismiss the appeal under Section 138 (1) (a) (i) of the Planning and Development Act 2000, as amended, however, I intend to assess the application on its merits.

7.2. Development Plan Policy/Principle of the proposed development

The proposed development seeks to replace an existing Lidl store (1,778 sq. m) with a new Lidl foodstore extending to 2,906 sq. m with a net sales area of 1,690 sq. m (revised by way of additional information).

The statutory Development Plan pertaining to the area is the Drogheda Borough Development Plan (DBC DP) 2011 – 2017. The lands are currently zoned 'employment generating' and are located within the Donore Road Character Area. The zoning objective states: *'to provide for the development of business and employment generating business activity, which is primarily manufacturing, service orientated and whose retail output is ancillary to the primary use.'* Within the employment generating zone 'shop - major' is a 'not permitted use', 'shop local' and 'retail warehouse' are uses 'open to consideration'. A Local Shop is defined (in Chapter 2 of the DBC DP 2011 – 2017) as a convenience retail unit of not more than

200 sq. m in net retail floor area. Chapter 3 Section 3.3.7 'Local Shops' states: *'In those cases where the proposed net sales area of a single convenience neighbourhood or convenience local shop exceeds 200 sq. m only one such outlet shall be permitted in a neighbourhood centre or group of local primary shops. An upper limit of 500 sq. m shall apply in all cases, with the exception of discount food stores.'*

There is extensive argument put forward by both the first party and the third party with respect to nature of the proposal in the context of the zoning of the subject site. 'Discount foodstore' / 'supermarket' is not listed as a use class in Table 2.2 Development Management Zoning Matrix. Given the definition of Local Shop, set out in the DBCDP, the subject proposal clearly does not come within this use category. If the category of 'shop - major' applied, the proposed use would be a 'non-conforming use' in which case the Development Plan states: *'Extensions to existing non-conforming uses within any zoned area will be considered on their merits.'*

The third party appeal questions the scale of the proposed store and the need for a new store located proximate to a designated centre. It is submitted that the proposal would conflict with / have a detrimental impact upon the planned expansion of the district centre zoned lands at Donore Road.

I agree that the DBCDP 2011 – 2017 is somewhat unclear in terms of which use class represents discount food store. The subject appeal lands were not zoned when the parent permission, for erection of 'a discount foodstore' (Reg. Ref. 05510023) was granted. It is the opinion of the planning authority in their assessment of the proposal that the proposed development should be considered 'a non-conforming use' and therefore considered on its merit. This implies it falls into the land use category of 'shop – major'. The site is an established retail site within the town of Drogheda. I note that while an extension of the existing building is not proposed, the existing use is to be extended. Cognisance is had that an extension of the existing store would in all probability have been considered as an extension to an authorised development. The redevelopment of the Lidl store affords the opportunity to provide

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a modern retail building, of a higher specification than the existing store, and which will enhance the character of the area, and provide a better shopping and working environment.

The rationale for the proposed development and the justification for retail need is noted. Cognisance is had to the first party submission that the proposed expansion represents a timely and proportionate expansion of the discount food store sector, which whilst established in the retail market, represents a small market share. An increase in market share of only 2% is proposed. Having regard to the effects of the proposed development in terms of market share and potential retail impact, I agree the expansion is not of a scale that would be likely to have a material effect on shopping patterns or retail impact in the area, the proposed development will primarily absorb existing increases in available expenditure in the area and accordingly would not be likely to have any noticeable or material effect on the convenience retail sector in Drogheda or the catchment area, in particular, to the District Centre in the vicinity of the proposed site. The retail impact statement submitted with the application is not questioned by the third party and all parties to the appeal agree that there is capacity for the proposed floorspace. Regard is had to the changes to the Retail Planning Guidelines, however, given the scale and nature of trade of the proposed development I would not foresee that the subject development would impact on the existing District Centre or expansion of same.

Given the planning history, zoning of the site, permitted uses on the ground and nature of the development proposed, it is considered, that essentially the extension and upgrade of an existing 'non-conforming use', is acceptable in principle on its merits, at this location.

7.3 Impact Upon the Surrounding Area.

The third party to the appeal raises concern with respect to potential for the proposed development to interfere with future development on the remaining adjoining lands, in particular with respect to conflicting uses and traffic conflict.

The appeal site is located at Donore Road and measures 0.87 ha, it has been in operation as a Discount Foodstore for almost 10 years. The site is bounded on all sides by commercial / industrial development and is also in proximity of residential areas. The remaining adjoining 'EGZ' zoned undeveloped lands (to the south and west) are substantial in area (c.3.5 hectares / 35,000 sq. m) and could accommodate substantial 'employment generating' development. The adjoining lands have previously been granted planning permission for development of warehouse units (PL54.215377) which would if implemented generate a substantial volume of traffic.

Primarily the development, if permitted, would give rise to an upgrade to the existing Lidl store, which has been established on site through a series of planning permissions. The proposal, if permitted, would give rise to an additional GFA of 1056 sq. m and an increase of 404 sq. m net sales floor area or increase by 31% in net sales area. It is accepted that the redevelopment of the store affords a better opportunity to provide a modern retail building of a higher specification; it also affords a better opportunity to include landscaping within the site. A landscape plan has been submitted which seeks to improve the quality of the existing green infrastructure. Planting along the boundaries and within the car park are proposed and this is considered acceptable. The proposed development is to be accessed via the existing pedestrian and vehicular accesses on the industrial Estate Access Road, with the existing pedestrian access along Donore Road to be replaced with a relocated ramped access. No change is proposed to existing infrastructure connections trading hours or delivery hours. The planning application is accompanied with a Planning Report and a Traffic and Transportation Report.

Albeit the lands are zoned for employment generating uses, I tend to agree with the first party that the existing development on site has become an established feature of the area. No evidence has been submitted of conflicting negative impacts with

respect to the existing store and adjacent uses. The nature of the existing Lidl store would not materially alter as a result of the proposed increased scale. The proposed development would not impact on or prejudice the potential future development of the adjoining lands, whether for manufacturing or other employment generating uses, and therefore, I would not recommend that permission be refused on ground of non-compatibility with future development of employment generating uses on adjoining lands.

Given the road network in the area, appeal site size, nature of the proposal and layout proposed it is not considered that the traffic generation from the subject development would give rise to traffic conflict or traffic hazard such that planning permission should be refused.

7.4 Prematurity

Louth County Council are the competent authority for Drogheda town and they have no objection to the proposed development in principle having granted planning permission for the proposal subject to 22 no. conditions.

The existing DBCDP 2011 – 2017 remains within its original six-year life span, hence it is the statutory Development Plan for the area. I note the first party submission that there is no definitive timeframe for the completion of a new LAP for Drogheda.

I agree with the first party that the rationale and justification for the proposed development is influenced by the existing permitted use of the site, which any new LAP would not affect.

7.5 Car Parking

There are currently 199 car parking spaces on site. The application involves an increase in GFA of 1128 sq. m, the total floor area proposed being 2906 sq. m. The application proposes a decrease in car parking spaces to 154, inclusive of 15 no. disabled / parent and child spaces.

Third party concern has been raised with respect to quantum of car parking spaces. It is submitted that the car parking number proposed is excessive and that the large area of car parking could be re-purposed for another use.

Table 5.4: Car Parking Standards of the DBCDP sets out the following:

Retail (Shops) 1 per 30 m² Gross Floor Space.

Retail (Shopping Centres) 1 per 20 m² Gross Floor Space.

I note that the DBCDP 2011 – 2017 states that; *'Additional uses not mentioned above will be treated individually upon their merits on a case-by case basis'*.

Based upon the standards set out above, the subject development would have a requirement for 97 car parking spaces or 146 car parking spaces depending on which category of land use is referred to.

Regard being had to; information contained on the file incl. the infrastructure planning report, car parking allocation associated with existing permitted development on the ground incl. the permitted Tesco store adjoining the appeal site and the analysis with respect to car parking associated with the adjoining permitted retail warehousing; that the quantum and layout of car parking proposed is acceptable in principle. It would be unreasonable in my opinion to refuse planning permission based upon over supply of car parking given in effect that the development comprises an upgrading and expansion of the Lidl store on the site it currently occupies, incorporating a reduction in the on-site car parking spaces and enhancement / upgrading of the car park.

7.6 Appropriate Assessment (AA)

The appeal site is not located in a Natura 2000 site. The Natura 2000 sites located in the closest proximity to the subject site include the Boyne Coast and Estuary SPA and the River Boyne and Blackwater SAC (some 134 m from the boundary).

The subject appeal site comprises a commercial urban, fully serviced site. It is currently connected into a public foul sewer and surface water system via an attenuation area.

Overall it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development, infrastructure in place and separation distances involved to adjoining Natura 2000 sites. The nature and scale of the proposal is such that it entails no discharges or emission which would impact upon the integrity and quality of the designated sites and associated habitats. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations/ Reasons

Having regard to the pattern of development in the area, the zoning provisions of the site as set out in the Drogheda Borough Council Development Plan 2011-2017, the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, the planning history of the site, and the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 20th 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 external wall finishes of the development shall be in accordance with plans and elevation drawings submitted, unless as otherwise agreed in writing with the planning authority. Roofs shall be blue black/dark grey in colour.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

3. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The agreed lighting system shall be fully implemented and operational, prior to the opening of the commercial development.

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

4. 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

5. (a) Landscaping shall be carried out in accordance with the 'Landscape Design Plan', as per Drg. No. 018014_DD_01 Rev A and Drg. No. 018014_LP_02 Rev A, submitted to the planning authority on the 20th April 2016. The soft landscaping shall be completed prior to the opening of the commercial development.

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

6. 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.

7. The engineering requirements of the planning authority shall be strictly adhered to as follows:

(a) Existing defective and settled paving flags and paving bricks across the site entrance shall be replaced on a sound structural base.

(b) Red tactile paving flags at the site entrance shall be replaced with buff coloured paving flags in accordance with Traffic Management Guidelines published by the Department of the Transport.

(c) Prior to reopening of the retail store the attenuation system and discharge control device shall be checked by a specialist and the discharge shall be set at greenfield rates (Qbar) and discharge rate confirmed by an assigned certifier.

Reason: In the Interest of orderly development and traffic safety.

8. The proposed 28 number bicycle parking spaces shall be provided within the site as indicated on 'Proposed Site Layout Plan', Drg. Number 1002 PL.3 submitted to the planning authority on the 20th April 2016.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard amenities of property in the vicinity.

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

Reason: In the interests of orderly development.

11. All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

12. 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.

Reason: In the interest of public health and to ensure a proper standard of development.

13. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

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

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

15. Construction and 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.

Reason: In the interest of sustainable waste management.

16. 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 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.

Fiona Fair
Planning Inspector
28.09.2016