



An  
Bord  
Pleanála

## Inspector's Report PL92.247444.

### Development

Permission for the subdivision of units 2 & 3 to facilitate change of use of units 3 & 4 Showgrounds Shopping Centre from retail to coffee shop, together with associated external seating area and internal alterations.

### Location

Showgrounds Shopping Centre,  
Davis Road, Clonmel, Co Tipperary  
Tipperary County Council.

### Planning Authority

### Planning Authority Reg. Ref.

16/600710.

### Applicant(s)

Chandos Investments Plc.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Permission.

### Appellant(s)

Chandos Investments Plc.

### Date of Site Inspection

26<sup>th</sup> January 2017.

### Inspector

Bríd Maxwell

## 1.0 Site Location and Description

1.1. The appeal site comprises ~~two units units 2 and 3~~ located at ground floor level within the Showgrounds Shopping Centre located on Davids Road to the east of Clonmel Town Centre. The combined units have a floor area of 208m<sup>2</sup> and are currently vacant, last<sup>1</sup> used for retail purposes. ~~The units are located adjacent to the main entrance to the shopping centre / mall and are accessed via independent external doorways. Appeal documentation details that the showgrounds shopping centre has a floor space of 11,800 sq.m and is anchored by a Marks and Spencer retail store. Other stores include Argos, Iceland, TK Maxx, Pamela Scott, The Edinburgh Woolen Mill, Sam McCauley Chemist, Easons, Sports Savers. Food outlets include Rockn' Joe's, BB's Coffee and Muffins and the M&S Café. The Shopping centre has a small surface car park fronting onto the Davis Road while further parking is accommodated at rooftop level. -At the time of On the date of my site visit (Thursday 26<sup>th</sup> January 2017, mid-morning), I noted a quiet shopping centre with a, with approximately 13 units apparently vacant within the centre. a number of vacant units.~~

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## 2.0 Proposed Development

2.1. The proposal involves the subdivision of units 2 & 3 to facilitate the change of use of units 3 & 4 from retail to coffee shop. An indicative floor plan demonstrates the proposed seating arrangement with accommodation for approximately 67 customers inside with ~~terrace fean additional accommodation for~~ 16 on ~~the~~ eternal terrace.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 The Planning Authority decided to refuse permission for the following reason:

<sup>1</sup> According to first party appeal units have been vacant for the last 2 years.

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*“The site is located on lands zoned for Commercial use under the Clonmel and Environs Development Plan 2013 the objective of which is to provide for mixed commercial facilities that do not compete with the Town Centre function. The land use of a restaurant (considered to be akin to a coffee shop) is not permitted within the Commercial land use zone and the Clonmel and Environs Development Plan 2013 encourages such uses within the town centre. The proposed development would materially contravene the land use zoning objectives of the Clonmel and Environs Development Plan 2013 and would be contrary to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

3.2.1 The report of the area planner notes location on a defended site within Flood Zone A. The proposed coffee shop use akin to a restaurant is not permitted in under the commercial land use zoning matrix. The proposed development would compete with the Town Centre function and would contravene materially the land use zoning objectives for the site. Refusal was recommended.

3.2.2 Area Engineer indicates no objection to the proposal.

### 3.3. Other Technical Reports & Third Party Observations

3.3.1 Environmental Health Officer notes relevant standards and requirements.

### 4.0 Planning History

4.1 I note concurrent application immediately adjacent -units PL92.247445 which seeks permission for “amalgamation and change of use of units 1 and 2 from retail to restaurant and associated takeaway together with associated external seating area

and internal alterations. This is a first party of the decision of the Council to refuse permission on the same grounds as the within appeal.

4.2 There is an extensive planning history on the appeal site including the following:

- ~~• 13/550006 Permission for the amalgamation of units 15, 17, 32 and conversion of mall area into a new retail unit with part mezzanine floor for retail and storage uses. Granted 30/4/20163~~
- ~~• 12/550041. Permission for valeting unit.~~
- 13/550006 Permission for the amalgamation of units 15, 17, 32 and conversion of mall area into a new retail unit with part mezzanine floor for retail and storage uses. Granted 30/4/20163
- 12/550041. Permission for valeting unit.
- 10/550126 Modification to unit no 25 consisting of a reduction in the permitted ground floor retail area and the inclusion of a ground floor café, the exclusion of the permitted mezzanine level and roof top parking area. An extension of the permitted unit to facilitate an 8 no screen cinema Granted March 2011.
- 09550096 Permission for subdivision and partial change of use of unit no 10 from retail use to take away restaurant use. Granted 24<sup>th</sup> March 2010.
- PL52.236192 (09/93) The BBoard confirmed decision to grant permission for change of use of previously permitted mall area to retail within the existing mixed use retail / commercial development.

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- PL52.236190 (08550061) The Board overturned the decision of the local authority and refused permission for temporary overflow car park of 149 no car parking spaces.
- 09550069 Permission for subdivision and partial change of use of unit no 10 from retail use to takeaway restaurant use. Signage. Granted 23 November 2009.
- 09550027 Permission for modifications to include the subdivision of unit 24 into unit 23B and Unit 24 and change of use of unit 24 from retail to restaurant. Granted 16<sup>th</sup> July 2009.
- 09550020. Permission for modifications to include provision of medical centre. Granted 23 June 2009.
- 08/550124 Permission for modifications to previously approved permissions 065500132 and subsequent modifications permission to include change of use of Unit 14 from retail to coffee shop. Change of use of unit 2 from retail to bookmakers provision of off licence in unit no 1.
- 08/5500114 Permission to modify approved permission ref 06/5500132 and subsequent modifications permissions to include a 608 sq.m. extension to unit 15 at ground floor level with 608 gross sq,m at mezzanine level and the provision of a mezzanine over previously permitted unit 15 of 789 gross sq.m 28 car parking spaces. Granted 10/3/2009
- 08/550107 Permission for modifications to previously approved permission PL06/5500132 and subsequent modifications permissions to include relocation of

previously permitted substations switch rooms, sprinkler pump house and underground sprinkler tank. Granted 7/1/2009

- -08/550052 for modifications to floor areas of retail units 2, 15, and 23 and change of use of unit 4 from retail to coffee shop management centre at mezzanine level storage mezzanines of units 12 & 19. Granted 24 June 2008.

- 07/550152 Permission for modifications to include reduction in overall net retail floor area to 7168.6 sq.m subdivision of anchor unit into 2 no anchor units comprising anchor unit no 1 (2,143 sq.m gross floor area) with net food sales 514 sq.m, non-food sales -with net 10,048 sq.m and coffee shop 112sq.m. aAnchor it no 2 1, 896 sq.m gross floor area with net food sales 1,496 sq., m additional 8 no retail units. Granted 20 March 2008. Also reconfiguration of the internal floor area to incorporate an additional 8 no retail units ranging in size from 51 sq.m to 690 sq.m (total gross floor area 5,118) and 2 no

#### Governing Permission

- 06/550132 for mixed use retail / commercial development with a total gross floor area of 12,0057 sq.m including anchor retail unit (gross floor area 6,149 sq.m), 16 retail units, bookies office, off licence video store, restaurant coffee bar and 2 no kiosks, parking at surface and first floor level for 296 vehicles, new roundabout on Davis Road Granted 1 February 2017.

- 05/550160 Refusal of permission 14<sup>th</sup> June 2006 for mixed use retail / commercial development with a gross floor area 17,878 sq.m, anchor retail unit, 17 no retail units, six screen cinema, bar, bookies, drop in crèche, off licence, video store, food court, 3 no restaurant units on first floor level and 1 no restaurant on the second floor level, parking at surface first floor level, second floor level and third floor level for 51 vehicles, signage and ancillary site works.

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~~06550132 Parent permission for shopping centre,~~

~~07550152~~

~~08/550052~~

## 5.0 Policy Context

### 5.1 Development Plan

The Clonmel and Environs Development Plan 2013 refers. The site is located in an area zoned Commercial C. The objective is “to provide for mixed commercial facilities that do not compete with the Town Centre function”. The ~~lands to the west are~~ zoned town centre is immediately to the west of the Showgrounds Shopping Centre.

I note the land zoning matrix page 79 which sets out relevant uses within each class. I note that the only use permitted in principle within the commercial zone is warehousing. Retail warehouse is open for consideration, Neighbourhood shop is open to consideration. A supermarket is not permitted. Restaurant is not permitted while takeaway is open for consideration.

## 6.0 Natural Heritage Designations

- ~~• River Nore SPA (Site Code 004233)~~
- ~~• River Barrow and River Nore SAC. (Site Code 002162)~~ The Lower River Suir SAC (Site Code 002137)

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1 The appeal is submitted by Coakley O' Neill Town Planning on behalf of the First Party. Grounds of appeal are summarised as follows:

- ~~• The unit subject of the planning application has been vacant for two years having formerly been occupied by lower order uses; a discounter and an off licence and there are currently 13 vacant units within the centre representing 18.03% of the floor area. Notes that the Showgrounds Shopping Centre currently supports over 200 jobs in the centre of Clonmel.~~
- ~~• Shopping centre has a floor space of approximately 11,800 sq.m and is anchored by Marks and Spencer retail store. There are currently 13 units vacant in the centre representing 18,03% of the floor area. Half of this floorspace has never been let since the centre first opened in 2009.~~
- ~~• The unit subject of the planning application has been vacant for two years having formerly been occupied by lower order uses; a discounter and an off licence.~~
- ~~• The impact of recent retail trends important context to consider. The retail market has undergone significant structural change over the last ten years, with These changes have had significant negative competitive effects on all types of traditional retail centres such as the showgrounds. A failure to diversify and introduce new services and facilities to the shopping centre threatens to undermine its continued viability. The introduction of a new coffee shop use is entirely justified.~~
- ~~• Proposal involves the introduction of an entirely complimentary and appropriate use within the shopping centre.~~

- ~~•~~
- ~~•~~

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~~• Retail schemes need to provide a variety of services and uses in addition to retail to attract and retain customers. #~~

- Despite not being explicitly zoned town centre in the LAP any reasonable review of the retail function of Clonmel Town will conclude that given its scale, ~~T~~the mix and range of uses, the anchor stores and ~~the~~ catchment ~~it~~ ~~serves~~ the ~~s~~Showgrounds ~~S~~shopping ~~C~~entre functions as part of the existing town centre, ~~servicing the county capital that is Clonmel and the wider southwest region.~~ In doing so if continues to support and promote a viable and vital retail sector in the town.
- ~~Significance of~~ Showgrounds Shopping ~~C~~entre is significant in terms of strengthening the role of Clonmel as a Tier 3 Level 1 settlement as recognised within the retail strategy 2010.
- Fig 2.1 of the Clonmel and Environs Local Area Plan 2013 which sets out the core strategy for the town includes the shopping centre within the town centre and explicitly identifies it as a retail centre.
- Decision of the Council is based on an erroneous assumption and a flawed interpretation of the statutory plan that ignores the proposals planning and development context.
- Request the Board to acknowledge the support for the continued development of the existing, permitted shopping centre as set out in the various statutory policy documents from national to local level.
- Strategies and policy documents strongly promote and support Clonmel's role as the primary location for future growth in population and employment within South Tipperary, and ~~Furthermore, they~~ support its development as the primary retail centre ~~and acknowledge the importance of retailing in the economic development of the town and region.~~

- The ~~very reason for permitting the original permission for the~~ Showgrounds Centre ~~in the first place~~ was on the basis that it would be a welcome addition to the town's retail base. ~~It would constitute a significant addition to town centre facilities in Clonmel and as a consequence attract more people to the town.~~
- The proposed development is in accordance with the overall strategy for Clonmel as set out in the relevant policy documents.
- Successive planning permissions have sought to expand the range of uses within the footprint of the shopping centre and these have been supported by the Council on the basis that they were appropriate uses and did not undermine the primacy of the town centre and that they were in accordance with the proper planning and sustainable development of Clonmel.
- Note a number of permissions related to change of use for retail to restaurant coffee shop. Many permissions lapsed including. 10/510126, 09/510096, 09/550069, 06/50027, 08550124, 08550052 and 07/550152. Notably governing permission for the shopping centre permitted both a restaurant and coffee shop. Decision is entirely at odds with these permissions.
- ~~Site is within an established and permitted shopping centre located within the built up urban area immediately adjacent to the zoned town centre. The centre is brownfield, serviced and accessible to the town core.~~ Lands are sequentially extremely favourably located relative to the existing town centre. The proposed change of use will support the achievement of a compact urban form that encourages sustainable transport modes and supports national policies focussed on economic growth and renewal.
- ~~Site brownfield and~~ Given the extent of vacancy within the centre the site is underutilised. Town plan seeks to ensure the development of underutilised lands and brownfield sites with the aim of promoting the vitality and vibrancy of Clonmel Town centre.

- ~~Refute It is not reasonable or appropriate that the centre should have to continually justify development proposals in policy terms given that it is an established use and clearly part of the town centre resource.~~
- ~~A failure to diversify and introduce new services and facilities to the shopping centre threatens to undermine its continued viability. The introduction of a new coffee shop use is entirely justified.~~
- ~~Proposal involves the introduction of an entirely complimentary and appropriate use within the shopping centre and relates to units which have been vacant for a period of 2 years.~~
- Planning Authority's assessment **asserted** that the centre is presently well served with café restaurant facilities. To the contrary **with** just over 3% of the floorspace **is** currently in non-retail food use, (*Rockin Joe's and BBs Coffee*). **This** is substantially below the food content of majority of shopping centres across the country. Recent CACI research puts the benchmark average at 22%. **If** the proposal is granted it will bring the total to 5%. Unreasonable to conclude that the centre is well served or that the proposal will lead to a proliferation.
- In relation to the commercial zoning of the site, it is submitted that the extent of uses not permitted in principle within the commercial zone as set out in the plan's matrix **is** demonstrably at odds with the actual zoning objective itself which seeks to provide for mixed commercial facilities that do not compete with the Town Centre function.
- ~~According to the zoning matrix **t**he only use permitted in principle is commercial zones is warehousing, **which** **This** is not in accordance with the overall objectives of the plan to provide for mixed commercial facilities, nor does it make any practical sense. **The zoning objective is defined more by its level of restriction rather than a promotion of appropriate uses. In addition, restaurants, public houses, crèches betting shops neighbourhood shops and**~~

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~~supermarkets are all not permitted. Numerous uses (All restaurants, public houses, crèches betting shops neighbourhood shops and supermarkets) of which are uses that form ancillary and complimentary-y uses in retail centres across the country are not permitted under the zoning matrix.-~~

- ~~The proposed use~~ as a coffee shop is not identified in the zoning matrix and therefore cannot be considered to materially contravene the relevant zoning objective,
- Several precedent cases where the Board determined that a coffee shop does not fall within the definition of a restaurant use with specific reference to RL54RL2941, RL61.RL3315 and RL:07.RL3023.
- Shopping centre and permitted uses therein including shop restaurants and coffee shops must be considered non-conforming uses. Plan policy 4.55 ~~and refers-~~ Policy ECON 3 Non conforming uses refer. Where commercial / employment industrial enterprises exist as non-conforming but long established use it is the policy of the Council to facilitate their continued operation where appropriate.
- Establishing a coffee shop of circa 200 sq.m within an existing vacant unit in the Shopping centre could not reasonably be considered to materially undermine the vibrancy or vitality of Clonmel Town Centre, which incidentally covers an area of over 75ha. If anything the conversion of two permitted retail units at the Showgrounds as proposed in this instance should have to effect of helping to strengthen the town centre's retail function.
- ~~The proposed coffee shop use does not represent a material contravention of the commercial zoning objective and explicit support for its establishment at the centre can be found in policy ECON 3 of the plan.~~
- ~~Refusal is unwarranted.~~

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- ~~• The continued viability of the Showgrounds Shopping centre should be supported in accordance with national regional and local policies supporting the sustainable development of the urban area in Clonmel.~~
- ~~• The application seeks to convert a vacant unit into a use that is complimentary to and supportive of existing retail uses, this responds positively to current trends in retail development and would not in any way undermine the vibrancy of the adjoining town centre. To the contrary the conversion of a vacant unit will support the overall vitality of the town centre within its regional context on the basis that the shopping centre in very practical way forms part of the existing town centre resource.~~
- ~~• The existing shopping centre has been developed on foot of a statutory permissions granted since 2006. Although not implemented a number of these permissions have already allowed for change of use to restaurant and café uses. The proposed development is entirely in accordance with the pattern of development in the area and the decisions of the Planning authority over the past decade.~~

## 7.2. Planning Authority Response

7.2.1 The Planning Authority's ~~sin~~ response to the appeal ~~asserts that is summarised as follows:~~

- ~~• Policy context established by national and regional plans and the county regional strategies and County Development Plan. Relevant ~~ce~~ of overarching economic and population growth policies and objectives to the case at hand is questioned, ~~s unclear.~~~~
- ~~• Appeal refers to Clonmel and Environs LAP 2013-2019 in error.~~ The Clonmel and Environs Development Plan ~~2014-2013~~ is the primary policy document.
- ~~• Showgrounds shopping centre is outside the town centre zone and subject to commercial zoning whereby restaurant use is not permitted,~~

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— Previous permissions assessed in relation to Clonmel and Environs Development Plan 2008 and are of no relevance to the case in hand. Policy context for the site has changed with the adoption of the Clonmel and Environs Development Plan 2013.

• — While it is acknowledged that there are vacant uses within the Showgrounds Shopping Centre the Planning Authority note the land use zoning matrix of the development plan sets out a number of commercial use types considered open for consideration on lands zoned commercial within the plan area.

— The limitation of certain uses within the commercial zone (~~ie those not permitted~~) was a deliberate plan led response to steer such uses into the identified town centre and to promote the health and vibrancy of same. The Clonmel and Environs Development Plan 2013 under Section 3 seeks to consolidate and enhance the role of the town centre for high value uses. —

• — The proposed development would compete with the town centre function and would therefore materially contravene the land use zoning objectives for the site. The Planning authority does not accept the arguments regarding non-conforming use.

• — The design and layout of the development and extent of public seating area supports the planning authority conclusion that the development would be akin to a restaurant.

• — Maintain that the shopping centre is well served by café restaurant facilities, In this regard the appeal submission fails to refer to the existing café / restaurant operating within the Marks and Spencers and vacant unit 10 previously occupied by a take away outlet.

— Section 3,1,1

~~The Planning Authority considers that the proposed development would compete with the town centre function and would therefore materially contravene the land use zoning objectives for the site.~~

~~The Planning authority does not accept that the proposed use is a non-conforming use. The proposed coffee shop is a new use. The particular design and layout of the development and extent of public seating area supports the planning authority conclusion that the development would be akin to a restaurant. Furthermore, the proposed development can function independently to the Showgrounds shopping centre a centre that is presently well served with café restaurant facilities. In this regard the appeal submission fails to refer to the existing café / restaurant operating within the Marks and Spencers and vacant unit 10 previously occupied by a take away outlet. The planning assessment report makes no reference to a proliferation or over representation of such uses in the centre.~~

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### ~~7.3. First Party Responses~~

~~The response on behalf of the first party is submitted by The Building Consultancy and is summarised as follows:~~

- ~~•~~
- ~~• Premises will be suitably ventilated. Notably no cooking will be undertaken on the premises therefore odour issue minimal.~~
- ~~• Issues of accessibility and fire safety addressed as part of disability access certificate and fire safety certificate.~~
- ~~• Premises connected to mains sewage waste.~~
- ~~• Grease traps will be provided.~~

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- ~~• Proposal will provide more varied destinations for tourists and residents.~~
- ~~• Majority of established eateries are located either on the main street or side streets. Location within the confines of the shopping centre will have a minimal effect on existing establishments.~~
- ~~• Provision of a viable use in an existing vacant property will bring employment and is in accordance the Development Plan.~~

## 8.0 Assessment

8.1. I consider the key issues in determining this appeal relate to the question of material contravention of the development plan, the principle of the proposed development and appropriateness of the proposed change of use. The issue of Appropriate Assessment also needs to be addressed.

8.2. As regards zoning the site is within the area zoned "~~General Business Commercial~~". The objective is to provide for ~~general development~~ mixed commercial facilities that do not compete with the town centre functionent.

8.3. On the question of use, I note the first party argument that café use is not equivalent to restaurant and reference is made to a number of case precedents where the Board determined that use as coffee shop did not equate to restaurant. I note from a review of the cited reference cases, and a number of others finding on the side of an argument to the contrary, that such matters need to be determined on a case by case basis.

8.4. In the case of the current appeal file I note that the primary use is for the consumption of food and beverages on the premises. I note the Oxford and Cambridge definitions of Restaurant respectively as follows:

*"a place where people pay to sit and eat meals that are cooked and served on the premises," Oxford.*

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*“A commercial establishment where meals are prepared and served to customers” Cambridge.*

8.5. I note the key elements being “preparation” or “cooking” as well as serving in situ. Having considered the proposed use, I note that ~~t~~the nature of the proposed use as a~~which provides for~~ coffee shop as opposed to a restaurant is evident in terms of the proposed floor layout which demonstrates a coffee counter and extensive customer seating area with supporting store and staff and customer sanitary facilities. However, there is no kitchen for cooking or food preparation and on this basis I consider that the proposed use as a coffee shop / café is distinct from a restaurant and is a sui generis use. As the use as coffee shop / café is not addressed within the zoning matrix, I would concur with the first party that the proposal is not a material contravention of the zoning or of the development plan and should therefore be assessed on its merit.

8.2.8.6. On the question of the principle of development in the context of the zoning of the site as commercial the relevant objective “To provide for mixed commercial facilities that do not compete with the town centre function”, ~~cafe use in combined units 12 and 13 is consid~~ consider that the proposal is consistent with this zoning ~~and~~ and is therefore acceptable in principle. I note that the proposal provides for an active frontage to the Showgrounds shopping centre and in this regards improves the visual character of the site and promotes connectivity with the town centre thereby promoting the viability and vitality of the retail sector within the town. I note that as set out in the appeal half of the floor space at the Showgrounds Centre has never been occupied since the centre opened in 2009 and I would concur with the first party regarding the fluid nature of the retail market and the contention that a failure to diversify and respond to structural change in terms of provision of services and facilities threatens to undermine the viability of the centre.

8.7.3 The Planning Authority asserts ~~t~~ ~~third party appeal asserts~~ that there is no need for another café at this location ~~and that the proposed development will have a negative~~

~~impact on established restaurants in the vicinity. however~~ -I note that planning policy including the retail planning guidelines 2012<sup>2</sup> provides that the planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. I consider the proposed development will enhance the retail services offer and support the existing range of activities and services within the ~~Market Cross~~Showgrounds Shopping Centre. On this basis I consider that the proposed use will have a positive impact on the vitality and viability of the ~~Market Cross~~Showgrounds Shopping Centre and the town of Clonmel at large.

~~8.4 As regards the servicing, ventilation, refuse I consider the proposals to be reasonable and appropriate. Fire safety and access issues are appropriately matters to be addressed as part of disability access and fire safety certificates. As regards the details of proposed works minimal interventions are proposed and signage proposals are appropriate in the site context.~~

8.85 On the issue of Appropriate Assessment, significant effects are not likely to arise either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network. Having regard to the nature and scale of the proposed development and the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have significant effect individually or in combination with other plans or projects on a European Site.

8.96 Having regard to the foregoing, I am satisfied that the proposed development is in accordance with the objectives of the ~~Kilkenny City~~Clonmel and Environs Development Plan 2013<sup>4</sup> and that there will be no undue impact on the amenities of the locality, and will not undermine the vibrancy and vitality of Clonmel Town Centre. I recommend that ~~the decision of Kilkenny County Council be upheld and~~ permission be granted for the reasons and considerations set out below and subject to the conditions attached.

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<sup>2</sup> Guidelines for Planning Authorities, Retail Planning. Department of the Environment Community and Local Government. April 2012.

## REASONS & CONSIDERATIONS

Having regard to the zoning objectives for the area and the established pattern of land use in the vicinity it is considered that, subject to the conditions set out below, the proposed development will not unduly impact on the amenities of the area or property in the vicinity will not undermine the vibrancy and vitality of Clonmel Town Centre and is therefore in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

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1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Use of the premises shall be as in accordance with the details as submitted. No change of that use shall take place without a prior grant of planning permission notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 and any statutory provision amending or replacing them.

**Reason:** To protect the amenities of property in the vicinity.

3. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in

writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

4. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include the provision of litter bins and refuse storage facilities.

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

5. Water supply and drainage arrangements, 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.

6. Details of all external shopfronts and signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of the amenities of the area.

- 6.7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development

Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may

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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.

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**Brid Maxwell,  
Planning Inspector**

**30<sup>th</sup> January 2017**

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