



An
Bord
Pleanála

Inspector's Report PL 21 247450.

Development	Demolition of existing house and construction of a two storey surfing and community centre with retail unit, changing facilities and upper floor multi-purpose space.
Location	Four Winds, Shore Road, Strandhill, Co. Sligo.
Planning Authority	Sligo County Council.
P. A. Reg. Ref.	16/324
Applicant	Neil Byrne.
Type of Application	Permission.
Planning Authority Decision	Sligo County Council.
Type of Appeal	Third Party against grant of permission.
Appellant(s)	Strandhill Community Maritime Ltd..
Date of Site Inspection	25 th January, 2017
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The appeal site is on Shore Road on the coast at the western end of Strandhill and is that of a single storey house (Four Winds) with outbuildings and a mobile home at the rear and incorporates an additional small area of a landscaped public park (Peace Park) to the north side. A wall is located along the southern edge of the park at the rear of the house and outbuildings. Frontage is to the west onto the carpark at Shore Road overlooking the sea Strandill. A two storey house which is in use as a café (Shells) and shop at ground floor level is to the south side and further southwards there is mix of buildings in a variety of uses which include a vacant guesthouse at the southern end and a building (VOYA) in which the Maritime Centre is based at present. (The applicant intends to transfer the facility to the new proposed purpose built premises on the appeal site.) The lands at the rear to the east are undeveloped.
- 1.2. The adjoining corner site to the north side has front curtilage facing the street to the north and west sides. It is the property of the appellant and a single storey structure in use as a café/bar/restaurant and gift shop is located on it. (Mammy Johnstone.) There is an extant grant of permission for development on this site and on lands on the northern side of the road under P. A. Reg. Ref. 04/1466, which was not taken up to date. (Further details are available in para 4.2 below.)

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 10th August, 2016 indicates proposals for:
- Demolition of the existing house and outbuildings.
 - Removal of the boundary wall adjoining Peace Park (an area of which comes within the site) and provision of a pedestrian access the park between the proposed development and onto the public road.
 - Construction of a two storey building for use as a surfing and community centre, (with a gross floor area of 708 square metres) and a retail unit (with a gross floor area of 144 square metres) and, upper floor community space and changing facilities.

- Associated site development works and connection to the public sewer and watermains.

2.2. The proposed new structure is part single storey and part two storey with a pitched roof set off the side boundaries by 1.5 to 2.5 metres over the entire depth of the site and with the two storey element extending eighteen metres along the Shore Road frontage.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 28th September, 2016, the planning authority decided to grant permission subject to conditions, most of which are of a standard nature and the following requirements:

Condition No 3 (a): Erection of a temporary boundary on the east site boundary with details being subject to a compliance agreement.

Condition No 3 (b): A compliance submission for agreement for boundary treatment details for the north site boundary along the proposed pathway

Condition No 7: Permanent obscure glazing for the three first floor windows on the north elevation for the kitchen, 'WC' and landing. with details of an alternative location, shown on a revised site layout plan being subject to a compliance agreement.

Condition No 8: Relocation of outdoor showers to an alternative location to the proposed location adjacent to the eastern side boundary.

3.2. Planning Authority Reports

3.2.1. Planning Officer Reports

The planning officer in his report states that the proposed development on the site, inclusive of the small area within Peace Park is consistent with the zoning and strategic objectives for the site location particularly the tourism function at Strandhill as provided for in the county development plan and the Strandhill Mini Plan which is incorporated in it by way of Variation No 1. According to his report,

- There are deficiencies in the capacity of the sewage treatment plant serving the town and future plans for an upgrade are anticipated to be delivered at the end of 2017. The planning officer indicates satisfaction that the matter has been addressed in the appropriate assessment report provided by the applicant. The proposal entails relocation of an existing maritime centre which does not involve additional loading.
- The planning officer indicates satisfaction with the proposals for the area adjacent to the boundary with the appellant property stating that the low level windows would not cause significant overlooking and that side elevation windows of the multi-function room at first floor level overlook the areas to the front of the appellant's property.
- The planning officer also refers to the extant grant of permission at the appellant property under P. A.Reg.Ref.04/1466 and states that the development would not have adverse impact on the value and development potential of the permitted development.
- The planning officer indicates also indicate satisfaction that the proposed development would not give rise to any appropriate assessment issues.

3.2.2. **Other Technical Reports**

The reports of the Architect Department and Area Engineer indicate no objections subject to conditions and it is noted that the scale and form is reflective of neighbouring buildings overlooking the strand.

The report of Irish Water indicates no objection subject to conditions.

The report of the Roads Design Office indicates no objection subject to conditions.

3.3. **Third Party Submissions and Observations**

Mr. Kilfeather lodged a submission in support of the proposed development and in it he refers to a lack of toilet facilities.

Mr. Mitchell lodged an objection on grounds of concern about impact on the amenities at Peace Park and potential anti-social behaviour and about the capacity of the public sewer to water supply network to serve additional development.

Mr. Byrne (the Appellant party) lodged a submission in which he states that he is in support of the proposed development in principle. He indicates concerns about a number of matters relating to a prior grant of permission in respect of overlooking, of adjoining property, lack of clarity in details in the application and the proposed design. (Ref 04/1466 refers),

4.0 Planning History

- 4.1. The appeal site or part thereof was subject to a number of minor applications according to the planning officer report. (PL 7325, PL 19693, PL 6133 and PL 6706 refer.)
- 4.2. There is also a relevant extant grant of permission for development on the adjoining site which is in the ownership off the appellant. (P. A. Reg. Ref. 04/1466 refers.) The duration of the grant of permission for demolition of the existing buildings, a three storey building comprising eight apartments, two retail units which has been extended to 30th June, 2017. This permitted development adjacent to the appeal site is part of a larger development which on the lands on the northern side of the road overlooking the sea. (Documentation can be reviewed via the Planning Register on the website for Sligo County Council.)

5.0 Policy Context

- 5.1. The operative development plan is the Sligo County Development Plan, 2011-2017 according to which Strandhill is a settlement with a 'special function', as having a county of regionally significant tourism role. (S3.3. refers)
 - 5.1.1. Tourism policies and objectives are set out in Section 4 and include objectives for sustainable tourism development of a comprehensive range of tourism facilities subject to location and design criteria and protection of environmentally sensitive areas an all planning considerations. (P-TOU-1) conservation of heritage feature that form the basis of tourism (P-TOU-2) and strict control of development with potential to be detrimental to scenic and heritage assets, designated conservation sites, vulnerable landscapes and scenic routes and control of pollution. (P-TOU-3)
- Policies and objectives for community facilities are set out in chapter 6

- 5.1.2. Under **Variation No 1, the Strandhill Mini Plan** was incorporated to the County Development Plan in October, 2013. The site location is within MIX 1 and MIX2 zones providing for mixed use development including the encouragement of upgrading of the existing properties on the Promenade and redevelopment of the corner properties on the Promenade which include the appeal site and the public open space. (Peace Park).
- 5.1.3. The site with the exclusion of the area within Peace Park is subject to the zoning objective, as mixed uses which provides for the promotion of a dynamic mix of uses that sustain viable village centres. Commercial, retail, residential, leisure, community office and enterprise uses are encouraged in village centres along with high amenity open space. Peace Park is subject to the zoning objective: Open Space which ensure provision of and maintenance of public open space to be sue d as parks and playgrounds.
- 5.1.4. Policy objective 44.4 discourages piecemeal haphazard development and ensures consolidated development within the mixed use zoned on the basis of integrated design proposals with appropriate pedestrian, cycle and vehicular links and in accordance with statutory guidance: *Sustainable Development in Urban Areas (Cities Towns and Villages) Guidelines for Planning Authorities*: and the associated design manual. (DOECLG 2013)
- 5.1.5. The draft Sligo County Development Plan has recently been on public display and is to be adopted during 2017.

5.2. **Natural Heritage Designations**

The following European sites are within the vicinity of Strandhill:

Ballysadare Bay SAC (000622)

Cummeen Strand, Drumcliff bay SAC (000627)

Cummeen Strand SPA (004035)

Ballysadare Bay SPA (004129)

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from McCutcheon Halley on behalf of Mr. Neil Byrne, with an address at Mammy Johnstone's Shore Road, Strandhill which adjoins the appeal site. According to the Appeal, the appellant has serious concern as to the impact of the proposed development on permitted but not constructed development of the adjoining site to the north side of the appeal site. (P. A. Reg. Ref. 04/1466 refers.) on the future development potential of the adjoining site and as to precise details about a number of aspects of the application. It is submitted that:

- There should be a reciprocal compromise for the proposed development and adjoining permitted, (but not constructed) development. There is a lack of integration and the provision of north facing windows is not reciprocated by south facing windows. .
- The development potential of the appellant's landmark site is compromised by the north facing first floor windows for the surf, retail and community centre building leading to devaluation of the appellant's property,
- A number of details are unclear and were not clarified and addressed at application stage.
- The composite elevation, (included in the appeal) shows a stark difference between the proposed development and the permitted development for the replacement of Neptune Stores comprising a three storey building with eight apartments, two retail units under P. A. Reg. Ref. 04/1466 which extends to the north side of Shore Road with eighteen apartments and additional ground floor retail units. This site is at a prominent location at the intersection with Strand Road at the lower end of Shore Road. The duration of this grant of permission is extended to 30th June, 2017. The planning authority failed to consider how the proposed development would affect the permitted development or other potential future development proposals.
- The screen on the south elevation will ameliorate overlooking of balconies especially the balcony for Apartment No 4 but there is potential of overlooking

from the first floor north elevation windows. Condition No 7 does not restrict these windows from being opened and overlooking of Mammy Johnstone would occur. It is requested that these three windows be replaced with rooflights. The proposed scheme should have gables without windows which would be in line with the adjoining development at Shell's Café and the permitted scheme under P. A. Reg. Ref. 04/1466. It is unclear what the purpose of the window on the north elevation of the multi-function room is and it impedes on the development potential of Mammy Johnstone. The north facing elevation window should be omitted by condition but there is no objection to rooflights.

- The footprint for the retail and surf club and the front building line should be revisited with regard to the permitted development under P. A. Reg. Ref 04/1466. The proposed development takes the building line to the south but fails to consider the impact on the permitted scheme to the north.
- The proposed development requires redesign because does not pick up the building line to the north (along the appellant property frontage)
- The application does not contain any details of services proposed, there are no engineering details on the application drawings, to facilitate adjudication as to no conflict with adjoining sites and for appropriate assessment screening purposes. The appropriate assessment cannot be conducted with detailed drawings being available.
- The outdoor showers (relocated by condition) will result in significant outdoor runoff on a hard surfaced site.
- Operational and management issues (for example: arrangements for refuse storage and collection, nature of the retail unit and servicing of it. Details must be clear and taken into consideration as they can have serious impact on amenities of an area. These matters should be clarified before rather than post decision.
- Toilets which are available to the public are warranted and could have been included in an operational management plan so that the intended access to the toilets on the site would have been clear. An operational management plan could have provided clarification. Public access to toilets is warranted

given the community facilities within the proposed development. for visitors and

- The intended use of the hard standing is extensive and should be used more sustainably but details are not indicated. Incorporation of soft landscaping and / or bringing the building forward would be more appropriate for the urban context. No landscaping details are included in the application.
- The potential future phases of the development are not indicated, the area of the site. on the site location map has referred to as ' Phase 1 Area'.
- The proposed development would restrict views from the permitted development under 04/1466 and any future application will be similarly restricted.
- The north facing multi-function room window should be conditioned out of the grant of permission but a roof light would be acceptable. Views from the north facing window should not be protected and take precedent
- The appellant is well within his rights to question operational and management issues in that they can cause serious impact on amenities of an area.

6.2. Applicant Response

6.2.1. A submission was received from Gary McGinty on behalf of the applicant on 22nd Novembers, 2016 according to which the Strandhill Maritime Centre is community owned was originally opened in 2001 on the Promenade and will locate to the site of appeal site should permission be granted for the proposed larger, purpose built facility. The response can be outlined as follows:

- To move the building line closer forward to the pavement edge would be out of character for the location. The building line along the promenade is varied and the building is aligned with the front porch of Shell's Café with glazing at the side corners of upper floors and main elevation to allow oblique views south and north facilitating an 'all round' view of the strand from the interior. for users. The proposed building establishes a link with and opens up the public open space.

- A 2.2-2.5 metre separation distance giving visual relief and circulation space between the proposed development and existing adjoining development.
- First floor windows facing the appellant property are kept to a minimum and consist of landing/stairs, bathroom and two corner windows serving the front and kitchen at rear.
- The proposed development will not overshadow the appellant property where there is a busy outdoor terrace enjoying sun in summer.
- Materials selected are robust and suit a marine environment providing a distinctive but visually appropriate building.
- It is common for gable end windows to be accepted in Strandhill. The requirement under condition No 7 for obscure glazing for all north elevation windows except the front gable window serving the multi-function room is acceptable to the applicant while allowing for sufficient light and ensures privacy at the adjoining property. Omission of these windows (and replacement with rooflights) is excessive and unwarranted. The applicant is willing to provide fixed windows or top hinged windows if required. Photomontages in Appendix A 2 illustrate demonstrate that no adverse overlooking to the existing or permitted development on the adjoining site can occur.
- The appellant fails to demonstrate, with evidence, how devaluation of property would occur as a result of the proposed development. There are no grounds to this end with regard to the building line or fenestration. Conversely, the proposed development could have a positive impact on the value of the appellant's property in terms of commercial revenues. There are windows on the southern gable elevation on the building to the south side of the appeal site.
- It is not accepted that the planning authority assessment was insufficient or negligent. It was comprehensive in concluding that the proposal was appropriate and compliant with policy objectives.
- The appeal site is serviced brownfield site. The servicing of a development which is to be relocated to the site poses no threat to conservation sites.

- The proposed development should not pose additional parking requirements to that which it generates from its current location.
- The screening report submitted for appropriate assessment purposes is sufficient for the proposed development and to facilitate the planning authority's comprehensive and conclusive screening assessment.
- Toilets facilities for the benefit of the public are available at the existing premises and it is envisaged that a similar arrangement will apply at the proposed development. Requirements for this facility cannot be included by condition according to legal precedent.

6.3. Planning Authority Response

6.3.1. A submission was received from the planning authority on 17th November, 2016 in which is stated that:

- The planning authority did not disregard the permitted development on the adjoining lands and conducted a comprehensive assessment on the relationship between the proposed development and permitted development on the adjoining site.
- There is no established building style or building line on the seafront.
- The permitted development is clearly different in size and design and has a much larger impact than the proposal subject to the current application and appeal. The environment is sufficiently robust to accommodate the proposed development the visual impact of which is minimal compared to that permitted on the adjoining site
- Devaluation of property or compromised development potential at the adjoining site would not occur.
- There is no objection by either the planning authority or Irish Water to the proposed connection to existing services and the amended shower location will not change this situation. Technical arrangements for connections are a matter for Irish Water and the applicant. There is no potential for significant adverse effect on European Sites.

- It is reasonable that continued expectations of the availability of public toilet facilities would be continued given the community based nature of the proposed development. Toilets are to be provided at ground and first floor levels.

7.0 **Assessment**

7.1. The issue considered central to the appeal is that of adverse impact on the development potential and value of the adjoining site which has the benefit of a grant of permission for development. Correspondingly, the issues considered central to the determination of the decision and discussed below are that of:

- Development in Principle - Consistency with zoning and development objectives.
- Visual impact and integration with into the streetscape along the seafront, (Design, form, scale and height, footprint and building line.)
- Impact on and integration with the adjoining property, (Design, form, footprint, scale and height, footprint and building line overlooking and overshadowing),
- Foul and surface water drainage arrangements.
- Operational management.
- Other Matters
- Appropriate Assessment.

7.2. **Development in Principle - Consistency with zoning and development objectives.**

A mini plan for Strandhill was incorporated the Sligo County Development plan 2011-2017 (Chapter 44) under Variation No 1 in 2013. It is agreed with the planning officer that the proposed development which is primarily a community facility that facilities maritime recreational activities, incorporating retail unit is fully consistent

with the zoning objectives in the mini plan including the area in which Pedestrian linkage from the seafront along the site of the building to Peace Park is proposed. The proposed development entails primarily relocation of the maritime facility from a neighbouring building on the seafront to the proposed purpose built building. The redevelopment of the properties at the corner of Shore Road at the Promenade, including the appeal site is encouraged under The MIX1 and MIX2 objectives. The existing structures on the site do not contribute to the amenities or viability of the seafront and there is no requirement for the residential use, that of the vacant dwelling to be continued on the site. There is no objection to the proposed demolition and site clearance subject to the works being carried out in accordance with good practice standards and indeed a redevelopment would be welcome.

- 7.2.1. The redevelopment of the site and proposed uses are considered in principle to be appropriate for Shore Road at Strandhill, given the predominance of maritime recreational activity, compatible with and positive in impact on the amenities of the area and viability of surrounding businesses particularly, cafes and restaurants and related retail uses.

7.3. Visual impact and integration with into the streetscape along the seafront at Shore Road. (Design, form, scale, height, footprint and building line.)

- 7.3.1. The seafront buildings comprise four buildings in single plots to the south side of the appeal site and the appellant property (Mammy Johnstone) on the north side. The applicant's current premises are in a building to the south side (Voya) midway along the Promenade.
- 7.3.2. The building form and double ridge and parapet heights are considered appropriate and the most suitable building form for the site location in views from the north and west and there is a satisfactory relationship with Peace Park and the adjoining buildings. The selection of a black finish, (above ground level) which should be a matt finish is suitable for the location but finalisation, with samples/displays should be subject to a compliance agreement by condition as recommended by the County Architect in his report. Similarly, any signage apart from entrance and shopfront signage on the north and west elevation at ground floor level should be excluded so

that it is necessary for a further application to be lodged should any upper level signage in particular be included in the applicant's plans for the building.

- 7.3.3. For the first front elevation windows, it is important that some vertical emphasis is acknowledged in recognition of the solid to void ratios at upper floors at the other buildings along the seafront. The drawings indicate black aluminium window frames with the first floor west elevation subdivided into four. This is considered appropriate but for the purposes of clarity, inclusion of a condition with this requirement would be advisable, the details on the drawings are a little unclear.
- 7.3.4. It is agreed with the applicant's agent that the building line is not strongly defined and it is noted that there is also a lack of a consistent front boundary line enclosing the curtilages of the properties overlooking the Promenade. This was taken into consideration by the planning officer. The appeal site has a narrow frontage and is reliant on depth for the footprint and maximisation of glazing to the front to optimise views over the sea. This is considered reasonable give both the proposed use and the prevalence of maritime recreational activities, especially surfing for which Strandhill is well known and which is supported in development plan policies.
- 7.3.5. It is considered that any requirement for front building line to be brought forward to the footpath edge as sought in the appeal is unwarranted and cannot be justified on the basis of any planning rationale.

7.4. Impact on and integration with the adjoining property. (Design, form, footprint, scale and height, footprint and building line overlooking and overshadowing),

- 7.4.1. The appellant operates a business (Mammy Johnstone) in a single storey premises on the site to the north side of the appeal site and to the west side of Peace Park and it faces across front curtilage space to the north and to the Promenade to the west. As mentioned, (under planning history Para. 4.2) above there is an extant grant of planning permission for redevelopment of this site and a site on the north side of the road for a mix of retail and residential development in three storey buildings. (P. A. Reg. Ref. 1466/06 the extended duration of which is to expire in June 2017 refers.) As stated in the appeal, it is open to the appellant to develop the site as permitted or indeed to lodge a new application for development on the

adjoining site. It is reasonable that reciprocal consideration should be given to the development potential on the adjoining lands in drawing up proposals and in consideration of applications for development on either site. The south elevation of the permitted development at the site (Mammy Johnstone) adjoining the appeal site which includes upper floor levels apartments with balconies faces towards the north elevation of the proposed development.

- 7.4.2. The proposed development which is a maritime community facility incorporating a retail unit is considerably different use and a smaller very much less conspicuous development in scale, mass, form and design characteristics than the permitted development. It is less intense and reads as a somewhat subordinate, less dominant development. This is in part due to the design and form and selection of materials, colours and finishes but also due to the narrow site width with most of the building form behind the street frontage on Shore Road and setback behind Peace Park and the appellant's property from the north. The proposed development is considered acceptable in this regard.
- 7.4.3. The separation distance from the boundary of the appellant site is in excess of two metres and is fully sufficient and it is reasonable that this space be used as a pedestrian route ("surfers' path") with linkage between the outdoor paved space adjoining Peace Park and the Promenade. Given the location adjacent to an element of a development that incorporates a permitted residential element, although the area is not subject to a residential use zoning objective, it is considered reasonable that consideration be given to inclusion in the proposed development if permitted, provision for installation of a gate to the east side of the entrance lobby which can be closed late in the evening. This should ensure a reasonable balance in providing for protection of possible future residential use and convenience and access to external for the proposed development.
- 7.4.4. The proposed new building to the south side of the appeal site is a two storey building whereas the permitted three storey development on the adjoining site under P. A. Reg. Reg. 06/1466. (The plans are not available. Plans were examined via the website for Sligo County Council) They indicate apartments at first and second floors with balconies to the rear/east overlooking the Peace Park and facing towards the boundary with the appeal site. The bedrooms are located at the rear and the primary living space is to the front overlooking the strand. This accommodation should

benefit from sunlight from the west and south west in particular and the bedrooms will benefit from morning sunlight from the east.

- 7.4.5. With regard to the contentions as to overlooking and adverse impact on the residential amenities of the apartments, (if the permitted development is constructed) it is considered that the proposals shown in the Appendix 2 to in the applicant's response to the appeal submitted on 22nd November, 2016 shows satisfactory ameliorative arrangements. It is agreed that omission of the north elevation windows is unwarranted and that windows should be fitted or, (possibly with the exception of the kitchen window), top hung and that obscure glazing should be used. The request for omission of these first floor north elevation windows and possible substitution of rooflights is totally unwarranted. It should also be borne in mind that the location is within a mixed use zone subject to strong policy objectives that encourage vitality and viability of a recreational and commercial nature. An expectation as to assurance of standards of protection of residential amenity within this area must be balanced with objectives for a mixed use zone.
- 7.4.6. The first floor front west elevation fenestration is considered acceptable and there is no cause for concern as to adverse effect on the adjoining site.

7.5. Foul and surface water drainage arrangements

The proposed development, as contended in the appeal clearly incorporates more impermeable surface area than is the case in the pre-development scenario for the site. It is indicated on the application form that storm water is to be collected and discharged to the public sewer. According the appropriate screening report submitted with the application, a SUDS drainage system and rainwater harvesting is included in the proposal but it appears that there are no details within the available application documentation. It would be reasonable for the applicant to be requested, prior to the determination of the decision, to provide details of surface water drainage arrangements indicating the pre and post development scenarios for the site with regard to the loading on the public sewer. Given the relatively limited size of the proposed development and the site area it may be reasonable for the matter to be addressed by condition.

- 7.5.1. With regard to the proposed foul drainage arrangements for the proposed development, it is agreed with the planning officer that it is satisfactorily demonstrated, (in the appropriate assessment screening report) that foul drainage from the proposed development should not result in a net increase in the loading on the treatment plant at Strandhill which is operating at capacity at present owing to the proposed decommissioning of the centre's facilities at the Voya building in which six showers and two toilets will cease operation. Calculations and projections based on the recommended methodology within the EPA Waste Water Treatment Manual for small communities, business leisure centre and hotels have also been used to determine the loading rates.
- 7.5.2. There is a major increase in shower and toilet facilities included in the proposed development which are high efficiency in terms of water consumption with reduced water usage and there is an assumption the demand on the facilities will be unchanged as no increase in user numbers are anticipated.
- 7.5.3. There are no concerns within regard to the proposed arrangements for water supply via connection to the public mains which service the site at present.

7.6. Operational Management.

- 7.6.1. It is noted that the proposed development is a community facility with regular users and a retail unit. However, it is not fully apparent as to whether it is formal club with a confined membership and membership fee. It is also not apparent as to what the proposed arrangements for the retail unit which is considerable at 144 square metres in gross floor area. It would appear that it is likely to be let to a third party. Nevertheless, it is not essential in this instance that clarification be sought in this regard from the applicant for planning purposes.
- 7.6.2. It is considered reasonable that a clear operational management plan be available for the proposed development. It is acceptable in this instance for such a plan to be submitted to the planning authority for agreement by compliance with a condition. It should include details as the arrangements for the management of the external space and surfer's route at the side of the building, hours of use of the facilities and the range and extent of use of the facility, particularly the multi-purpose room at first floor level and, in the case of the retail unit, arrangements for the retail unit, including

hours of operation, deliveries, storage, waste etc. so as to ensure clarity and compatibility with the surrounding land uses which although commercial in nature and subject to mixed zoning objectives, may include an residential element at a future date

7.7. Traffic and Parking.

7.7.1. It is considered reasonable to assume, based on the information available with the application and with regard to the report of the Roads Office at Sligo County Council that the proposed development would not lead to any significant material change or net increase in demands on public parking facilities or traffic volumes. The proposed development is satisfactory in this regard.

7.8. Other Considerations.

- 7.8.1. It is recommended that a condition be included whereby the applicant is required to prepare a construction management plan inclusive of details of construction traffic management arrangements to be agreed with the planning authority prior to the commencement of the development. The recommendation for a construction management plan within the applicant's appropriate screening report is noted. However, owing to the site location, the demolition and site works required, the relative significance of the construction works involved and the location at which there is considerable pedestrian and traffic movements and intensive maritime recreational activity and a range of commercial uses a clear and precise plan is warranted.
- 7.8.2. It is noted that development which is a community recreational facility comes within the developments for which an exemption from payment of a development contribution applies according to the Sligo County Council Development Contribution Scheme, 2014-2020. Accordingly, no condition should be attached should permission be granted for the proposed development in relation to this element of the development. It would appear that the retail unit would be subject to a development contribution although it is noted that the planning authority did not attach a condition to this end and this may have been an oversight. Should permission be granted, a section 48 development contribution can be attached so that there is an opportunity for the matter to be addressed with recourse to the Board in the event of disagreement between the parties.

7.9. Appropriate Assessment Screening.

7.9.1. The site is not within the area of any European sites but the following European sites are circa five hundred kilometres of the site location in Strandhill:

Ballysadare Bay SAC (000622)

Cummeen Strand, Drumcliff bay SAC (000627)

Ballysadare Bay SPA (004129)

Several ornithological and mammal species and water based and land habitats are among the Qualifying Interests of these three SAC sites.

7.9.2. Cummeen Strand SPA (004035) is circa one kilometre from the site location. The conservation interests are: Light Bellied Brent Goose ([A046], Oystercatcher [A130], Redshank [A162] and Wetlands and Waterbirds [A999]

7.9.3. The proposed development is at a coastal location on a brownfield serviced site at a minimum distance of five hundred kilometres from any European site and has hydrological links. It entails some excavation and site clearance works and construction of a new building for use as a community facility and premises for surfers and it is to be connected to existing services. Drainage is to the town's sewage treatment plant and ultimate disposal to the seawaters. Irish Water has indicated that the proposed development can be services subject to the necessary connection agreements. When the decommissioning of the applicant's current facilities at a neighbouring property is taken into account, it can be anticipated that there is no increase in foul discharge to the sewage treatment plant should occur, especially due to the incorporation of efficiency methods in both toilet and shower facilities.

7.9.4. There is limited risk of contamination of surface water collected within the site particularly at construction stage and potentially to a lesser extent at operational stage the management of which can be addressed in construction and operational management plans. While there are no details available with the application of SUDS and rainwater harvesting arrangements as a means of collection and re-use and disposal of surface water within in development, and this would in the absence of

such measures result in a greater volumes would be disposed of to the public sewer in the absence of any such arrangements, the additional loading relative to the predevelopment scenario would not result in an undue increased risk that might ultimately effect the European sites either on an individual basis or combination with other plans and projects.

7.9.5. Having regard to the nature and scale of the proposed development which is on a brownfield serviced site and will replace the applicant's facilities at a neighbouring property, the distance from European sites the lack of any source pathway linkage no Appropriate Assessment issues arise and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.9.6. In conclusion therefore on the basis of the information provided with the application and appeal, including the Screening report, it is considered that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of Ballysadare Bay SAC (000622), Cummeen Strand, Drumcliff Bay SAC (000627), Ballysadare Bay SPA (004129) and, the Cummeen Strand SPA (004035), in view of these sites' Conservation Objectives. A stage 2 appropriate assessment is therefore not required.

8.0 Recommendation

8.1. In view of the foregoing it is recommended that the planning authority decision be upheld, that the appeal be rejected and that permission be granted subject to conditions including some with revisions to the requirements of the conditions attached to the planning authority decision. Draft reasons and considerations and conditions follow:

9.0 Reasons and Considerations

Having regard to existing and permitted development within the vicinity of the site, to the zoning and specific objectives for the location according to the Sligo County Development Plan, 2011-2017, (incorporating the Strandhill Mini-Plan in Variation No

1 Made in October, 2013) it is considered that subject to compliance with the conditions set out below the proposed development would be consistent with the development objectives for the site location, would satisfactorily integrate with existing and permitted development overlooking the strand, would not be seriously injurious to visual, recreational and residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. 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 lodged with an Bord Pleanala on 22nd November, 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 windows at first floor north elevation with shall be fitted or top hung hinged and the glazing shall be opaque as shown in the Appendix to the submission to An Bord Pleanala on 22nd November, 2016.

Reason: To protect amenities of existing and permitted development and in the interest of clarity.

- 3 Details including a sample board for the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

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

- 5 The demolition, site clearance and construction of the development shall be managed in accordance with a Construction Management Plan, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of construction traffic management arrangements, management of surface water run-off, intended construction practice for the development, including hours of working, noise management measures, fencing along site boundaries and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and the amenities of the area.

- 6 Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority an operational management plan for the development which shall include details of hours of operation at the building for the community centre, the retail unit, external surfer's walk and external space and the nature of use of the multi-purpose room external lighting and security arrangements and staffing arrangements and facilities.

Reason: In the interest of clarity, orderly development and the amenities of the area.

- 7 Details of the proposed boundary treatment and materials and finishes for the "surfer's path" along the northern side of the building and for hard and soft landscaping for all external space within the perimeter of the site shall be submitted to and agreed with the planning authority prior to the commencement of the development.

Reason: In the interest of the amenities of the area and clarity.

- 8 Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Signage, advertising or other fixtures and fittings other than those which constitute exempt development shall not be erected on the north facing gable wall or above the ground floor level on the front elevation without a prior grant of planning permission.

Reason In the interest the visual amenities of the area, orderly development and clarity.

- 9 No external security shutters shall be erected at the premises unless authorised by a further grant of planning permission. Details of all internal

shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area and orderly development.

10 Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall include the following.

(a) Surface water drainage calculations including proposals for attenuation and rainwater harvesting if any shall be submitted for agreement with the planning authority prior to the commencement of the development.

(b) No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of clarity, orderly development and public health.

11. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the amenities of the area and clarity.

12 The developer shall pay to the planning authority a financial contribution of 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 in respect of the retail unit only and 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. The application of any indexation required by this condition 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.

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.

Jane Dennehy
Senior Planning Inspector
31st January, 2017.