



An
Bord
Pleanála

Inspector's Report PL04.248147.

Development	Demolition of an existing Lidl foodstore and construct a new mono-pitched roof licensed discount foodstore.
Location	Fermoy Road, Mitchelstown, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/6427.
Applicant(s)	Lidl Ireland GmbH.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party versus decision
Appellant(s)	RGDATA.
Observer(s)	None.
Date of Site Inspection	25 May 2017.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is located to the south of Mitchelstown town centre on the Fermoy Road, south of the junction of Upper Cork Street, Church Street, Brigown and Railway Road. The site is on the eastern side of the Fermoy Road near the edge of the town centre within the 50km/hr speed limit. A Lidl store has operated on the site since 2005 and a Tesco store and retail centre is located to the north, on Brigown Road. The site is bounded by existing housing to the north and a mature hedgerow to the back of the unpaved Railway Road to the east. The southern boundary is defined by a fence and grazing lands. A Topaz petrol service station is located across the road to the north and a four storey gym/health centre is located to the south. The Fermoy Road is a single carriageway road leading to the centre of the town with footpaths either side and central ghost islands. Three kilometres to the south, the Fermoy Road (R639) links to junction 13 on the M8.
- 1.2. The existing Lidl store is located towards the rear of the current site and accessed from an internal roundabout junction. The roundabout also provides a truncated road access to lands to the south. The store is single storey and a projecting gable wall indicates the customer entrance on its western elevation. The remainder of the store has a blank façade characterised by rendered walls with large advertising panels. The boundary between the site and the road consists of a stepped low masonry wall and shrubbery.
- 1.3. The undeveloped balance of the appeal site to the east is currently in pasture and slopes notably upwards from the back of the existing store. The farmlands to the south also slope upwards from the existing Lidl site.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of the existing Lidl foodstore (net retail sales area of 1,334 sq.m, gross floor area 1,768 sq.m.) and the construction of a new licensed discount foodstore, comprising:
 - A net retail sales area of 1,424 sq.m., gross floor area 2,624 sq.m.,
 - A mono-pitched roof building 7.6 metres in height, with a glazed northern elevation, positioned along the eastern boundary of the site,

- Revised car parking arrangement and ancillary structures including; trolley bay, totem pole signage, bicycle parking and landscaping.

The overall site is 1.089 Hectares.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 16 conditions. The conditions are standard for the nature of the development proposed and relate to details of drainage, water supply and other matters.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's report is summarised as follows:

- Given the marginal increase in the floor area of the proposed foodstore and other similar planning applications in Kanturk and Macroom, Retail Impact Assessment is not necessary.
- The proposed development represents a sustainable intervention in to the established urban fabric of the town. The design and layout is acceptable.
- Given the location of the site and a lack of physical or hydrological connection to any European Site, Appropriate Assessment is screened out.

The Acting Senior Planner's additional report notes the inclusion of a marginal portion of the site which is unsuitable for housing and therefore the proposal would not materially contravene the residential zoning of the site. The remainder of the report endorses the conclusions of the Area Planner and further information is recommended with respect to a construction management plan and technical aspects regarding surface water management and pedestrian crossing details.

The final Planner's Report recommends permission subject to conditions and is endorsed by the Acting Senior Planner.

3.2.2. Other Technical Reports

Area Engineer's Report. Details are required in relation to the proposed pedestrian crossing facilities within the car park, construction management plan and surface water calculations and infrastructure. The subsequent report notes the submission of further information from the applicant and recommends the attachment of technical conditions.

Public Lighting Report. There are no objections raised with regard to public lighting.

Environment Report. The report recommends the attachment of standard technical conditions.

3.3. **Prescribed Bodies**

Irish Water. The report recommends the attachment of standard technical conditions.

3.4. **Third Party Observations**

There was a submission on the planning application, issues of concern included those contained in the appeal.

4.0 **Planning History**

Appeal Site:

Planning authority reference number 13/4147. Permission for a 107 sq.m. extension, signage and car parking amendments. April 2013.

Planning authority reference number 06/4347. Permission for an off-licence within the existing foodstore. April 2006.

Planning authority reference number 03/6459. Permission for a discount foodstore. February 2005.

Sites in the vicinity:

Lands to South

Planning authority reference number 12/6353. Permission to extend the duration of permission for 70 dwelling houses. January 2013.

Brigown Road, north of appeal site.

Planning authority reference number 14/4098. Permission to extend the duration (reference 08/9492) by five years for a net increase of 512.74 sq.m. comparison retail floorspace and 42.34 sq.m. convenience retail floorspace to Tesco Retail Store, together with other modifications. March 2014.

5.0 Policy Context

5.1. Development Plan

Fermoy Electoral Area Local Area Plan Second Edition 2015

The appeal site is located within the Development Boundary of the Fermoy LAP and situated on lands zoned 'existing built-up area' and 'residential'.

Relevant objectives of the LAP, include:

DB-01 - It is an objective of this plan to secure the development of 1,129 new dwellings in Mitchelstown in the period to 2010 in order to facilitate the sustainable growth of the town's population to 5,346 persons by 2020.

DB-03 - It is an objective to locate new development within the development boundary of the environs as established by this plan. This boundary defines the extent to which Mitchelstown is expected to grow during the lifetime of the plan.

DB-05 - All development shall contribute to improved pedestrian and cyclist connectivity throughout the town and shall include proposals for the provision of improved pedestrian / cycle access routes, provision of new footpaths or improvement of existing footpaths and provision of facilities for cyclists as appropriate.

R-07 - Medium B density residential development, low net density residential development of between 12 and 25 dwellings/ha and up to 35 dwellings/ha in smaller towns outside Metropolitan Cork.

Cork County Development Plan 2014

Mitchelstown is located in the North Cork Strategic Planning Area.

Chapter 7 Town Centres and Retail contains relevant policies and objectives, as follows:

TCR 2-1 Town Centre, paragraph i) Local Area Plans will identify and set out a proactive approach towards the development of opportunity sites (normally within or adjoining core town centre areas).

Mitchelstown is classed as a large county town and objective TCR 4-6 states:

Support the vitality and viability of the Ring and Larger towns and to ensure that such centres provide an appropriate range of retail and non-retail functions to serve the needs of the community and respective catchment areas.

TCR 5-1 Focus for Retail Development, Promote the County's town centres as a network of compact, vibrant and attractive centres for retail and other appropriate activities. Local Area Plans will identify the 'primary' areas of town centres which will be the focus of future retail development. In addition, they will be proactive in providing localised guidance for individual settlements where appropriate.

TCR 8-1 Convenience Approach – Non-metropolitan: To ensure retail development proposals take the following into account:

- Primarily Town Centre location.
- Seek to retain and enhance the vitality and vibrancy of town centre.
- Market led provision is acceptable provided it contains an assessment of the demonstrable and planned population growth, takes account of the existing quantum of development provided within each centre, an appropriate catchment area and takes account of extant permissions.
- Aim to provide market choice based on catchment of the main towns.
- Scale should be appropriate to town population and its catchment and avoid significant impacts on similarly sized centres.
- Retail developments which aim to reduce leakage to other centres will be encouraged.

Other objectives include; TCR 11-1 Aligning Retail Development and Transport and TCR 12-1 Design and Innovation in Retail.

National Guidelines

Guidelines for Planning Authorities Retail Planning - Department of Environment, Community and Local Government 2012

The Retail Planning Guidelines provide the framework to guide the development of retail. The Guidelines set out a retail hierarchy.

Section 4.6 specifically refers to the ‘Sequential Approach and Extension – Change of Use Applications’. It states:

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

5.2. Natural Heritage Designations

The Lower River Suir SAC (site code 002137) is located approximately 8.7 kilometres to the east.

6.0 The Appeal

6.1. Grounds of Appeal

There is a third party appeal made by the Retail Grocery Dairy & Allied Trades Association (RGDATA), the grounds of appeal can be summarised as follows:

- With respect to the planning history of the site, an extension to the existing Lidl was granted in 2013. The appellant contends that the proposed development is more than double the size and would be greater in height than the current structure. This will enable a greater catchment and impact upon the existing shops operating in the town centre.
- The site is south of Mitchelstown Town Centre and incorporates residentially zoned lands within the application area. The site is zoned ZU 3-1 which

supports the primary land use in the vicinity but resists development which would threaten the vitality or integrity of the area. the appellant believes that the scale of the retail increase will impact on nearby residential development and limit future residential development.

- There are currently 12 vacant retail premises on the main Street of Mitchelstown. The proposed development will result in further vacancy and less footfall in Mitchelstown town centre. The appellant considers that vacancy is a problem for Mitchelstown and no further retail development should be permitted until it is tackled.
- A Town Centre Health Check should be carried out to assess the need for further convenience retail floor space in the town. This would align with Chapter 2 Retail Policy Context of the Retail Planning Guidelines 2012, future retail development should be plan-led.
- There is an oversupply of convenience retail floorspace in the town. The scale of the proposed increase in retail floorspace will impact upon the viability and vitality of the town centre. The population of the town is just over 3,500 and surrounding townlands bring this figure up to 8,000. There is already a Supervalu, Aldi, Lidl, Tesco, Spar, Centra and four service station forecourts. The scale of the proposed expansion will not only impact on Mitchelstown, it is designed to draw in customers from further afield and there may be impacts to other townlands and villages.
- The development will increase car borne journeys and increase the need for greater amounts of deliveries. This goes against national policy to reduce car journeys – National Transport Strategy 2020 Vision. The increase in retail floorspace is also against Retail Planning Guidelines with regard to sustainable transport.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The applicant contends that the appellant's grounds of appeal are not upheld, generic in nature are not site specific and serve to delay the planning process.

- The applicant requests the Board to use their powers under the Planning and Development Act, to either clarify the bona fides of the appellant or dismiss the appeal.
- The marginal increase of net retail floorspace (90 sq.m.) to a store which has been in operation since 2005 will not impact upon the Mitchelstown town centre. The appellant has confused gross floorspace with net retail floorspace. It is the net retail sales area which generates attraction, given the marginal increase in this floorspace, no impacts to the town centre will result. 766 sq.m. represents the 'back of house' operations, 90 sq.m. represents net retail floorspace.
- Though the site is not zoned for retail, the existing use is retail. The retail use has existed at this location and is not incompatible with the residential uses in the vicinity. The replacement of the existing store accords with Development Plan policies and objectives for the area. The planning authority saw no issues with regard to the construction or operational phase of the development in terms of impact to residential property. The land zoned for 'Residential' is marginal and not suitable to residential development.
- The proposed development will not exacerbate traffic congestion in the town centre, car parking is in accordance with Development Plan standards. There is a demand for convenience retail in the rural hinterland. There are also residential units in the vicinity and so not all journeys will be car borne, the store is not an out of town location. The applicant cites a customer surveyed carried out by Lidl for Mitchelstown in 2014 and questions the validity of the appellant's data.
- The proposed development will result in an increase of 1.41% of net retail floorspace in Mitchelstown. The results of the vacancy survey (carried out by the applicant April 2017) indicate there are no vacant convenience retail units in the town centre. Retail vacancy results from a complex combination of factors and not just an oversupply of retail floorspace.
- A Town Centre Health Check should not preclude the Board from deciding the negligible increase in net retail floorspace proposed.

- The Board should consider the existing use of the site and the benefits to the area an improved store will bring; better shopping experience, staff facilities, landscaping, supply chain improvements and design.
- The marginal increase in floorspace should be considered. The existing and permitted floorspace in Mitchelstown is 6,380 sq.m., this figure comprises 2008 survey figures as well as live planning applications. Recent Board decisions (PL19.247229, PL15.246710) are referenced.

The applicant has supported their response to the appellant's grounds of appeal with detailed background to the proposed development. This material includes information submitted as part of the planning application, a vacant units survey that includes photographs and maps.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Appellant's Further Response**

The appellant's further response was prepared by MacCabe Durney Barnes Planning Consultants and can be summarised as follows:

- The appellant is not a serial objector, RGDATA is a representative organisation that contributes in many ways to the planning system in Ireland. The submission presents examples of similar types of appeals in which similar forms of development were rejected by the Board. As a party to the planning application the appellant sets out its right to appeal.
- In relation to the new store and employment forecast, the appellant queries the background information regarding the likely employment figures and what impact it will have on town centre employment.
- The appellant disputes the increase in retail floorspace and suggests that when freezer and bakery space is accounted for the actual increase in retail

floorspace amounts to 240 sq.m. There is concern that the retail floorspace was not capped by the planning authority and so therefore retail floorspace could be increased without permission.

- The applicant has not shown the breakdown between comparison and convenience retailing activities.
- A Retail Impact Assessment should be undertaken by the applicant. The location of the site is edge-of-centre and should be the subject of sequential test based upon the retail landscape today, not 2003. In addition, a traffic impact assessment should be undertaken to ensure that the enlarged store will not lead to congestion.
- The appellant reiterates their concerns regarding the loss of lands zoned for housing.
- The appellant suggest that the Board have regard to the Draft Fermoy Municipal District LAP 2017. Lands are identified adjacent to the Main Street of Mitchelstown (designated MH-T-02) for future convenience retailing. Together with a town centre strategy and objectives to accommodate retail and strengthen the function of the town centre.
- In relation to oversupply of convenience retailing and town centre vacancy. The appellant carried out their own vacancy survey on the 18th May 2017 and found 17 vacant premises out of a total of 127, a vacancy rate of 12.5%. The appellant notes that competition is not a problem in the town centre, but it is an issue of too much convenience retail floorspace.
- The appellant reiterates the necessity of a Town Centre Health Check, in addition to a sequential test of the development and a retail impact assessment to justify the scheme.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Nature of the third party appeal
- Principle and Nature of the development
- Scale of Development
- Vacancy
- Car parking and sustainable transport
- Appropriate Assessment

7.2. **Nature of the third party appeal**

7.2.1. The applicant submits that the appellant's primary objective is to delay the development and it is requested that the Board dismiss the appeal. I have considered Section 138 (1) (a) of the Planning and Development Act 2000, as amended, and I consider that 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 Board's opinion on this matter may differ and that it may decide to dismiss the appeal under Section 138 (1) (a) (i) or (ii) of the Planning and Development Act 2000, as amended. However, I intend to assess the appeal on its merits.

7.3. **Principle and Nature of the development**

- 7.3.1. The appellant has questioned the appropriateness of building a greatly expanded store on lands which are zoned for residential proposes.
- 7.3.2. The applicant proposes to demolish the existing Lidl store and construct a new store. The majority of the appeal site is subject to lands zoned in the Mitchelstown section of the Fermoy LAP as 'Existing Built up Areas'. This land use zoning supports redevelopment of sites in areas which are characterised by different uses.

Essentially, the LAP recommends a flexible approach to land uses in these locations. However, the LAP notes that the expansion of an existing use that is not the primary use in an area may upset the balance between different uses. I note that there is an existing retail use on the site, a large health centre/gym and retail use across the road, a petrol filling station and residential uses towards the town centre. I am satisfied that the proposal to demolish the existing store and construct a new and larger store would not create an upset in the balance of uses in the vicinity.

7.3.3. A portion of the lands required to accommodate the new building are zoned 'R-07 - Medium B density residential development' in the Mitchelstown section of the LAP. Medium B density is defined in the County Development Plan as low density housing up to 35 dwellings/ha. I note the comments of the planning authority's Senior Planner in relation to the lack of any material contravention of the LAP. This is, in their opinion, due to the size and configuration of the site, which renders it difficult to develop for residential purposes. Having visited the site, I note that the south eastern elevation of the existing Lidl store is a blank façade and based at the foot of a steeply sloping portion of the site. I would tend to agree that the triangular shape and topography of the additional lands needed for the repositioned store would be difficult to develop.

7.3.4. However, Objective DB-01 of the LAP seeks to secure an increase in housing units to accommodate a projected growth in population. The proposed development will remove residentially zoned land and could undermine the LAP. In this context however, I note that land zoned 'Residential' in the LAP allows for limited retailing appropriate to new residential areas. In addition, I note that there is a permission for 70 dwellings on lands to the south, these lands are yet to be developed. On balance, I consider that given the flexible density provisions for R-07 zoned lands, an appropriate quantum of residential units can be provided to the south even though the development potential of 0.3 Hectares will be removed. Given the foregoing, I am of the opinion that there is no contravention of the zoning objective for the area and the proposed retail use is appropriate to existing and proposed housing areas.

7.4. **Scale of Development**

7.4.1. The appellant has raised concerns that the construction of a considerably larger store will threaten the vitality and viability of the existing town centre. Further to the

grounds of appeal, the appellant has reservations about the fluid nature of the floorspace proposed. There is a concern that retail floorspace would be expanded without undergoing the planning process.

- 7.4.2. The applicant proposes to demolish an existing Lidl store with a gross floor area of 1,768 sq.m. and a net retail floorspace of 1,334 sq.m. A new format Lidl store will be built on an expanded site with a gross floor area of 2,680 sq.m and a net retail floorspace of 1,424 sq.m. In terms of gross floor area, the new store will be 912 sq.m larger. However, in terms of the increase to net retail floorspace, the increase will be 90 sq.m. or a 7% increase.
- 7.4.3. For the purposes of assessing the potential impact of the proposed development on town centre vitality and viability, I consider that it is net retail floorspace that requires assessment, not overall floor area. With this in mind, I consider that the increase in net retail floorspace is marginal. Such a marginal increase would not result in an adverse impact to the vitality and viability of the existing town centre. In addition, I think it unlikely that a marginal net retail floorspace increase would result in a significant levels of trade diversion from the town centre.
- 7.4.4. The appellant has raised concerns about the nature of the retail floorspace and the possibility for future expansion. However, I consider that the plans and drawings submitted as part of the planning application clearly detail the floor areas concerned. Should the applicant consider any change of use or expansion of retail activity, this would be the subject of a planning application or Section 5 declaration. The Board may however, consider it appropriate to cap net retail floorspace to 1,424 sq.m.

7.5. **Vacancy**

- 7.5.1. The appellant is concerned at the level of commercial property vacancy in Mitchelstown and what impact the expanded foodstore will have on the survival of the town centre. The appellant maintains that a Town Health Check is required to establish the retail needs of the town. Specifically, the appellant considers that more convenience retail is not needed and in any case should not be located out of the town centre zoning. The appellant carried out a vacancy survey on the 18th May 2017 and found 17 out of 127 premises to be vacant.
- 7.5.2. I note that the applicant has prepared a vacancy survey of the town centre and draws different conclusions to those of the appellant. The survey details the location

and type of 11 vacant commercial properties. A variety of reasons for town centre vacancy are stated, which can be attributed to ownership, legal issues, format and layout of the units and a unit's location relative to the town centre core.

- 7.5.3. Tackling vacancy in town centre locations is a complex area. I would agree that relevant research with regard to the health of a town centre or tackling vacancy would inform the future planning of Mitchelstown. However, what is before the Board is a marginal floorspace increase on the site of an already operating convenience foodstore. The new store will provide an improved customer and employee experience, together with a marginal increase to net retail floorspace. There is no conclusive information that shows whether or not the existing store impacts upon the current level of town centre vacancy or if the proposed store would change matters.
- 7.5.4. In terms of the potential for impact to the existing town centre I have had regard to the advice provided by the Retail Planning Guidelines. I have considered if a technical and quantitative approach to retail impact should be taken. Section 4.6 of the guidelines refers to the assessment of retail proposals for extension or change of use applications. The guidelines state that the sequential approach to assess such applications should be used where they are of a scale which could have a significant impact on the role and function of the town centre. In the context of the appeal, I do not consider that the scale of the proposed increase in net retail floorspace will significantly impact upon the town centre. In addition, given the proximity of the appeal site to the edge of the town centre/neighbourhood centre zoning at Upper Cork Street; a retail impact assessment is neither warranted nor necessary.

7.6. **Car parking and sustainable transport**

- 7.6.1. The appellant considers that the proposed development will attract a greater number of car borne journeys and that these will be facilitated by an increase in car parking spaces. This would be contrary to current national advice and guidance which promotes sustainable transport.
- 7.6.2. The existing Lidl store provides approximately 125 car parking spaces. The redeveloped store will provide 122 car parking spaces, 12 motorcycle spaces and 28 bicycle spaces. There will be a lesser amount of car parking spaces and a wider variety of parking for other modes. I note also that the County Development Plan maximum car parking requirements of 1 space per 20 sq.m. would necessitate 134

spaces. I am satisfied that the car parking numbers proposed are acceptable in this instance and would not promote additional car borne journeys.

7.6.3. I am also satisfied that the revised and more convenient pedestrian access onto Fermoy Road will encourage an increased number of shoppers on foot or bicycle. This is in an important consideration as the bulk of Mitchelstown's existing and planned housing is located in the vicinity. This will accord with national policy with respect to sustainable transport initiatives and provides for good local accessibility.

7.6.4. The appellant highlights the issue that the out-of-town location of the development will run contrary to the guidelines advised in the Retail Planning Guidelines. The appeal site is located 100 metres from the edge of the town centre zoning, 450 metres from New Square and 3 kilometres from the nearest motorway interchange. Given the scale of development the appeal site cannot be classified as a retail centre or be considered out-of-town, for the purposes of the guidelines. Therefore, Retail Planning Guidelines on sustainable transport issues or impact upon national road networks is not relevant in this instance.

7.7. Appropriate Assessment

7.7.1. Having regard to the nature and scale of the proposed development within an established urban environment, no Appropriate Assessment issues arise and it is not considered that the proposed 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

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

9.0 Reasons and Considerations

Having regard to the nature of the proposed development, which replaces the existing store with an enhanced design and layout, the modest scale of the additional retail area to be provided relative to the level of existing retail in the vicinity, the 'existing built-up area' and 'residential' zoning objective for the area as set out in the Fermoy Electoral Area Local Area Plan 2015 edition, whereby a flexible approach to

retail use can be considered, and the pattern of development in the vicinity generally, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to the provisions of the current County Development Plan or of the Local Area Plan, would not seriously injure the character and amenities of the area or of property in the vicinity, would not detract from the vitality or viability of the town centre, 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 19 day of January 2017, 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. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed buildings 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.

3. The proposed shopfront shall be in accordance with the following requirements:
(a) No additional signage other than that shown on the submitted drawings shall be erected on site.

(b) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of permission.

(c) External roller shutters shall not be erected. Any internal shutters shall be only of the perforated type, coloured to match the shopfront colour.

(d) No adhesive material shall be affixed to the windows or the shopfronts.

Reason: In the interest of 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The landscaping scheme shown on drawing no. 034216 LP 01, as submitted to the planning authority on the 19th day of January, 2017 shall be carried out within the first planting season following substantial completion of external construction works.

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 residential and visual amenity.

7. 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 hours of working, noise management measures, measures to amend and make good any consequential damage to the public road or footpath, and off-site disposal of construction/demolition waste.

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

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

Reason: In the interest of sustainable waste management.

9. All service cables associated with the proposed development (such as electrical, telecommunications and lighting cables) shall be run underground within the site.

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

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

11. 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 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Stephen Rhys Thomas
Planning Inspector

30 May 2017