



An  
Bord  
Pleanála

## Inspector's Report PL21. 248255

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<b>Development</b>	Build foodstore, convert protected structure to restaurant and offices
<b>Location</b>	Finisklin Road, Sligo
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	16/116
<b>Applicant</b>	Church Road Development Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Cathal McGuinness
<b>Observer</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> June 2017
<b>Inspector</b>	Stephen J. O'Sullivan

## 1.0 Site Location and Description

1.1. The site is in Sligo town. The area stated on the application form was 1.1ha, although this was enlarged slightly at further information stage. The site lies to the west of the town centre and Michael Conlon Road, a modern route by which the N4 national primary route runs through the town. The western boundary of the site runs along a railway that runs to the port. The northern boundary adjoins Finisklin Road and the rear of houses on that road, as well as a functional building that operates as a store for office supplies. The site includes a laneway between the terraced houses and the storey. The site also includes the old mill building, a 5-storey, late 19<sup>th</sup> century stone building in line with the terraced house. It was originally built as a warehouse was vacant at the time of inspection. The eastern boundary of the site adjoins Union Place, a cul-de-sac that runs parallel to Michael Conlon Road or the rear of houses on that street. The southern boundary of the site adjoins vacant land and a car park associated with the railway station. Public car parking was available at the north-eastern corner of the site beside the old mill. There are some sheds on the plot to the south, but they were vacant at the time of inspection. The south-western part of the site was overgrown. The junction of the Finisklin Road and Michael Conlon Road to the north-east of the site is controlled by traffic signals.

## 2.0 Proposed Development

- 2.1. It is proposed to build a foodstore in a detached building with a floor area of 2,323m<sup>2</sup>, a net sales area of 1,620m<sup>2</sup> and a monopitch roof height of 7.67m. The building would be mainly single storey, with some ancillary accommodation at first floor level. It would be in the southern part of the site. 155 car parking spaces would be provided around it. Access would be along a new road from the Finisklin Road where the lane currently runs. It is also proposed to refurbish an mill building on the site to provide a café of c250m<sup>2</sup> on the ground floor and c422m<sup>2</sup> of offices above. An area of public space would be laid out beside the refurbished building in the north eastern corner of the site.
- 2.2. The development proposed in the initial application did not include the mill. Two accesses were proposed from Finisklin Road, as was a café in a detached building in the north-eastern corner of the site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission subject to 20 conditions, none of which significantly amended the proposed development shown on the further information submitted to the planning authority. Condition no. 2 required the renovation of the mill building and the proposed public square to be completed before the shop opened. Condition no. 19 required a special contribution of €11,101 towards an traffic control system at the adjacent junction on the Inner Relief Road.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

It is accepted that vacant units in the town centre would not be suitable for the proposed shop, mainly due to size constraints, which would be consistent with the sequential approach for retail development. The site is edge-of-centre and its proximity to a signalised crossing mitigates the severance that would otherwise occur along the inner relief road. The public area proposed by further information would achieve an adequate standard of urban design at the north-eastern corner of the site, while the realignment of the internal road would allow future access to the undeveloped land to the south. The parking proposals are acceptable, as are the revised proposals regarding site levels. A special contribution should address outstanding roads capacity issues, in particular those along at the junction of the Finisklin Road and the N4. Stormwater flows will be directed via a sewer on Pimill Road to a storm water chamber upstream of the existing discharge at the quay wall. The drainage system would include a class 1 bypass interceptor, an isolator row within the attenuation system and a sump within the hydrobrake. These would mitigate any impact on the Natura 2000 sites and an appropriate assessment is not required. Neither is an EIA. The proposed uses are allowed under the C2 zoning objective. The proposed additional retail floorspace would absorb the capacity for retail floorspace set out in the draft development plan. The draft plan envisages that a single shop might do so. The figures in the draft plan may also be subject to change before it is adopted. The existing retail strategy saw a capacity for even

more convenience retail development at 2,977m<sup>2</sup>. It is clear that there is an overconcentration of convenience shops to the east of the city which the proposed development would help alleviate. It has been robustly demonstrated in quantitative terms that there is adequate convenience capacity to accommodate the proposed development. The main diversion of trade would be from the discount foodstores on the other side of Sligo that are further from the centre than the current site. The further information provide more detailed information as to the absence of suitable sites within the city centre. The appeal site is within 400m and walking distance of the city centre. The further information included proposals to renovate the mill building and provide a public space that addressed concerns with urban design arising from the original scheme. The proposed development would not impinge on the protected structures outside the site along Union Place and Lyons Terrace. A grant of permission was recommended.

### 3.2.2. Other Technical Reports

Area Engineer – The development would have a significant impact on the capacity of the junction of the Finisklin Road and the inner relief road. At peak hours the junctions are at surpassing saturation and this will be exacerbated as development progresses. Development in the vicinity would benefit from an upgrade of the traffic control system along the road and because such development are the cause on the saturation traffic levels, it is fitting that each should contribute towards its cost to a more intuitive one. The system would have an estimated cost of €569,388, of which €11,101 should be apportioned to the proposed development. The development proposed laying a sewer along the Pernhill Road. This should be designed to cater for all surface water that might be generated by development along this road.

Architects Department – the revised development submitted as further information is welcomed and provides an improved solution to urban space quality. Further details of the public space should be sought for approval. There is no objection to the renovation of the mill on architectural grounds.

## 3.3. Prescribed Bodies

- 3.3.1. Transport Infrastructure submitted a report on the initial application stating that that development was at variance with official policy on the control of development

affecting national roads as insufficient data has been submitted to demonstrate that the proposed development would not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site, as the TTA submitted with the application stated that network traffic growth will lead to increases in queueing at the N4/Finisklin Road signals requiring online upgrades to maintain acceptable levels of capacity. This issue has not been addressed. A second report submitted on the further information stated that it has not changed its position.

3.3.2. Irish Water – No objection.

3.3.3. An Taisce – A report on the initial application stated that the design was not inappropriate for the site because it did not re-establish a streetscape or integrate with the 19<sup>th</sup> century character of the area and was dominated by surface car parking. It did not comment on the further information.

#### 3.4. **Third Party Observations**

Submissions were received by the planning authority at application and further information stage that objected to the development on grounds similar to those raised in the subsequent appeal, as well as those relating to urban design concerns with a detached single use building within a surface car park.

### 4.0 **Planning History**

No previous applications on the site were cited by the parties.

### 5.0 **Policy Context**

5.1.1. The Department of the Environment issued **Guidelines for Planning Authorities on Retail Planning** in April 2012. They state that enhancing the vitality and viability of town centres through sequential development is an overarching objective in retail planning. There are 5 key policy objectives – ensuring plan led development; promoting town centres through sequential development; promoting a competitive market place; encouraging sustainable travel by locating shops in locations accessible by such modes; and realizing high quality urban design. A design manual

was published with the guidelines. Section 2.5.2 states that the preferred location for new retail development is within city and town centres, and only then should an edge of centre site be considered.

## 5.2. **Development Plan**

The applicable development plan is the Sligo and Environs Development Plan 2010-2016. The site is zoned under objective C2 for commercial and mixed land uses. The land on the other side of the Michael Conlon Road is zoned as the city centre. The retail strategy at section 6.5 of the plan. It identifies a requirement for an additional 4,190m<sup>2</sup> of convenience retail floorspace above the level provided in 2008. Section 6.5.6 states that food stores require large single level areas with adjacent car parking. It also identifies discount foodstores as a different type of retailing, a distinction that was not maintained in the revised retail planning guidelines issued since the plan was made.

The mill building on the site is a protected structure, No. 44 of the record. The adjoining houses at Lyons Terrace are also protected structures, Nos. 45, 46 and 47. The appeal site adjoins the back of the curtilage of another protected structure no. 222 – the house at 12 Union Place.

## 5.3. **Natural Heritage Designations**

None. The boundaries of the SAC at Cummenn Strand/Drumcliff Bay sitecode 000627 and the SPA at Cummenn Strand sitecode 004035 are c200m from the site.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- The applicant support investment in Sligo but has to appeal a decision to permit another large foodstore outside the town centre when it is desperate for investment. The zoning of the site is for a mix of commercial uses but most of its proposed use is for retail which would occupy 81% of the floorspace. Retail development should be directed towards the town centre in accordance with the retail planning guidelines. The site has poor connectivity

with the town centre with a walking distance of more than half a kilometre from Wine Street across the four lane inner relief road. It is also visually severed by the properties at Union Place. The site offers little prospect for commercial synergy with the town centre.

- The sequential site test carried out by the applicant was undermined by the applicant's prerequisites regarding the shop's format and parking. The retail planning guidelines require flexibility from developers on these issues and foodstores have been successfully integrated into other high streets elsewhere. There is no need for a convenience retail development outside the town centre. The county's retail strategy for 2010-2017 was overoptimistic. The draft strategy prepared in 2016 is more realistic and it sets out only a limited need for further convenience retail floorspace in the county with only 1,222m<sup>2</sup> earmarked for the town. The proposed development would exceed this capacity in one swoop. The proposal would also pre-empt the objective to prepare a detailed retail strategy for the town stated in the county's strategy. The town already has two discount foodstores and the current proposal would not enhance its retail offer. It would simply divert investment from the city centre. The applicant's retail impact assessment would imply that there was a capacity for five of the proposed shops in the Sligo, which is a farcical conclusion. The development would divert trade from the town centre. The 'high street' vacancy rate for the town was the second highest of those surveyed by CBRE in 2016 at 12.8%. The level of vacancy in the town as a whole was recorded as 23% in the draft retail strategy in 2015. The empty units will not be occupied until the threat from out of centre development is managed. Allowing another out of centre discount foodstore would not undermine confidence in the town centre and inhibit retail development there.
- It is not clear that there would be any demand for the refurbished accommodation in the mill. A similar building opposite the site but in the town centre was renovated but is struggling to find tenants.
- The development would result in the loss of 30 parking spaces at Union Place. It would also transgress onto the existing car parking spaces used by Sligo Office Supplies. This was not properly accounted for in the applicant's

parking calculations. The location of some of the parking spaces behind the proposed shop would inhibit their utility. There is no adjacent on-site parking for the proposed accommodation in the old mill which may result in injudicious on street parking that would compromise the visibility splays for traffic leaving the car park. The footpath and cycleway along Finisklin Road is level with the carriageway which renders the road unsuitable for intensified traffic. The submitted autotracking indicates the articulated vehicles would pass close to the diagonal parking spaces across the road. Both the local authority and the applicant's consultants recognise that the development would require improvements at the junction. No road safety audit was submitted with the application. Further development on the proposed access road would exacerbate the issues with traffic hazard.

- In this context the replication of another discount foodstore at this time cannot be justified given the vulnerability of the town centre.

## 6.2. Applicant's Response

- The only objections to the application were from the appellant and Tesco Ireland, both of whom have retail interests in the town. The grounds of appeal are the same as those of the objection lodged with the planning authority, who decided to support the development after considering them.
- The applicant made significant efforts to find a site as close as possible to the zoned town centre. The neighbours were consulted and generally welcomed the proposed to rejuvenate a largely derelict site. Managing the knotweed infestation would be a significant benefit by itself. Significant efforts were made to prepare a proposal that would be in keeping with planning policy and provide a real public benefit. The work to the old mill and to provide the public space will be completed before the shop opens. The renovation is part funded by the sale of the site and would not be viable otherwise. There was no previous proposal to rejuvenate this run down part of the town.
- The site is closer to many parts of the town centre than the train station and the pedestrian crossing serving it is more heavily used. The development plan proposes a multi-storey car park west of the inner relief road to serve the



town centre. The pedestrian crossing by the site is safe and well used and therefore mitigates the severance caused by the inner relief road.

- The shops on high streets cited in the appeal were devoid of parking and rely on walk in trade in densely populated urban locations. In Sligo parking is a prerequisite. The applicant has already had to make changes to a standard business model, including renovating an old building and providing a public space. The proposed public space would integrate the shop and car park into its urban environment and would comply with the criteria set out in the design manual that accompanied the retail planning guidelines. The proposals for the space and the renovation of the mill are of the highest quality.

Reasonable compromises have therefore been made within the requirements of the retail planning guidelines. Section 4.11.1 of the guidelines says that large convenience stores should be located in town centres or on their edge.

No preference for the former should be inferred over the latter. The sequential site assessment by the applicant is therefore reasonable. The current retail strategy states that there is capacity for 6,500m<sup>2</sup> new retail space. There is planning permission for 2,200m<sup>2</sup> for Dunnes Stores so a capacity of 4,190m<sup>2</sup> remains. The proposed development would provide 1,364m<sup>2</sup>. The 2017 draft county plan has not been adopted. The 2010 local plan will remain in force until it is replaced. The retail capacity figures in the draft plan are for guidance and do not establish a limit. The appellant has not criticised the figures in the retail impact assessment. The location of the discount foodstore at the west of the city would provide an accessible alternative to the three existing foodstores to the east of the town and would remedy a deficient convenience retail offering on this side of the town that is recognised in the draft plan. The proposal for a mid size supermarket at the edge of the centre will not increase vacancy rates in the town centre in the long term.

- The mill will be renovated before the shop opens. Custom for the café will be generated by footfall from the shop. The business generated on this side of the town would also make it more attractive to occupy the vacant Old Mill buildings that are mentioned in the appeal.

- There will be no shortfall in parking. Long term commuter parking on the site can be managed by the operator. Staff would park in the spaces behind the shop. The demand for parking from the existing hardware shop in the mill would cease upon development. The owner of the office supply store has consented to this application as he owns the site. DMURS recognises that overruns by occasional larger vehicles are acceptable in the urban context. The sightlines and alignment at the access to the development would also comply with the standards in DMURS.

### 6.3. Planning Authority Response

- Convenience retailing is permitted in principle under the C2 zoning which does not require each site to have a mix of uses.
- The proposed development has appropriate pedestrian links for an edge of centre site.
- The vacant units in the town centre are not suitable for the proposed development due to size constraints. The difficulties with progress on the Centre Block are acknowledged. The planning authority therefore accepts the conclusions of the applicant's sequential site assessment. The proposed development could not reasonably be accommodated in the town centre.
- It is acknowledged that the draft county development plan identifies a requirement for only 1,251m<sup>2</sup> of convenience floorspace in the town. This figure is not an absolute limit and may be changed before the plan is adopted. It is also relevant that convenience floorspace is currently concentrated on the other side of the town.
- The parking proposals are acceptable.

## 7.0 Assessment

7.1. The planning issues arising from the proposed development can be addressed under the following headings –

- Policy
- Urban Design
- Architectural Heritage
- Traffic and parking
- Drainage and screening for appropriate assessment

### 7.2. Policy

National and local retail planning policy favours town centres as the location for retail development. The applicant's contention that central locations are not preferred over those at the edge of centres is incorrect, as section 2.5.2 of the guidelines makes clear. The appeal site is an edge-of-centre site. It is not in the town centre but it is within easy walking distance of it. The inner relief road does not excessively hinder walking between them. Its junction on the Finisklin Road is controlled by signals with pedestrian facilities and the traffic lanes are not egregiously over-engineered for an urban context. There is a risk that serious severance could arise if the signal sequence were altered to inhibit pedestrian movement across the road. However this is a matter within the control of the council rather than the applicant.

There is disagreement between the parties as to whether a sequential test would demonstrate that there is no site in the town centre that could accommodate the proposed shop and that would be preferable under retail planning policy. There are numerous vacant properties in the town centre, so the availability of commercial floorspace *per se* is not at issue. Rather the issue is whether it was reasonable of the applicant to require a particular format for the shop with car parking in its consideration of alternative sites. In the circumstances of the current case I consider that it was. The proposed shop is not unusually large for a foodstore. Sligo town is a service centre for a wider rural hinterland. Servicing of that hinterland requires reasonable accessibility by car and some adjacent parking. It can therefore be

distinguished from the supermarkets in Cork and Dublin cited by the appellant that could rely upon a catchment population within walking distance. The proximity of the site to the town centre would facilitate shopping trips that patronised both. The urban grain and historic layout of the town centre would lend itself more readily to comparison retailing and to smaller shops than a supermarket. Three of Sligo's four existing supermarkets are further outside the town centre than the proposed one. In these circumstances the location of the proposed shop is unlikely to undermine the retail role of the town centre by the diverting trade from it or by prejudicing future retail development there. The proposed shop, café and offices would comply with the C2 zoning of the site. The proposed development would therefore be in keeping with applicable planning policy.

### **7.3. Urban Design**

As stated in the submission from An Taisce, the development proposed in the initial application failed to properly respect its urban and historic context by providing two functional buildings on the site in a layout with extensive car parking and roads that did not reflect the character of the built environment or its street pattern. The revised proposals submitted as further information remedied this deficiency to an acceptable extent by providing for the refurbishment and use of the mill building along the street, including a public use on its ground floor, and the provision of a public pedestrian space around it at the most prominent corner of the site. The completion of the renovation of the Mill Building can be required before the opening of the shop, so uncertainty as to their commercial value would not prevent the works necessary to integrate the supermarket with the built fabric of the town.

### **7.4. Architectural Heritage**

The proposed development involves substantial works to a protected structure known as the Mill Building. As a former warehouse, the qualities of the protected structure relate to its form, scale and materials rather than to any intricate or decorative details. It is noted that the NIAH appraisal of the building states "This handsome example of a nineteenth-century warehouse is solidly built and of imposing scale. As such it makes a considerable impact on its surroundings. It is a salient reminder of Sligo's history as a busy town port". The proposed works would

not alter the scale of the building or the impression of historic solidity that it projects. As such they would maintain its architectural and historic form and the contribution that it makes to the character of the area. The works themselves would help maintain the building and would make it more likely that it would secure a viable long term use that would secure its future maintenance. The works were designed with appropriate expertise and after a proper survey of the structure, as is documented in the conservation impact assessment submitted with the further information. A proper method for their execution is also set out in that document. In these circumstances the proposed development would have a positive impact on the architectural heritage of the town.

#### **7.5. Traffic and parking**

The car parking standards at table 16.C of the development plan would require 143 spaces for the proposed development, with 2,323m<sup>2</sup> of the gross floor area of the supermarket requiring 1 space per 18m<sup>2</sup> and the 250m<sup>2</sup> of restaurant space and the 422m<sup>2</sup> of offices in the mill building requiring 1 space per 50m<sup>2</sup>. 155 spaces would be provided. The proximity of the site to the town centre would allow for shared shopping trips, so the loss of existing public spaces at the corner of the site would not be likely to exacerbate parking demand in the town. The further information submitted by the applicant compared the parking provision to the TRICS database and found it to be adequate. It is therefore accepted that the proposed development would have enough car parking. The site layout plan shows a convenient location for cycle parking beside the entrance to the shop.

The revised site layout plan submitted to the planning authority as further information provides a single vehicular access off Finisklin Road between the office supplies store and Lyons Terrace. The width and alignment of that access are appropriate to its urban location and it would be adequate to carry the traffic, including the goods traffic, that the proposed development would generate without causing a traffic hazard or obstruction to vulnerable road users. It is noted that a footpath and cyclepath have been provided along Finisklin Road with little or no vertical separation from the carriageway. At the time of inspection this arrangement did not appear to function successfully, with both the footpath and cyclepath obstructed by parked vehicles despite the limited commercial activity in the vicinity and the nearby

empty car parking spaces on the site. However this issue would persist whether or not the development proceeded and it is not within the applicant's power to address it.

The submission from TII is misconceived. The proposed supermarket is on zoned and serviced land as close as is practicable to the centre of Sligo. Its location would facilitate multi-purpose trips to the town centre and would thus tend to reduce demand for travel on the road network. Refusing permission for the retail use of the site would either restrict economic activity in general or displace it to a less suitable location where it was likely to have a greater impact on the road network including national roads. Neither outcome would be in the public interest. The relevant statement of public policy in the Guidelines for Planning Authorities on Spatial Planning and National Roads sets out key principles which include guarding against the proliferation of development on national roads outside the speed limit zones and supporting plan-led development. The guidelines do not restrict or prohibit appropriately located development simply because it might have a marginal impact on the use of a national road. As discussed at section 7.2 above, the location of the proposed shop is in keeping with local and national planning policy, and so it is plan led. It would be within well within the speed limits zone for the town. Therefore the proposed development does not contravene planning policy regarding the national road network.

The decision of the planning authority included a special contribution to cover a small portion of the costs of a new signal control system along the inner relief road. That contribution was not appealed by the applicant and so is repeated in the recommended decision below.

#### **7.6. Drainage and screening for appropriate assessment**

The site is not in or immediately adjacent to any Natura 2000 site and it would not have any direct effect on one. The foul effluent that would be generated by the development would drain to the town's system. The quantity and nature of the effluent relative to that from the town means that the proposed development would not be likely to have a significant effect on the quality of waters downstream of the outfall from the municipal system. The surface water runoff from the development would drain to a new sewer along Pirn Mill Road with an outfall to the harbour which

is designated as an SAC and SPA. As the water would be running off a car park, there is a possibility that it might contain such levels of hydrocarbons as might be emitted from vehicles. However the surface water drainage system would include a Class 1 interceptor above a proposed attenuation system before discharge to the sewer. These are standard measures which would be sufficient to ensure that the proposed development would not be likely to have any significant effect on water quality downstream of the site. It is reasonable to conclude on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the SAC at Cummenn Strand/Drumcliff Bay sitecode 000627 or the SPA at Cummenn Strand sitecode 004035, or on any other Natura 2000 site in view of the site's conservation objectives and a Stage 2 Appropriate Assessment and the submission of an NIS is not required.

The site is not shown as subject to flood risk on the draft CFRAM maps, and the proposed development is of a category that is less vulnerable to flooding. The proposed development would not, therefore, contravene the advice given in the Guidelines for Planning Authorities on Flood Risk Management.

## **8.0 Recommendation**

8.1. I recommend that permission be granted subject to the conditions set out below.

## **9.0 Reasons and Considerations**

Having regard to the zoning of the site under the Sligo and Environs Development Plan 2009-2016, to its location at the edge of the town centre and to the pattern of development in the area, it is considered that the proposed development would meet a sequential site assessment and would comply with the retail planning strategy set out in the development plan and with the provisions of the Guidelines for Planning Authorities on Retail Planning issued by the minister in April 2012. The proposed renovation of the protected structure on the site and the provision of a public space at its north-eastern corner are sufficient to ensure that the development would respect the architectural heritage and historic character of the area. The proposed

development would be acceptable in terms of traffic safety and convenience. Therefore, subject to compliance with the conditions set out below, the proposed development would be in keeping 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 25<sup>th</sup> day of January, 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. The authorised foodstore shall be used only for the sale of convenience goods and shall have a net sales area of no more than 1,620m<sup>2</sup> as defined in the Guidelines for Planning Authorities on Retail Planning issued in April 2012.

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

2. The proposed public square and the renovation the Mill Building shall be completed before the authorised foodstore opens for trading. The developer shall submit a phasing programme that adheres to this principle for the agreement of the planning authority before the commencement of development.

**Reason:** To ensure that the development achieves an adequate standard of urban design and protects the architectural and historic character of the area.

3. Renovation of the Mill Building shall be carried out in accordance with the Conservation Impact Assessment submitted to the planning authority on 25<sup>th</sup> January 2017. Repairs to all stone masonry and brickwork shall be carried out using lime based mortars. Where damaged brickwork is



replaced, substitute brick samples, preferably of recycled brick, shall be submitted and agreed with the planning authority.

**Reason:** To protect the architectural heritage of the protected structure

4. The proposed totem signs shall be no more than 4m in height and 1.2m in width. No additional signage shall be erected on the buildings or elsewhere on the site other than those shown on the drawings submitted with the application, whether or not they would otherwise constitute exempted development. Drawings showing compliance with this condition shall be submitted and agreed with the planning authority before the commencement of development.

**Reason:** To protect the visual amenity of the area

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of visual and residential am

6. 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.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site,

including heights, materials and finishes, including specific details of the proposed stone wall to Union Place

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area

9. 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 and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

10. Details of the materials and finishes of the underside of the roof on the eastern gable of the foodstore shall be agreed with the planning authority prior to the commencement of development.

**Reason:** In the interests of visual amenity

11. The Japanese Knotweed on the site shall be managed in accordance with the relevant plan submitted to the planning authority on 25<sup>th</sup> January 2017 unless otherwise agreed in writing with the planning authority.

**Reason:** To protect natural heritage and prevent the spread of an invasive species.

12. A waste and litter management plan for the operation of the development shall be agreed with the planning authority prior to the commencement of

development.

**Reason:** In the interests of environmental protections

13. A mobility management plan for the development shall be agreed with the planning authority prior to the commencement of development which shall include measures to promote sustainable travel to and from the site, including measures to facilitate the use of the car park for multi-purpose trips to the town centre, measures to facilitate pedestrian movement through the site, and the provision of adequate bicycle parking at convenient locations close to the entrances to the shop and the Mill Building.

**Reason:** To limit the demands which the proposed development would place on the road network in the area

14. The developer shall pay the sum of € 11,101 (eleven thousand, one hundred and one euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of improvements to the traffic control system on the Michael Conlon Road. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of 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 An Bord Pleanála to determine.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by

or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.

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Stephen J. O'Sullivan  
Planning Inspector

21<sup>st</sup> June 2017