



An
Bord
Pleanála

Inspector's Report PL17.248301

Development

Demolition of a 2 storey shop, ancillary single storey dwelling and a palisade fence and construction of a 1-2 storey retail development including supermarket, 4 retail units, gym, laundry and all associated site works.

Location

Navan Road, Dunboyne, Co. Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

RA/160805

Applicant(s)

Express Check-Out (Trim)

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

1st V Conditions

3rd V Grant

Appellant(s)

Express Check-Out (Trim)

GFK Investments Ltd.

Dermot Farrell

Upside Trading Ltd

Observer(s)

None

Date of Site Inspection

29th June 2017

Inspector

Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The site is located along the Navan Road, Dunboyne and comprises of a stated site area of c1.5Ha, which forms part of a larger landholding of 2.4 ha at this location. The site is positioned to the east of the Navan Road and St. Mary's Court and to the south of the existing Old Fairgreen and The Meadows residential development. Lands to the immediate south form part of the church grounds.
- 1.2. The appeal site comprises a vacant part-two-storey, part single storey building which was previously in retail/residential use. This fronts onto the Navan Road. To the immediate south of this is a hardstanding area, which is in use as an informal car parking area. The remainder of the site is behind palisade fencing and is overgrown with some semi- mature trees on site. The site is relatively level.

2.0 Proposed Development

- 2.1. The development comprises the following elements:
 - Demolition of the existing part-single storey, part two-storey building on site
 - A supermarket unit (GFA 2,107 m²)
 - 4 retail units (169 m², 109 m², 136 m² and 202 m² respectively)
 - Gym (565 m²)
 - Self-service laundry
 - ESB Substation
 - 155 car parking spaces/48 cycle spaces

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a decision to grant permission subject to 31 conditions. Those of note are as follows:

Condition 3(a) – Signalised junction shall not be permitted – A standard priority T junction shall be provided with a pedestrian crossing provided on the access road.

Condition 27 – Access to be made available to the remainder of the landholding identified within the planning application for the construction of residential development.

Condition 29 – 60,000 euro as a special contribution towards pedestrian crossing signals.

Condition 30 – A public right of way shall be provided for pedestrians and cyclists through the application site from the main street – details to be agreed by PA.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Extant permission site for significant retail development (expires 2019)
- There is a need to grow the convenience retail offer in the town
- Design and landscaping acceptable
- Further information was sought in relation to (i) how the remainder of the site will be brought forward given the extant permission included residential uses (ii) revised plans showing a minimum separation distance from adjoining residential properties (iii) revised positioning of the refuse storage area (iv) boundary treatment (v) legal ownership of a portion of the site (vi) waste water (vii) revised water network design (viii) surface water (ix) address concerns raised in the 3rd party submissions
- The red line and site area were slightly increased within the Further Information submissions as a result of the relocation of the retail unit.
- Following receipt of Significant Further Information, the planning officer recommended a grant of permission.

3.2.2. Other Technical Reports

Roads – No objection subject to conditions

Public Lighting - No objection subject to conditions

Water Services – No objection subject to conditions

Chief Fire Officer – Fire Cert required

3.3. Prescribed Bodies

Irish Water - No objection

An Taisce – proposal should adhere to the sequential test

HSE - No objection subject to conditions

3.4. **Third Party Observations**

16 submissions were made in relation to the application. Some of the issues raised are set out in the grounds of appeal, and the remaining issues are set out below:

- Proposal
- Boundary treatment and security
- Access to the site including wider access/no train station in close proximity
- Increase in traffic levels/parking including within surrounding residential areas
- Increase in traffic congestion
- Road safety impacts
- Future links to the church grounds
- Conditions relating to construction times be included in any grant of permission/no pedestrian links to Old Fairgreen
- Land ownership
- Consideration of undercroft car parking
- Does not conform to CDP standards relating to retail car parking and design
- Under provision of car parking/
- Inefficient use of space
- Lack of a coherent plan for tie
- Oversupply of retail units in the vicinity

- Design issues/No integration into the streetscape
- Impact on flora and fauna/hedgerows and trees should be preserved.
- Residential amenity impacts
- Flooding
- Land ownership issues

4.0 Planning History

- 4.1.1. DA/140333 – Grant – Extension of time of PL17.233530 (DA/802292) until 01/10/2019.
- 4.1.2. PL17.233530 (DA/802292) – Grant – Demolition of two-storey shop, construction of 5,639 sq. m. of retail area including a supermarket, 20 retail units, restaurant and medical centre, 66 no. two and three bed apartment in three blocks over three and four storeys, 6 no. two-storey houses, 411 surface and basement parking spaces.
- 4.1.3. Condition No. 3(e)(6) reduced the number of permitted units to 66,

5.0 Policy Context

5.1. Guidelines for Planning Authorities on Retail Planning in April 2012

- 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 realising high quality design. A design manual was published with the guidelines.

5.2. Development Plan

Meath County Development Plan 2013-2019

- 5.2.1. The appeal site comprises of two zoning designations. The southern portion of the appeal site is zoned B1 'To protect, provide for and/or improve town and village centre facilities and uses', with the northern portion zoned A2 'to provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy.'
- 5.2.2. The Meath County Development Plan 2013-2019 designates Dunboyne as a 'Large Growth Town II' in the County Meath Urban Settlement Hierarchy. The town is Level 3 in the Retail Hierarchy as set out in the County Retail Strategy, which is also consistent with the Retail Hierarchy as set out in the Retail Strategy for the Greater Dublin Area 2008. These towns perform an important sub county retail role/function and generally include a good range of convenience provision and a modest provision of comparison offer. It is noted in the CDP that Dunboyne will develop over the next 20 years towards a Level 2 Centre.

Key Objectives and Policies of the CDP are as follows:

- CS OBJ 2 – To encourage the sustainable development of designated core economic areas (including Dunboyne)
- CS OBJ 9 – To implement the Meath County Retail Strategy 2013-2019
- Section 4.5 Retail including Policies ED PL 24, 26, 28 and 29 and Objective ED OBJ 10
- TRAN SP 2 – To promote sustainable transport modes
- SS OBJ 9 – refers to the development of Dunboyne
- Section 11.7 Development Management Standards for Retail Development

Dunboyne/Clonee/Pace LAP 2009-2015

- 5.2.3. The CDP notes that the Dunboyne/Clonee/Pace LAP remains in place. Retail policies are set out in section 4.2.4 of this LAP.

5.3. Natural Heritage Designations

- 5.3.1. None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party appeal relates solely to Condition 29 (Special Contribution towards traffic signals and related development) of the planning authority's decision. The grounds of appeal are as follows:

- The appeal relates to Condition 29 only.
- Seeking amendment to the wording which excludes the specific amount of 60,000.
- No clear understanding of the exact costs of the signals.
- Condition should state that costs should be agreed with the Council prior to commencement of development.

6.1.2. Third Party Appeals have been received from GFK Investments Ltd, Monsignor Dermot Farrell and Upside Trading Ltd. The grounds of appeal are summarised below:

Cody Architects on behalf of Monsignor Dermot Farrell

- Proposed plans show future links to client's lands/unclear of links are vehicular or pedestrian/no consultation or consent given/objects to any mention of links through the site
- Inclusion of links implies some level of consent – no such consent has been given
- The proposed 1.2m high timber post fencing is not sufficiently high, robust or aesthetically suitable/not suitable from a security perspective/appealing against condition 2 (boundary treatment) and request the Board to condition the wall to be a 2.4m high blockwork or brickwork wall
- Bin enclosure and delivery yard have a negative visual impact on client's site

Marston Planning Consultancy on behalf of Upside Trading Ltd

- Previous permission is significantly different from the subject proposal/no residential proposed/future residential reduced to 30 units/suburban form of development/lack of connectivity with town centre

- A2 zoning does not support suburban scaled retail development/has not been considered in the planning authority assessment
- No planning gains apart from a suburban supermarket adjacent to the town centre.
- Lack of synergy between the proposal and the strategic aim within the County Retail Strategy and County Development Plan of enabling the planned extension of the town centre of Dunboyne.
- Lands are outside the Core Retail Area identified under the County Retail Strategy/Does not comply with Retail Planning Guidelines.
- Greater permeability as permitted is completely removed from the current application – this was considered a planning gain when assessing the last application.
- Range of retail units, urban design, town centre density and form, and mixed use nature were dominant factors when previous application was decided by the Board.
- Under provision of car parking
- Access proposals do not provide for future permeability
- Extent of the proposal reduces the potential of other land to be developed for residential purposes.
- Site coverage significantly below that appropriate for a B1 zoned site.
- Previous Inspector stated that the development of this site should have a strong urban form.

Charles Hulgraine Architects on behalf of GFK Investments Ltd.

- Retail needs of Dunboyne are already well catered for.
- No justification for another large retail convenience supermarket.
- Will weaken the retail and commercial integrity of Dunboyne
- Applicant has failed to prove a real deficit retail need/demand for the format proposed/for further retail led development in the village
- There is a current oversupply of retail units in Dunboyne.
- Gym and Off-Licence are already catered for in Dunboyne.

- No linked in any tangible form to the designated Town Centre site zoning B1
- Proposal is distant from the defined core retail area - 0.3km
- Site coverage 20% compared to the 60% envisaged by planning authority
- No proper Master Plan for the site
- Proposal will impact negatively on the future retail and economic development of Dunboyne
- Will be a stand-alone development.
- Will encroach and overshadow existing residential development.
- Concerns in relation to design
- Shortfall in car parking
- Landscaping is spare, boundaries are poorly conceived/support observations made by residents of the Meadows
- Disproportionately narrow road access/Impact of the proposed traffic signals.
- Future residential development will rely on this limited site/vehicular entrance.
- No conditions in relation to archaeology

6.2. Applicant Response

6.2.1. A first party response to the three third party appeals was submitted by Brock McClure, Planning and Development Consultants. This can be summarised as follows:

- Site is identified as an opportunity site for retail development under the Meath County Retail Strategy 2013-2019 and there is no dispute that this site will be developed in the future.
- This application will deliver services to the subject application site – though the delivery of this planning permission, the residential portion to the east thereafter becomes viable/will also facilitate development along the Navan Road.
- Condition attached to permission requires access to be made available to the rest of the landholding

- Revised Masterplan submitted as part of Further Information request/Shows minimum provision of residential development that could be delivered.
- Applicant has identified possible pedestrian links to the north and south of the site.
- Condition require right of way to the main street be identified.
- Any application for residential will also address pedestrian connections.
- Appropriateness of the site for retail development has been detailed in the Retail Impact Assessment/Planning Report/Further Information Report
- There is no retail anchor convenience supermarket in the town and local people are travelling outside of Dunboyne for this offer
- Required to advance the town centre towards a Level 2 centre in the Retail Hierarchy as recommended by retail policy.
- Site is immediately adjacent to the core retail area and is within walking distance of the town centre
- Development is compliant with zoning objectives for the site
- Setting back development has an impact on layout which has meant the incorporation of a portion of the A2 zoning of the site
- Boundary treatment proposed is the most appropriate for the site
- Landscaping reduces visual impact from the service yard and bin storage area
- Site coverage will increase when wider site is developed.
- Required car parking diminishes site coverage.
- Level of car parking provision is appropriate
- A number of trips will not be primary trips but will include 'shared' or 'dual' trips to the existing commercial developments in the town centre.
- Board have previously refused retail schemes for excessive car parking
- Proposed development has been subject to a detailed Traffic & Transportation Assessment

- No requirement for a condition related to archaeological monitoring.

6.3. Planning Authority Response

First Party Appeal

- Does not oppose the amendment of the wording of Condition 29

Third Party Appeals

- Extant permission on site for significant retail development and as such precedent exists for this type of development on site.
- Dunboyne has been identified for growth within the Retail Planning Guidelines
- Identified as an Opportunity Site within the Meath County Retail Strategy
- Planning Authority has a preference for a single overall application for the site but prevailing market conditions has meant application has taken this form.
- Does not prejudice the delivery of the adjacent lands in any way.
- Satisfied that the design is appropriate and would not impact on residential amenity
- Future pedestrian connections have been identified.
- Condition has been imposed in relation to boundary treatment.
- Level of car parking is acceptable.
- There is a number of modest commercial units which are vacant but there is not existing or permitted units of a scale large enough to cater for the proposed supermarket development.
- Site is not located in an area of high archaeological importance and there are no recorded monuments on or adjacent to the subject site.

6.4. Observations

- 6.4.1. None.

6.5. Further Responses

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

1. Principle of Development
2. Retail Impact
3. Design and Visual Impact
4. Access and parking/Transport/Special Contribution
5. Neighbouring Residential Amenity
6. Ecology
7. Other Matters

7.2. Principle of Development

7.2.1. The appeal site comprises of two zoning designations. The southern portion of the appeal site is zoned B1 'To protect, provide for and/or improve town and village centre facilities and uses', with the northern portion zoned A2 'to provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy.'

7.2.2. Both supermarkets and shops are permitted uses under the B1 zoning objective and are open for consideration under the A2 zoning objective. An "open for consideration use" is one which may be permitted where the planning authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area. I note that the proposed development encroaches into the area zoned A2, for the most part this is the access road and a portion of the car parking. This access road is also intended to serve future residential development on the adjoining development site at a future date. I do not consider the encroachment

would preclude a residential development from coming forward on this site. The proposed uses therefore are acceptable in principle, having regard to the zoning objectives for the site.

- 7.2.3. I note that there is an extant permission which encompasses this site, and the adjoining landholding, for a larger mixed-use development [PL17.233530 (DA/802292)] which included 5,639 sq. m. of retail area including a supermarket, 20 retail units, restaurant and medical centre and 66 residential units.
- 7.2.4. In relation to extant permissions for retail floorspace, the CDP states that a pragmatic approach must be taken to such extant permissions and implementation of such permissions is likely to be on a much reduced scale and/or on a phased basis, in view of changed economic circumstances.
- 7.2.5. As such there is precedent on this site for retail development, albeit as part of a larger mixed use scheme. However, as noted above, the CDP states a pragmatic approach should be taken when considering such extant permissions and note that it is likely that such significant schemes will not be delivered as a whole. This is the case with this subject development, and while there is no guarantee a residential scheme will come forward, there is nothing in this current application to preclude such a proposal in the future.
- 7.2.6. The proposed development should therefore be regarded as consistent with the material planning policies and objectives, and as such it would be acceptable in principle.
- 7.2.7. As such the principle of a retail scheme is acceptable, subject to the detailed considerations below.

7.3. Retail Impact

- 7.3.1. National and local retail planning policy, as set out in the retail planning guidelines and the retail strategy in the CDP, seeks to protect and enhance the vitality and viability of the town centres within the established retail hierarchy. The majority of the site is zoned town centre and therefore is an appropriate location of the proposal, in the line with the hierarchy. My observations on site, and of surrounding areas, were that the appeal site is a natural continuation of the town centre and is within walking distance of other services in the town. I note the previous Inspector's comments in relation to the extant permission on this site, in which it is opined that this site is an

under-utilised site within the extended town centre. I concur with this opinion and I do not consider it is an edge-of centre site.

- 7.3.2. The CDP notes that, in terms of convenience provision, certain centres including Dunboyne, are under provided for in terms of convenience offer and convenience development will be promoted in these urban centres.
- 7.3.3. I note the CDP aim to promote Dunboyne to a Level 2 centre within the Retail Hierarchy writing the next 20 years.
- 7.3.4. The planning application was accompanied by a Retail Impact Assessment (RIA) which notes that there are no available, suitable or viable sites within the core retail area, which have the to accommodate a large convenience store. 6 no. edge of centre sites were then considered, including the subject site. I concur that there are no suitable sites in closer proximity to the centre of Dunboyne but as noted above it is my view the site is within the extended town centre in any case.
- 7.3.5. The RIA also included an assessment of the capacity for additional convenience retail floorspace within the catchment area. The Health Check conclusion of the RIA submits that there is adequate capacity for convenience spend in the local catchment which is based on a 10-minute drive time from Dunboyne. The population of the catchment area (Dunboyne Electoral District) is stated as 9,578. A population growth estimate of 2% per year is applied in the RIA up to year 2019.
- 7.3.6. Based on a review of the more recent CSO preliminary results 2016, I note that the population in Meath grew by 5.9% from 2011 to 2016 and there was a similar growth (5.2%) in the Electoral Division of Dunboyne the same period. As such, a growth estimate based of 2% per annum may be excessive, given the most recent preliminary census results. A growth rate of 1% on the more recent 2016 figures is more appropriate in my view. I have no reason to dispute the estimates for convenience expenditure nor that of the turnover for the proposed convenience retail unit.
- 7.3.7. Notwithstanding this, even with a growth rate of 1% applied, resulting a projected population of Dunboyne Electoral District of 10,378, there is still sufficient available convenience expenditure within the catchment area, with the proposed turnover of the retail unit accounting for 26% of total available convenience expenditure by 2019.

- 7.3.8. Having regard to the criteria as set out in Section 4.9 of the Retail Planning Guidelines, the proposed development would support the long term strategy for Dunboyne as set out in the CPD and Retail Strategy.
- 7.3.9. Furthermore, the proposal would have the potential to increase employment opportunities and promote economic regeneration and within the Retail Impact Statement it is stated that 20-30 jobs will be created during the operational phases, with additional jobs being created during the construction phase. This figure has not been disputed by any of the parties and I do not have any reason to dispute it.
- 7.3.10. It would also increase competition within the town centre, which would also be in keeping with national retail policy, and would also respond to consumer demand, given the under provision of convenience retail identified within the CDP. I do not consider that the provision of the convenience retail store, nor the provision of the smaller retail units would diminish the range of services within Dunboyne but rather would be complementary to same. This would, in turn, increase the attractiveness of Dunboyne town centre with a potential reduction in vacancy rates in the town.
- 7.3.11. The accessibility of the site is discussed in Section 7.5 of this report, but in summary the site is located within easy walking distance of existing shops and services, and is also served by an adequate provision of cycle and car parking spaces. It is linked via a footpath to the town centre, and subject to a condition requiring additional linkages, it will have sufficient ties with the existing town centre.
- 7.3.12. The proposal therefore, complies with the criteria as set out in 4.9 of the Retail Planning Guidelines 2012, and with the retail policies and objectives of the CDP including the Retail Strategy.

7.4. Design and Visual Impact

- 7.4.1. The proposed retail units are generally located to the western boundary of the site, and are accessed off a retail square. The car parking area is located to the east of the site. Possible future pedestrian links are identified to be north and south of the site.
- 7.4.2. The nature of the site is that it is set in off the main road, thus limiting any contribution to the streetscape. Retail unit 1/Coffee shop is single storey and will have frontage onto the street and this will appear as a continuation of the existing commercial units to the south and the scale and appearance of this unit is

acceptable. Units 2 to 4 are two-storey with the gym occupying the first floor levels of these. The main convenience store is a double storey unit.

7.4.3. The form and design of the proposed development is generally functional and is somewhat generic. However, the scale is appropriate, given the nature of surrounding development. The self-service laundry element and the ESB substation will have limited visual impact, due to the small scale of these elements. The public square area and landscaping proposed are a positive addition to the public realm. While it is somewhat unfortunate that the whole site is not coming forward in one application, so as to maximise pedestrian linkages to the town, future links are identified and as such, future linkages allowing greater permeability through the site are possible. I note the planning authority have imposed a condition in relation to identifying a right of way to the main street. I concur that this should be identified and a similar condition imposed here, should the Board be minded to grant permission.

7.4.4. Overall the proposed development would be of an appropriate form, scale and massing and the visual impact of the proposed development is acceptable.

7.5. Traffic and Transport/Access and parking/Special Contribution

7.5.1. The appeal site is located within walking distance of the town centre, and is a natural continuation of the town centre with existing commercial units adjacent to the site.

7.5.2. Access to the proposed development is from the Navan Road, immediately to the west of the appeal site. This is a 50 km/h road. The application documents state the proposed access will be a 4 arm signalised junction with Navan Road and St. Patrick's Park, as per the extant consent on site. I note the decision of the local authority included a condition removing this signalised junction and requiring the provision of a signalised pedestrian crossing for the access road only. The justification for this omission appears to be concerns in relation to accessing and exiting domestic entrances either side of the new junction with the 4 arm signalised junction in place. It was also suggested that the situation be monitored with a view to assessing if a 4 arm junction was necessary if and when Phase 2 comes forward, with a special contribution being levied in order to provide this.

7.5.3. I do not see any significant adverse impact on accessing or exiting these entrances as a result of the provision of signalised junction at this location. This road is relatively busy and the proposed development will likely attract pedestrian movement

from the opposite site of the Navan Road. As such the provision of pedestrian crossings on the Navan Road as well as the access road, as shown on the application submission, are necessary in my view. As the four arm signalised junction should be provided.

- 7.5.4. I note no objection in principle has been made in relation to the proposed access by either the planning authority, nor within any of the appeal submissions. I also note the extant consent which had an access at a similar location for a larger proposal.
- 7.5.5. Having regard to same, and from my observations on site, I consider the proposed access to be satisfactory and I do not consider it would lead to any road safety issues.
- 7.5.6. The application is accompanied by a Traffic and Transport Assessment. This concludes a high proportion of trips may be made on foot, that the site is ideally located to benefit from emerging cycle infrastructure proposal and the site has a good level of public transport accessibility. It is further concluded that the proposed development, in the extreme worst case scenario, would result in an increase of 52% in vehicle trips in the PM peak period and an increase of 56% in the Saturday Peak Period.
- 7.5.7. I have had regard to the previous permission for a larger mixed use proposal, and the impact on the surrounding road network was considered to be acceptable. As such it is reasonable to conclude this smaller proposal will have a further reduced impact and as such I do not consider the proposal would lead to any adverse impact on the surrounding road network, have regard to additional vehicular traffic movements generated.
- 7.5.8. 155 car parking spaces have been provided. Having regards to the parking standards in the CDP, the maximum level of provision in this instance is 181 spaces. (Food retail 150 spaces, Non-Food Retail 31). There is no specified requirement for a gym use. Given the location in relatively close proximity to the town centre, I consider that a provision that is less than the maximum is appropriate in this instance. I do not consider the gym use would generate significant parking, and I am of the opinion that demand for this use would be morning and evening times, with demand for the retail uses higher during the day.

- 7.5.9. Having reviewed the technical information on file and attended the site, I do not consider the development as described would give rise to an unacceptable traffic hazard. I would agree that it has been demonstrated that the road network has adequate capacity to accommodate the development and it has been demonstrated that there is adequate car parking available.
- 7.5.10. In relation to Condition 29 (Special Contribution towards traffic signals and related development), the subject of the First Party appeal, I note the applicant disputed the need for a specific figure for the traffic signals. The planning authority accepted, in their submission on the First Party Appeal, that a figure could be agreed at a later date. While it is my view that the 4-arm signalised junction should now be provided, the principle remains the same, and I conclude that the wording of the relevant condition can be amended to state the specific amount can be agreed at a later date.

7.6. Neighbouring Residential Amenity

- 7.6.1. As part of the further information submission, the convenience store element of the development was set back by 15m from the western boundary, due to concerns in relation to the impact on the amenity of neighbouring occupiers. The bin store was also moved away from the western boundary to a location approximately 10m from the site boundary. I note there are air conditioning units located on the western elevation of the proposed supermarket. The noise levels of these units should be limited by way of condition. Overall however I do not consider that neighbouring amenity will be detrimentally impacted upon as a result of this proposal.

7.7. Ecology

- 7.7.1. The appeal site is dominated by scrubland with semi-mature tree growth and hedgerows. I note that there is no report on Ecology submitted with the application. I note a number of third party observers on the planning application have raised the issue of wildlife. However, there is no scientific evidence on file, from any third parties, that there is significant ecology on the site or any protected species on site. The site is not a designated site. There is also an extant permission for a comprehensive development of the entire site. It also forms part of the extended town centre. As such I do not consider the site is a sensitive site, in terms of ecology. I have, therefore, no objection to the proposed development in relation to any ecological impact.

7.8. Drainage and Water Supply

Foul Water

- 7.8.1. In relation to existing infrastructure on the site, the Infrastructure Design Report notes there is no known existing foul water sewer connection. The nearest foul water sewer is located in the grounds of Dunboyne National School, which is located approximately 200m to the south-east of the appeal site. It is proposed to construct a new foul sewer drainage system and foul sewerage will be collected on site and will drain by gravity to the southeast corner of the site. This will then outfall to the public sewer via a new connection.

Surface Water

- 7.8.2. There is a public surface water sewer located on the Navan Road. This drains via gravity to the existing surface water sewer on Summerhill Road. It is proposed to use a SUDs approach, with the proposed surface water drainage system collecting storm-water run-off generated from the proposed commercial development. I note the planning authority expressed some concern in relation to the level of the winter water table, to attenuation and also in relation to the capacity of the existing surface water drainage network, and attached a condition relating to same to the decision. I consider a condition requiring surface water arrangements comply with the requirements of the local authority will be sufficient in this regard.
- 7.8.3. Subject to appropriate conditions in relation to surface water and waste treatment it is my view that the proposals are acceptable.

7.9. Other Matters

- 7.9.1. The issue of boundary treatments has been raised within the appeal submissions. Given that the adjoining site is likely to come forward for development, the proposed boundary treatment is an acceptable one in my view.
- 7.9.2. I noted the site is not located in a designated archaeological area and there are no recorded monuments on or adjacent to the subject site. As such I do not consider conditions in relation to archaeology are necessary.

7.10. Appropriate Assessment

- 7.10.1. A Screening report for Appropriate Assessment was submitted as part of the planning application (Chapter 8 of the Planning Report). This screening report

identified designated Natura 2000 sites within the zone of influence of the project and noted the nearest Natura 2000 site was located 5.8km to the South-West (Rye Water Valley/Carnton SAC). It was concluded that there would be no adverse impact from the proposal on any Natura 2000 site.

7.10.2. There is no direct source-pathway linkage to the above cited SAC and as such there will be no impact on same.

1.1.1. I would agree with the conclusions set out in the screening report and I therefore consider that it is reasonable to conclude that on the basis of information on the file, which I consider to be 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 any of the European sites listed in the screening report and a Stage 2 Appropriate Assessment (and a submission of an NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to: -

- (a) The Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012,
- (b) The policies and objectives of the Meath Development Plan 2013-2019 and the Dunboyne/Clonee/Pace LAP 2009-2015,
- (c) the brownfield nature of the site and pattern of development in the area;
- (d) The nature, scale and design of the proposed retail development;
- (e) The extant permission for a mixed-use development on the site which included retail uses (Ref PL17.233530 and extension of time Ref DA/802292)

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this

location, would comply with the scale and type of retailing identified for these lands in the applicable planning policy for the area, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the Planning Authority on the 6th February 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: Reason: In the interest of clarity.

2. The proposed retail unit shall not operate outside the hours of 0800 to 2200 Monday to Saturday inclusive, nor outside the hours of 1000 to 2100 on Sundays or public holidays. Deliveries shall not take place outside of the hours of trading and shall take place within the confines of the site only.

Reason: To protect the residential amenities of the area.

3. Details, including samples, of the materials, colours and textures of all the external finishes, including external glass, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, samples shall be erected on site where required by the planning authority.

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

4. 155 no. car parking spaces shall be provided within the site. The layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate off-street parking provision is available to serve the proposed development.

5. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

6. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the commercial units are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

7. Comprehensive details of the proposed external lighting scheme to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. All external lighting shall be directed away from the public road and from residential properties in the vicinity.

Reason: To protect residential amenities and in the interests of traffic safety.

8. The demolition of the existing building on site and 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, off-site disposal of construction/demolition waste and location of proposed on-site car parking and site compound arrangements.

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

9. A plan containing details for the management of waste 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.

10. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location (residential properties at St. Mary's Court) between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

11. The proposed shopfronts shall be in accordance with the following requirements:-
 - (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
 - (b) lighting shall be by means of concealed neon tubing or by rear

illumination

(c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,

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

(e) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

12. Water supply and drainage arrangements, including the disposal of foul and surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, detailed proposals for the disposal of foul and surface water shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

13. The landscaping scheme as submitted to the planning authority on the 6th February 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 five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

14. 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 amenity.

15. A public right of way shall be provided for pedestrians and cyclists through the application site from the Main Street and to the adjoining landholding to the east and north-east of the site, and to the lands to the south of the site. Details in this regard shall be submitted to and agreed in writing with the

Planning Authority prior to the commencement of development.

Reasons: In the interests of proper planning and sustainable development.

16. The developer shall ensure that access is made available to the remainder of the landholding identified within the planning application for the construction of residential development.

Reason: In the interests of proper planning and sustainable development.

17. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of the signalised junction, at the junction of the proposed access road, the Navan Road and St. Patrick's Park. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be 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.

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.

18. 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.

Rónán O'Connor
Planning Inspector

11th July 2017