



An
Bord
Pleanála

Inspector's Report PL.04.249088

Development	Development comprising of construction of a licensed discount food store with ancillary infrastructure and associated site works.
Location	'Barry's Field', Carrigaline Road and Churchyard Lane, Douglas, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/7137
Applicant(s)	Lidi Ireland GmbH
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Parties and First Party v Special Contribution
Appellant(s)	Liam Edwards, Peter Collins, Tesco Ireland Ltd., Canmouth Ltd., and Regina Collins
Observer(s)	Allied Cork Taxi Council, Douglas Tidy Towns and Eleanor Hunter

Date of Site Inspection

21st November 2017

Inspector

Kenneth Moloney

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Planning Authority Reports	5
3.2. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	8
6.0 Local Area Plan	9
7.0 National Policy	9
8.0 The Appeal	10
9.0 Observation	26
10.0 Responses	29
11.0 Assessment.....	34
12.0 Recommendation	56
13.0 Reasons and Considerations	56

1.0 Site Location and Description

- 1.1. The subject site is located centrally within Douglas and on the southern edge of the established commercial area of Douglas village, Co. Cork.
- 1.2. The appeal site currently comprises of a vacant field, known as 'Barry's Field'. The overall size of the appeal site is 0.83 ha (2 acres) and the shape of the subject site is almost square.
- 1.3. The appeal site has road frontage along its eastern and western boundary. Carrigaline Road adjoins the eastern boundary of the appeal site and Churchyard Lane adjoins the western boundary of the appeal site.
- 1.4. The northern boundary of the appeal site is adjoined by a mix of detached residential properties on individual sites and some commercial uses, i.e. a public house and associated car park.
- 1.5. The southern boundary of the appeal site is adjoined by the existing Telephone Exchange (Eircom) building which is one and half storeys in height and industrial in character. The building itself is set back from the site boundary with the appeal site.
- 1.6. The telephone exchange site has mature trees around its site boundary.
- 1.7. The eastern, western and northern site boundaries of the appeal site are all natural boundaries comprising of mature trees and hedgerow, generally all deciduous.
- 1.8. The gradient of the appeal site slopes gently from south to north.

2.0 Proposed Development

- 2.1. The proposed development consists of a discount retail outlet and associated works.
- 2.2. The gross floor area of the proposed development is 2,871 sq. metres and the proposed retail unit is 1 – 2 storey's in height.
- 2.3. The commercial floor plan comprises of sales area, ancillary off-licence and bakery.
- 2.4. The ground floor consists of public toilets, storage, stairs and lift to first floor. The ground floor also comprises of plant room and delivery area.
- 2.5. The proposed first floor comprises of staff welfare, roof terrace, staff room, IT room, store room, office and internal plant area.

- 2.6. The proposed development includes surface car parking and bicycle parking provision.
- 2.7. The vehicular entrance to serve the proposed development is from the Carrigaline Road. The proposal also includes a pedestrian entrance onto Churchyard lane.
- 2.8. The proposal includes external signage provision comprising of;
 - 2 no. building mounted corporate internal illuminated signs
 - 1 no. free standing internally illuminated poster panel display board
 - 1 no. building mounted externally illuminated info display board.

Additional information was sought in relation to the following; (a) access and parking, (b) photomontages, (c) visual impact assessment, (d) details of all proposed signage, (e) surface water disposal details, (f) details of the proposed entrance, (g) a tree survey, (h) landscaping plan, (i) boundary treatment details, (j) details of Japanese Knotweed infestations and (k) archaeology.

3.0 Planning Authority Decision

Cork County Council decided to **grant** planning permission subject to 37 no. conditions; the conditions are standard for the nature of the development proposed.

3.1. Planning Authority Reports

- 3.1.1. The main issues raised in the planner's report are as follows;

Area Planner

- The proposal accords with national policy.
- Further information sought in relation to the vehicular entrance configuration in particular to the loss of public car parking spaces.
- The submitted traffic impact assessment concludes that the proposal can be accommodated within the existing infrastructure capacities.
- A special contribution of €100,000 is recommended towards the upgrades to the Public Infrastructure and Public Realm.

- There is a shortfall of 43 no. spaces and therefore a special contribution is recommended.
- 28 bicycle parking spaces are required.
- The context of the appeal site is important within an ACA and adjacent to a property on the NIAH and a second building which is a protected structure.
- The Conservation Officer considers the proposal fails to respect the architectural heritage of the local area.
- Further information required in relation to boundary treatment.
- In relation to flood risk the FFL of the proposed building is set above any likely 1/100 year fluvial / pluvial flood event. The site has previously flooded however previous flood events were due to deficiencies in the Ballybrack Stream which will be alleviated by the proposed upgrade works.
- Archaeological testing is recommended prior to development.
- No objections in relation to noise of the associated development.

Senior Executive Planner

- The zoning objective is TC-03 in accordance with the LAP.
- The proposal includes only a single use and part development of the overall site.
- The proposed development would not constitute a material contravention.
- Douglas is identified as a district centre.
- A Retail Impact Assessment is not required. It is considered that a proposed food store in the town centre site in Douglas would be consistent with the Retail Planning Guidelines, 2012.
- It is considered that the proposed development reflects the pre-planning discussions with the County Architect.
- The County Archaeologist and the Conservation Officer have reservations about the proposed design.

- Photomontages would assist consideration.
- Further details in relation to boundary treatment and landscaping are required.
- The Transport Assessment makes the assumption that all the measures proposed in DLUTS, 2013, will be implemented.
- The Traffic Assessment indicates that the proposal will have significant traffic impact on road junctions in the area. A special development contribution levy will be required.
- The car parking standards in the County Development Plan refer to maximum standards.
- Proposal will connect to public water supply and public foul sewer. There are outstanding concerns in relation to surface water drainage.
- The site has previously flooded. However the cause of this flood was due to deficiencies in the Ballybrack stream which have been alleviated.
- The subject site is sited approximately 440 metres from the Cork Harbour Special Protection Area.
- There are proposals to remove Japanese Knotweed.
- Further archaeological testing is required.

3.1.2. Environment Report; - No objections subject to conditions.

3.1.3. Traffic and Transport; - Additional information sought for (a) vehicular entrance, and (b) agreement in relation to the loss of roadside car parking.

3.1.4. Heritage Office; - Additional information sought in relation to (a) tree survey and (b) locations of Japanese knotweed and proposed management and control of same.

3.1.5. Area Engineers; - Additional information in relation to (a) revised auto track required for proposed entrance, (b) review surface water proposals, (c) confirm proposals for Japanese Knotweed. A special development contribution is recommended.

3.1.6. Architects; - No objections subject to conditions.

3.1.7. Archaeologist; Additional information required in relation to archaeological testing.

3.1.8. Submissions; - There is a submission from Irish Water who have no objections.

3.2. **Third Party Observations**

There are ten third party submissions and the issues have been noted and considered.

4.0 **Planning History**

- No recent relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan, 2014 – 2020**

The operational development plan is the Cork County Development Plan, 2014 – 2020.

Chapter 7 – Town Centre and Retail

- Paragraph 7.3.1 outlines that a key objective of the plan is to advance policies which generally favour retailing in town centres.
- Paragraph 7.3.2 sets out 5 guiding principles in the Retail Planning Guidelines that are 5 key policy objectives in the plan
- Table 7.1 'Retail Hierarchy' designates Douglas within a 'Sub-Regional / Metropolitan Cork District Centre'.
- Paragraph 7.5.2 states that retail developments outside town centres will require compliance with sequential approach.
- Paragraph 7.6.1 states that proposals for significant retail development would be normally are expected to be supported by a full 'Retail Impact Assessment'.

5.2. Local Area Plan, 2017

The operational Local Area Plan is the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017, and the appeal site is in an area zoned 'SE-T-03'.

The key objectives of this zoning provision are as follows;

- The site is developed in an integrated manner
- Provision of a mixed use development of 4,000 sq. m.
- Full frontage development onto Church Street and Carrigaline Road.
- Any density increase will have to demonstrate that there is no negative impact
- Incorporation of Eircom building to south desirable
- Construction of a new municipal car park with at least 200 bays
- Vehicular access from Church Street and the Old Carrigaline Road
- Car parking provision in line with revised parking standards in County Development Plan.

5.3. DLUTS, 2013

The relevant policy objective is TC-03. (This policy objective is similar to 'SE-T-03' above).

6.0 National Guidance

Retail Planning Guidelines for Planning Authorities, 2012

The objective of the guidelines is to establish the optimum location for new retail development which is accessible to all sections of society and is of a scale which allows the continued prosperity of traditional town centres and existing retail centres.

The following sections are relevant to the proposed development;

- Paragraph 4.4 – Where the location of the proposed development complies with the policies / objectives of a development plan a sequential test or RIA not required.
- Paragraph 4.9 – Where a new retail development is particularly large in scale compared to the existing city/town/district centre and the proposed development absorbs on one site the bulk of that potential retail space a RIA maybe required.
- Paragraph 4.11.1 sets out guidance in relation to ‘Large Convenience Goods Stores’.

7.0 The Appeal

Liam Edwards submitted a third party appeal. The submission outlined the details of the site location and description, planning policy and the grounds of the appeal. The following is the summary of the grounds of appeal;

Contravention of adopted planning policy

- The proposed development is not an integrated development in accordance with Policy Objective SE-TC-03.
- The Policy Objective requires a continuous strip along Church Street and the Carrigaline Road. The proposed development provides for no frontage along Church Street.
- Singular development contrary to the zoning objective for the site.
- The zoning objective seeks a mixed use development on the site comprising of 4,000 sq. metres. The proposal is not consistent with this objective.
- The subject site is zoned town centre. Although retail uses are allowable the policy objective for the site is more in favour of non-retail employment uses.
- The primary focus of the retail strategy for Douglas is to concentrate on existing vacancies and existing permitted developments before considering greenfield developments.

- It is contended that the development objective of the subject site is a long term objective while the transport proposals set out in the Douglas LUTS have been implemented. This has not been considered in the current development proposal.
- The Transport objectives state that consideration should be given to a public car park on the site.
- The proposed vehicular access proposals are not consistent with zoning objective of the site.
- It is contended that the current traffic management along the Carrigaline Road gives rise to speeding which is dangerous for persons alighting or entering a parked car.

Traffic Impact

- The TIA outlined that there are significant capacity issues with the Douglas East / Carrigaline Road T-junction, the R609/R610 Roundabout and the N40 junction.
- The proposed development will contribute to this congestion.
- It is submitted that the congestion will be pronounced on the Fingerpost Roundabout.
- This demonstrates that the proposed development should not proceed until all Douglas LUTS measures are put in place.
- There is no guarantee that the special contributions attached to Cork County Council permission will be implemented and no timeframe for any works to be carried out.
- The applicant has not addressed the roadside taxi parking spaces and public parking spaces.

Conservation Issues

- It is contended that both the SEP and the AP ignored the report of the Conservation Officer.
- The Conservation Officer outlined concerns in relation to the northern elevation and the boundary however no additional information was requested in relation to these items.
- It is contended that the issues raised by the Conservation Officer are fundamental to acceptability of the proposal in this sensitive built heritage location.
- The proposal is out of character with the Church Street ACA.
- The proposal does not respect the established character of the area and does not contribute positively in terms of design, scale, setting and material finishes to the ACA.
- It is contended that the design, positioning, layout and strengthening of the urban streetscape have not been addressed in this application.
- The proposal is in close proximity to a structure on the NIAH and a protected structure.

Conclusion

- It is concluded that the proposed development materially contravenes the SE-TC-03 and policy objective H4 4-5.

Peter Collins of Barry's Bar and Restaurant submitted a third party appeal. The following is the summary of the grounds of appeal.

Significant issues not addressed

- The Area Planner took issue with the consequences of the development within an ACA having regard to visual impact, lighting and signage, and pedestrian access / parking.

- It is submitted that the issue of signage which were the subject of additional information request no. 4 was not fully addressed.
- The applicant has not provided information requested by the local authority therefore a grant of permission is premature.
- It is submitted that lighting and signage play a significant role in contributing to fulfilling policy objective HE 4-5 of the County Development Plan.
- It is important that signage will not detract from the ACA.
- The applicant has not addressed the loss of roadside car parking.
- The loss of these car parking spaces is not supported by the County Development Plan 2014.
- The proposed development falls short of the required car parking provision.
- The visual impact assessment of the proposal in relation to the adjacent graveyard has not been addressed.
- The subject site is also rich in archaeology.
- It is submitted that the opinion of the County Archaeologist should have been given more consideration having regard to policy objective HE 3-1.
- It is submitted that the additional information request in relation to the pedestrian entrance has not been fully addressed.

Proposal is contrary to planning policy

- It is submitted that the policy objective in the 2011 LAP, i.e. TC-03, is similar to the policy objective in the 2017 LAP.
- The appeal site also forms part of the Church Street ACA. It is the objective to preserve the special character of the local area. The special character includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting.
- It is intended that this is achieved by ensuring new development within or adjacent to the ACA represents established character and contributes positively in terms of design, scale, setting and material finishes of the ACA.

- Also required is the protection of structures from demolition and non-sympathetic alterations and securing appropriate infill development.
- It is submitted that the development of the appeal site in accordance with the zoning objective would require development in an integrated manner, mixed-use development and continuous commercial strip.
- The site objective also gives consideration to the construction of a municipal car park of at least 200 bays and the integrated development of the site to the immediate south and north.
- Objective TC-03 has not been applied fully as;
 - the proposal is a standalone convenience retail development
 - there is no mix of uses
 - there is not frontage along Church Street
- The Board are requested to consider the decision in relation to appeal ref. 241926 which is a similar case to the current proposal.
- The previous decision shares similarities to the current proposal as follows;
 - an important designated extension to the town centre
 - a similar recessed building line and extensive visible surface car park
 - poorly integrated in terms of zoned lands and wider urban area
 - poor urban design and fails to create a development of appropriate quality and character
- The current proposal provides no attempt to integrate Barry's pub and restaurant. This is disappointing from an urban design perspective.
- It is also noted that permission was refused by An Bord Pleanála (appeal ref. 244123) for a restaurant on the grounds that the proposal would be out of character with the pattern of existing development in the Church Street ACA.

Japanese Knotweed

- Proposals for maintaining the spread of Japanese Knotweed is unclear.

- It is unclear on any of the drawings which Japanese Knotweed will be removed nor is there mention of how the area will be sectioned off.
- It is submitted that the Local Authority should have requested a map of where the invasive species will be removed. It is contended that Japanese Knotweed could be potentially detrimental to adjoining sites and properties.
- There is no guarantee that while removing soil that viable rhizomes will be removed.

GVA Planning and Regeneration Ltd. submitted an appeal on behalf of **Tesco Ireland Limited**.

Site Specific

- The proposed use is a mono-use whereas the lands are specifically identified for mixed use.
- It is questionable how the proposal will integrate with the surrounding lands.
- Should the development proceed in isolation from the rest of the development lands it will be considered a underutilisation of valuable development land
- Also it would hinder the future development of the surrounding lands.
- The proposed development will not comply with the policy objective relating to these lands and therefore is considered a contravention of the LAP.
- Should the development be granted it may prevent the future redevelopment of lands to the immediate north and south of the appeal site.
- The current proposal will be impossible to implement objective SE-T-03 of the LAP.
- There is also a design consideration with the proposal as it is proposed to use a large portion of the site for surface car parking.
- It is submitted that the Board should seek additional drawings to address the concerns above or refuse permission.

Design

- The proposed design fails to comply with the policy of Cork County Council as it fails to provide a continuous commercial strip.
- It is notable that the Conservation Officer sought revised drawings to address the ACA. This issue was not fully addressed.

Car Parking

- The proposed shortfall in car parking may have a negative impact on road safety in the surrounding area.
- The shortfall in car parking may have a detrimental impact on existing businesses in the local area.
- The shortfall in car parking may lead to demands for car parking in private car parks and public parking spaces. It is questionable whether development contributions would alleviate the concerns.
- It is submitted that the proposed development including the surface car park will occupy a sizable portion of the identified site as part of objective SE-T-03.
- The proposed development will occupy 70% of the overall lands of policy objective SE-T-03.
- Given the scale of the proposal it is not possible to deliver the 200 municipal car park. This raises the question whether the car park will be available to other users.
- The Board are requested to seek clarification on how the car park will function and whether the car park will be provided in a way to ensure that policy objective SE-T-03 can be met.
- The remaining development land of SE-T-03 is of an unusual shape.
- An alternative is to provide an undercroft car parking solution. This will allow for greater utilisation of the available development land. This could meet the overall objective of the subject lands and this approach could be taken in

combination with a redesigned building that would provide a full frontage along Carrigaline Road.

- Such a solution would ensure that the lands can be developed in a manner consistent with the vision of the LAP.

Brady Shipman Martin submitted a third party appeal on behalf of **Canmount Ltd.**

The following is a summary of the main grounds of appeal;

Introduction

- The appeal site is described in the DLUTS 2013 and the LAP 2015 as an 'edge of centre retail site'.
- Other retail development sites are prioritised in advance of the appeal site.
- Paragraph 8.8.3 of DLUTS states that the development of the appeal site is linked to a comprehensive redevelopment of other sites.
- Section 2.4.46 of the LAP 2015 refers to a sequence of development in Douglas.
- The submitted policy documentation fails to outline how it attempts to respond to this phasing approach in site development terms.
- The Local Authority planners report is silent on the DLUTS sequential prioritisation of sites. The Local Authority planning report references the subject site as town centre whereas the DLUTS 2013 refers to the subject site as 'edge of town centre'.
- It is contended that the applicant has not provided sufficient justification by way of sequential approach or assessment of existing vacancy to justify this contravention of the land-use prioritisation.

Urban Design and Mixed Use

- It is a policy objective that the appeal site is developed in an integrated manner. This includes the Telecom exchange site to the south.

- The proposed development prevents this objective and the proposed façade facing the site to the south will not encourage integration.
- The application does not include any proposals indicating how the redevelopment of the site will occur in an integrated manner.
- It is an objective of the site to develop a mixed use development on the site whereas the proposal only provides convenience retail.
- The proposal also fails to provide municipal car parking provision of 200 spaces.
- It is contended that the planner's report has dismissed the mixed use policy objective with little examination.
- The application does not include a retail impact assessment which is required given the edge of centre location of the appeal site.
- It is contended that the proposal contravenes the DLUTS and the LAP 2015.
- The proposed development provides no street frontage onto Church Street and the Carrigaline Road which is an objective pertaining to the subject site.
- The proposed development provides for a glazing block onto the Carrigaline Road and this is located opposite an apartment block. It is submitted that residential amenity needs to be considered in this instance.
- The importance of the proposed development in relation to the ACA must be considered.

Traffic, Access and Parking

- The application is short of detail in relation to proposals to address loss of on-street car parking and the taxi-rank parking.
- There is a shortfall of car parking provision in the proposed development. It is noted that the applicant is required to pay a development contribution of €3,000 per car parking space. However it is unclear from the decision how this figure was arrived at.

- The Transport Assessment provides no proposals for the delivery of measures in the DLUTS 2013.
- The Local Authority Traffic Report is short on impacts of the proposed delivery and servicing vehicles and customer visits on the immediate road network.
- It is contended that a full traffic impact assessment of the proposed development on the centre of Douglas is required before this application for development can be permitted.

Precedents

- The refusal reasons in An Bord Pleanála decisions, appeal ref. 247006 and appeal ref. 244123, represent precedents for the proposed development.

Cunnane Stratton Reynolds, Planning Consultants, submitted a third party appeal on behalf of **Regina Collins**. The following is a summary of the main grounds of appeal;

Non-compliance with mixed use objective

- The proposal is contrary to Section 3.5.48 and SE-T-03 of the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017.
- The proposed development is not mixed use and contains no commercial or office development.
- By permitting the proposed development there is a risk that the mixed-use objective will not be realised on the appeal site.
- There is no consideration for the integration of the subject site with the remainder of the overall site.
- The DLUTS, 2013, confirms that the piecemeal development of the subject site (SE-T-03) would not constitute proper planning and sustainable development.

Lack of Sequential Approach and Retail Impact Assessment

- The subject site located in an 'edge of centre' retail site would be consistent with the Retail Planning Guidelines as a Retail Impact Assessment is required.
- It is requested that the applicant is required to carry out a retail impact assessment given the location of the site in edge of town.
- Douglas although zoned Town Centre is effectively a suburban site.
- It is contended that Douglas is already well served by retail provision including Douglas Village and Douglas Court Shopping Centre. There is an extant planning permission for a discount store at the cinema site. There is also a nearby super value and lidi in Grange and nearby shopping centre in Mahon and Carrigaline.
- It is recognised in DLUTS, the LAP and the CDP that Douglas has a high vacancy rate in retail floor space. This further demonstrates that a sequential test and retail impact are required for the proposed development.
- In a precedent case the Board refused permission (appeal ref. 244668) for a similar case for a mixed use town centre scheme. It is contended that the reasons for refusal in this case can be directed towards the proposed development.

Non compliance with DLUTS, 2013

- It is contended that the proposed development is inconsistent with the DLUTS, 2013, urban design objectives.
- The proposed development fails to integrate into the existing urban form and removes all the existing green infrastructure features from the field.
- The proposed development does not provide for improved connections between key spatial areas and points of interest in the town.

Impacts on Road Network, Traffic and Pedestrians

- Section 3.5.19 of the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017, recognises the traffic congestion in Douglas.
- The proposed development would generate more car based and HGV traffic.
- The proposed development is premature pending the implementation of road and public transport improvements emanating from DLUTS.

Impacts on Green Infrastructure

- The site contains the last remaining green site in Douglas.
- It is noted from the submitted application documentation that both Tree Group 1 and Tree Group 2 contribute to the area.
- The vegetation on the site and the green site contribute to the character of the area.
- There is no regard to be shown to the trees in the preparation of the proposal.
- The loss of this environmental asset would take decades to replace.
- A more responsive approach could incorporate trees into the public realm to the benefit of the site/development of the town centre.
- The retention of trees will also benefit amenity and biodiversity.

Pedestrians

- The proposed development does not provide for a direct pedestrian link across the site connecting Carrigaline Road with Churchyard Lane in accordance with figure 4-2 of DLUTS.

ACA

- The proposal does not constitute appropriate infill given the lack of compliance given lack of objectives with SE-T-03.

- The proposed design, scale and setting material finishes of the building do not respect the character of the area.
- No detail in the further information response was submitted in relation to lighting and signage.
- The Conservation Officer considered that the response to further information was inadequate.
- It is contended that the Architectural Heritage Impact Assessment (AHIA) was deficient as it contains no evidence of the actual proposal being considered.
- The AHIA states that the proposal will be well screened. This is incorrect as the proposal looms over the Carrigaline Road.
- The proposal will have an adverse impact on existing buildings to the east of the appeal site.
- It is submitted that Section 4 of the AHIA which states that the proposal will not dominate its surroundings is not credible.

8.0 First Party Appeal

The applicant's agent submitted a first party appeal in relation to the special development contribution condition. The following is a summary of the main grounds of appeal;

- The proposed special development contribution is double charging as it is provided for in the general contribution scheme.
- It is submitted that the upgrade of the Fingerpost Roundabout, to provide a raised pedestrian crossing point and to upgrade the traffic island junction at Douglas East, is included in the general contribution scheme and therefore covered under Condition no. 36.
- The Development Management Guidelines state that a special development contribution is required when the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development.

- There is no detail on the file regarding the nature of the upgrade required for the Fingerpopst Roundabout.
- Existing development will also benefit from the improvements and such has not been accounted for.
- It is contended that the cost of the proposed works does not come within the scope of special contributions as provided for in Section 48(2) (c) of the Planning and Development Act.
- Reference is made to a decision in the High Court in O'Malley Construction Company Limited v Galway County Council.
- No justification has been provided how the said works of the special development contribution are specific and/or exceptional to facilitate the proposed development.
- It is contended that the Local Authority has not provided substantial detail on the nature of works, their relationship to the proposed development and their projected costs.
- The TIA indicated that the Fingerpost Roundabout is overcapacity however the proposed development as modelled will have no material impact on this junction.
- The results of the traffic assessment indicate that;
 - Traffic from the proposed development can be accommodated in the surrounding road network.
 - The proposal will not generate significant traffic in Douglas as many of the customers are already attracted to Douglas for shopping.
 - The subject site is well served by roads and footpath.
 - The quantum of parking provided on the site is adequate to prevent overspill car parking onto the surrounding roads.
 - The proposal provides safe and secure bicycle parking.

- The TA demonstrates that the traffic generation from the proposed development can be accommodated within the existing local road network.
- It is contended that the Traffic and Transport Report by the Local Authority fails to consider the report entitled Discount Food Store – Traffic Assessment Douglas Carrigaline Road.
- It is contended that the proposed works the subject of the special development contribution are not works which benefit very specific requirements of the proposed development.
- The basis of the contribution is unclear.
- Neither the scope nor nature of the works involved and how it is apportioned to the particular development is clear.
- The special development contribution which relates to car parking deficiencies fails to state where the car parking spaces are proposed.
- The car parking standards are based on maximum car parking spaces.
- The contribution fails to reference how the contribution has been calculated and how the costs have been apportioned.
- The following paragraphs from Cork County Council County Development Plan are relevant.
 - Paragraph 7.2.10 – Challenge of car parking in town centres
 - Paragraph 10.4.5 – Town centre development with accessible public transport is more favourable
 - Paragraph 10.4.6 – Reduced car parking availability for new developments
 - Paragraph 10.4.7 – Public transport and walking more desirable
 - Paragraph 10.4.14 – Net effect of monetary contribution to off-set car parking shortfall discourages town centre development.
- No assessment undertaken as to ‘the cost of providing car parking’ as outlined in page 16 of Cork County Council Development Contribution scheme.

- It is submitted that the planning scheme is vague and that the applicant should not be penalised by the failure of a Planning Authority to include sufficient clarity of detail in a scheme.
- The development contribution shall be in accordance with the Planning and Development Act, 2000 – 2016.
- It is contended that should the contribution not be consistent with the Planning Act then it shall be removed as occurred in planning appeal cases 228301 and appeal ref. 224486.
- The provisions of Section 48(2) (c) of the Planning Act shall apply.
- High Court case – Construction Industry Federation v Dublin City Council, found that the onus is on the Planning Authority to demonstrate that the special development contribution is appropriate.
- The condition does not contain any information as to how and where the car parking spaces will be provided.
- The Board has previously removed special development contributions in cases where there was a lack of proposals for parking provision in the following cases;
 - PL04.229549
 - PL04.212701
 - PL39.222473
- The Board has not demonstrated whether the additional spaces are necessary to facilitate the development.
- In order for a special development contribution to be appropriate the infrastructure must be of special need related to the development in question. A precedent in this regard is appeal ref. PL46.227310 and appeal ref. PL04.226740.
- The failure to meet the car parking standards set out in the Development Plan is not evidence that the proposed infrastructure is needed to facilitate the development.

- In assessing car parking shortfall there are precedents that demonstrate that the Board considers a qualitative rather than a quantitative approach.
- No detailed costings are provided for the car parking shortfall and the Development Management guidelines state that the basis for the calculation of the contribution should be explained in the decision. This was demonstrated in decision order PL16.214923
- It is submitted that should the car parking spaces be the subject of pay and display charges then this would be contrary to the principle of development contributions.
- The Board has previously overturned Local Authority special development contributions in relation to car parking shortfall. In appeal ref. 227809 the applicant justified the shortfall in car parking provision and as such the Board removed the condition.

9.0 Observations

There were three observations submitted to the Board from the following parties;

- Allied Cork Taxi Council
- Douglas Tidy Towns
- Eleanor Hunter

The following is a summary of the main issues submitted by the observers;

- The applicant has not adequately addressed the loss of existing roadside parking adjacent to the Carrigaline Road.
- The parking along the Carrigaline Road adjacent to the appeal site is the only taxi rank in Douglas and serves as an important transport infrastructure.
- The removal of the taxi rank from its present location without relocating it along the Main Street would have an adverse impact on members.

- It is submitted that Douglas village has few incidences of anti-social behaviour and this is due to the location of the taxi rank which is accessible from the centre of Douglas.
- There is a conflict with the proposed development and the aims of the Douglas LUTS in reducing traffic flow through Douglas Village and making it more pedestrian friendly.
- Most customers accessing the proposed development will travel by car.
- The traffic assessment does not take into account that the centre of Douglas is proposed to be pedestrianised.
- The proposed development would negatively impact on traffic flow on the Old Carrigaline Road and Churchyard Lane which are both narrow one way streets.
- Access to the Old Carrigaline Road would significantly impact traffic flow on the main Carrigaline Road. In particular a right turn would be required to access from the carriageway going out of town.
- Churchyard Lane is unsuitable for the proposed development as (a) it has a blind corner and an extremely narrow one-way section, (b) access to Churchyard Lane is only possible from a right-hand turn from Church Street, (c) there is a school and two churches which considerably add to traffic, (d) there is currently no pedestrian crossing on Churchyard Lane or footpath on the side of the proposed pedestrian entrance, (e) the proposal would negatively impact on the safety of the children and other pedestrians who use the narrow road.
- HGV's would require regulation to ensure that the development would not negatively impact on existing pedestrians and vehicular traffic.
- The impact of the proposed development would have adverse impacts on the Church Street ACA.
- A previous development was refused permission by An Bord Pleanala (appeal ref. 247006). The proposed development would be visually more dominant than the previously refused development.

- The application does not address current retail vacancies in Douglas Village.
- There are no proposals to provide a civic space.
- The proposal should include the planting of native species.
- Douglas already has an adequate supply of retail provision.
- It is submitted that an alternative site for the proposed development is an area in Douglas village between the Permanent TSB branch down to the junction with the Carrigaline Road. This area is linked with the current cinema site and offers an alternative to the proposed development.
- There is a flood risk concern given the location of the appeal site.
- The spread of Japanese Knotweed has not been adequately considered.
- It is contended that the subject site, i.e. 'Barry's Field' requires consideration above and beyond good design given its unique location and extensive commercial development elsewhere in Douglas.
- It is considered that the Douglas retail landscape is overdeveloped.
- In heritage towns, e.g. Westport, discount stores and supermarkets are located on the edge of towns to avoid adverse impacts on the town centre.
- It is submitted that the historic heart of Douglas has been documented by insensitive development.
- It is contended that the area around the graveyard and churches, with its leafy roads and stone walls, has heritage character and is the last vestige of the original Douglas Village.
- It is contended that commercial signage is out of control in Douglas village.
- It is submitted that old parts of the village must not be compromised to accommodate another retail development.
- It is submitted that the existing community park is full to capacity during good weather and a second community park is required. It is contended that 'Barry's Field' must become a second park for Douglas.

- It is submitted that the once gentle village of Douglas now comprises of a multi-lane flyover, a multi-storey supermarket and two drive-through take-aways.

10.0 Responses

The following is the summary of a response submitted by GVA Planning on behalf of **Tesco Ireland**;

- The respondent concurs with the appeal submissions that the proposal does not comply with the planning policy for the site and the proposal is inconsistent with the surrounding ACA.
- The respondent also agrees that the proposal will create congestion and parking issues due to the shortfall in car parking.
- The respondent has no comments in relation to the first party appeal against financial contributions.
- The respondent supports the development of underutilised sites. However the current proposal does not accord with the form and scale of development proposed in the statutory plan.
- The proposal represents an underutilisation of the subject site.
- The proposed design and layout does not adequately address the street and as such the proposal does not comply with the LAP.

The following is the summary of a response submitted by the **applicant's** agent;

Key Points to note

No material contravention

- The proposed development is consistent with the Local Land Use and Planning Policy Framework.
- The proposal is consistent with the objectives of the Cork County Development Plan, 2014, and the LAP, 2017.

- Retail is identified as the primary use on the subject site subject to the town centre neighbourhood centre.
- The proposal is consistent with the SE-T-03 Development Objective and will not inhibit the future realisation of the outstanding redevelopment of SE-T-03.
- The Planning Authority acknowledges that the current economic climate does not facilitate the development of all SE-T-03 lands.
- The proposed development has regard to the ACA and the architectural heritage of Douglas.

Appropriate form of development

- It is submitted that the new retail supermarket in this part of the Douglas will counterbalance overall development in the village and encourage footfall to spread beyond the two existing shopping centres.
- The proposed design is consistent with the urban setting.
- The trees proposed for removal are poor quality.

Addressing the Retail Core of Douglas

- It is submitted that the proposal will counterbalance the retail offer in Douglas.
- The proposal will not detract from the heritage of Douglas.

Parking

- The car parking provision is consistent with the County Development Plan.
- The proposed car park is open to public use, subject to operational requirements.

Negligible Traffic Impact

- The proposal will not result in significant additional traffic.

- The peak traffic hours associated with the proposed development is 3-4pm midweek, and 12-1pm Saturdays which does not correspond with typical rush hour traffic.
- Deliveries to the proposed store will be required to occur before 7:00am and after 11pm. Therefore no traffic conflict is expected.
- The submitted TIA concluded that the traffic generation will have no significant impact or congestion or road safety.

Retail Planning Guidelines, 2012

- Douglas is identified as a district centre and the preferred location for retail development in accordance with the County Development Plan.
- The proposal, having regard to the zoning provision, is 'plan-led' development.
- The proposal is located in a Village Core and will enhance vitality and viability within Douglas.

Precedents

- It is submitted that the cited precedents are not comparable to a licenced discount footstore.
- It contended that appeal ref. 244668 is a much more substantial development and there is also a locational difference.
- In relation to appeal ref. 244123 (proposed take-away and restaurant facility) it is notable that no concern was raised by the Planning Inspector in relation to the capacity of the Carrigaline Road.
- Having regard to the proposed car parking provision there is no capacity for vehicle queuing of traffic overspilling onto the Carrigaline Road.
- It is considered that there is no comparison between the licensed discount store and the proposed take-away and restaurant facility.

Policies and Objectives

- The proposed development is consistent with policy objectives SE-T-03 of the LAP and T-03 of DLUTS, 2013.
- The proposal is also consistent with objective ZU 3-8 of the County Development Plan.

Proposal will not inhibit the achievement of SE-T-03 objective

- The proposal allows for the gradual transition from Douglas Village.
- The proposal will catalyse further development along the Church Street and Douglas East Street.
- It is submitted that there is recognition under the current economic climate that the site will not be developed in a single phase.
- It is submitted that a refusal of permission because 33% of the site remains undeveloped is unwarranted.

Policy Objective HE 4-5

- The proposal will not be contrary to the ACA and contributes to the architectural character of the area.
- New planting will compensate for the removal of existing trees.
- External finishes, lighting and signage will be the subject of conditions.

Local Urban Landscape

- The submitted reports 'Tree, Hedgerow and Vegetation Survey Assessment' and 'Tree Survey Report' demonstrate that the trees proposed for removal are poor quality.

- It is proposed to retain trees along the western boundary as they currently contribute to the character of the ACA.
- The proposal also includes the planting of new native trees.
- The proposed planting will be consistent with the character of the area.

Heritage

- The heritage impact assessment of the proposed development included Construction Impact Assessment and photomontages.
- It is contended that the removal of the set stone wall along the Carrigaline Road is consistent with SE-T-03.
- There are no concerns for bats in relation to the proposed development.
- A comprehensive survey of Japanese Knotweed was submitted as part of the planning application.
- The proposed pedestrian entrance has been designed to comply with the zoning objective of the appeal site.
- A report entitled Archaeological Testing has demonstrated no intensive historic or prehistoric settlement.

Car Parking Provision and Access

- The required parking standards relate to the maximum standards.
- It is contended that the provision of 104 parking spaces is permissible.
- The proposed Traffic Impact Assessment demonstrates that the proposal will redistribute existing traffic volumes without impacting upon road / junction capacity or traffic congestion.

11.0 Assessment

The main issues to be considered in this case are: -

- Principle of Development
- Retail Impact Assessment
- Urban Design
- Architectural Heritage
- Impact on residential amenities
- Traffic and Access
- Car parking provision
- Landscaping and Boundary Treatment
- Appropriate Assessment
- Special Development Contribution
- Other Issues

11.1. Principle of Development

11.1.1. The appeal site, although currently a green field, is located adjacent to the Main Street, i.e. East Douglas Street, and therefore is centrally located within Douglas, Co. Cork.

11.1.2. The proposed development is for a discount convenience store. I would note that the Retail Planning Guidelines, 2012, state that the distinction in the 2005 Retail Planning Guidelines between 'discount stores' and 'convenience stores' no longer exists.

- 11.1.3. In considering the principle of the proposed retail development the significant consideration, in my view, is whether the retail development is consistent with the statutory policy objectives for the appeal site.
- 11.1.4. The proposed development comprises of a net floor area of approximately 2,871 sq. metres consisting of a traditional floor plan. The ground floor comprises primarily of retail floor space including bakery and off-licence. The first floor includes offices, staff rooms and plant rooms. The proposed site layout consists of the convenience store located to the south of the subject site and surface car parking situated to the north of the site.
- 11.1.5. The Cork County Development Plan, 2014 – 2020, sets out the Retail Hierarchy for the County. Douglas is designated within the category ‘Sub-Regional / Metropolitan Cork District Centre’. In accordance with the County Development Plan the objective of this designation is;

‘established centres generally characterised by a large convenience / comparison anchor, a range of low order comparison outlets, local retail facilities, ancillary specialist convenience outlets, community and social facilities. Primarily to serve catchments’.

- 11.1.6. The proposed development, based on the application documentation, would be consistent within this categorisation and therefore consistent with the retail hierarchy of the County Development Plan. The appeal site is zoned ‘SE-T-03’ in accordance with the provisions of the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017. The key objectives of this zoning provision are as follows;

- The site is developed in an integrated manner
- Provision of a mixed use development of 4,000 sq. m.
- Full frontage development onto Church Street and Carrigaline Road

- Any density increase will have to demonstrate that there is no negative impact
- Incorporation of Eircom building to south desirable
- Construction of a new municipal car park with at least 200 bays
- Vehicular access from Church Street and the Old Carrigaline Road
- Car parking provision in line with revised parking standards in County Development Plan.

11.1.7. Having regard to the zoning objective 'SE-T-03' I would consider that the first three bullet points above are particularly relevant to the proposed development. However firstly I will assess the final five bullet points which form part of the zoning objective. I would consider that in this instance density is not an issue as the floor area of the proposed convenience store is sub 4,000 sq. metres. I would acknowledge that the incorporation of the Eircom building to the south of the appeal site would be desirable however I would also acknowledge that the Eircom site is not within the lands pertaining to the zoning objective 'SE-T-03'. I will consider issues in relation to car parking and access further below under the appropriate assessment heading.

11.1.8. The proposed development does not provide for the redevelopment of the overall site, i.e. land zoned 'SE-T-03' in an integrated manner. It is possible that the site ownership may prohibit the overall redevelopment of the site. I noted from my site inspection that the land immediately to the north of the appeal site, which is within the lands zoned 'SE-T-03' generally comprise of detached residential dwellings on individual sites and a public house and restaurant with associated car park. As such these are established uses and it is most likely that these uses are within separate ownership which makes the practical redevelopment of the overall site difficult.

11.1.9. The proposed development is a singular use, i.e. retail convenience, and therefore the proposal would not provide any mixed-use development in accordance with the objective of the zoning provision. However the future redevelopment of the overall site may allow for a better balance in terms of mixed uses but this would require the redevelopment of lands within a separate ownership. The layout of the proposed

development would potentially facilitate a future development, north of the appeal site, which integrates with the proposed development.

- 11.1.10. The proposed development would not provide for a full frontage onto the Carrigaline Road and Church Street. Having regard to the nature of the appeal site boundary there is no potential for a frontage onto Church Street however there is potential for a frontage onto the Carrigaline Road and this is partially provided for in the proposed development. I will examine the potential impact of this proposed frontage under the assessment heading urban design and architectural heritage below.
- 11.1.11. The Douglas Land Use Transportation Strategy, 2013, (DLUTS) is a non-statutory plan and its objectives and recommendations were incorporated into the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017. Paragraph 8.8 of DLUTS, 2013, refers specifically to 'Barry's Field', i.e. the appeal site and sets out some recommendations for the site including a policy objective, i.e. TC-03. I would acknowledge that much of the policy objective in TC-03 content has been incorporated to policy objective 'SE-T-03' in the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017.
- 11.1.12. The proposed development, in my view, raises a number of questions with regard to whether the development as proposed is compatible with the zoning objective of the appeal site. The principal question is whether the subject site could deliver on the zoning objective in a phased manner or whether the development as proposed, would preclude a future redevelopment on the site in an integrated manner. I would conclude that it is generally not feasible to deliver on the zoning objective due to established uses on the lands pertaining to the zoning objective and also given the likelihood of the ownership profile. However, in general, the proposed development is not inconsistent with the objective of the zoning provision and the proposal would not preclude the redevelopment of the sites to the north of the appeal site. Therefore for these reasons I would conclude that the principle of the proposed retail development in lands zoned 'SE-T-03' is acceptable.

11.2. Retail Impact Assessment

- 11.2.1. The submitted third party appeal submissions raised the question whether the proposed retail development should be the subject of a retail impact assessment (RIA) and a retail sequential test.
- 11.2.2. In considering whether a retail impact assessment is required I would have regard to the Retail Planning Guidelines, 2012. Paragraph 4.9 of the RPG, 2012, recommends that where a proposed retail outlet is particularly large in scale relative to the existing district centre a RIA is required. The guidelines also advise that where the retail strategy or development plan has allocated a specific type and quantum of retail floor space to a particular settlement and a proposed development on a single site absorbs the majority of that potential retail floor space then a RIA would be merited. I would also note that paragraph 7.6 of the Cork County Development Plan, 2014 – 2020, offers a similar recommendation to the retail guidelines in relation to when a RIA is required. Table 7.2 of the County Development Plan sets out the requirement for future convenience retail floor space for Cork City and suburban centres including Douglas. The quantum of convenience retail floor space in Cork City and suburban centres including Douglas to 2022 is 20,291 sq. metres and this is sizable in relation to the proposed development which has a floor area of 2,871 sq. metres.
- 11.2.3. In the current case the floor area of the proposed retail unit is modest having regard to the presence of two established convenience retail outlets in Douglas. The established convenience retail outlets in Douglas include a Tesco Extra located in the Douglas Village Shopping Centre and Dunnes Stores in Douglas Court Shopping Centre. I therefore would not consider that the proposed retail outlet is particularly large in scale relative to the existing convenience retail offer in Douglas and as such it would not, in my view, trigger a RIA with regard to scale.
- 11.2.4. The appellants also argue that the proposed retail development should be the subject of a sequential test. Paragraph 4.4 of the RPG, 2012, outlines that where a

proposed retail development is in compliance with the policy and objectives of a development plan then a sequential test is not required.

11.2.5. Paragraph 7.5 of the County Development Plan, 2014 – 2020, states that the preferred location for retail development is town centres and particularly primary areas. I would note that both the Area Planner and the Senior Executive Planner, in their respective reports, state that the appeal site is a town centre site as it is zoned for town centre uses. I would concur with these views given the location of the appeal site which is situated within a short walking distance to East Douglas Street. In considering whether the subject site is a town centre site I would note that paragraph 4.7 of the RPG, 2012, confirm that an edge-of-centre retailing site should not be further than 300 – 400 metres from the centre. I would note that the north-eastern edge of the appeal site is no more than 70 metres from the town centre. I would also note that the subject site has the potential, albeit in a separate future redevelopment proposal, to provide a direct pedestrian link to Church Street.

11.2.6. Overall I would conclude that the subject site is town centre and a sequential test would not be required.

11.3. **Urban Design**

11.3.1. I would consider that the key features of the proposed development in terms of urban design are both the east and west facing elevations.

11.3.2. The proposed eastern elevation faces directly towards the Carrigaline Road and is set back approximately 5 metres from the site boundary. The height of the elevation is approximately 7.5 metres above ground level. The elevation is primarily glazing and also includes a single sign at first floor level. The surround treatment around the window is stone cladding. The boundary treatment includes a low-rise stone wall which is punctuated with pedestrian access.

11.3.3. Section 4.2 of the applicant's submitted Urban Design Statement states that the proposed eastern elevation aligns with the established building further northwards along Carrigaline Road and that the proposed louves will break up the mass of the eastern elevation. In essence the Urban Design Statement submits that the proposed structure is;

'intended to prevent a contemporary, considered well-proportioned façade which dominates the transition between the commercial core of the village and more tranquil surroundings'.

In my view the low rise wall compliments the proposed eastern elevation and softens the transition from the proposed development to the public realm. I acknowledge that the Urban Design Statement concludes that the proposal provides an inviting streetscape and generally improves the public realm along the Carrigaline Road. I would generally concur with this conclusion. The proposal will also enhance pedestrian connectivity between the Carrigaline Road and Churchyard Lane as the proposal includes a pedestrian access onto Churchyard Lane.

11.3.4. I have reviewed the submitted photomontages, in particular View A and View E2 and on the basis of these images provided I would consider that the elevation would be complimentary to the Carrigaline Road and would not detract from the character of the local area. I have also had regard to the image in the Urban Design Statement, i.e. Figure 4.2 in considering the impact of the proposed eastern elevation.

11.3.5. The zoning objective 'SE-T-03' recommends a commercial development with full frontage along the Carrigaline Road to form a continuous commercial strip with Barry's Pub and Restaurant. It is also notable that the 'SE-T-03' zoning objective recommends a vehicular access to the subject site from the Old Carrigaline Road, which is essentially the Carrigaline Road adjoining the eastern boundary of the subject site. I would consider, having regard to a visual inspection of the site, that the implication of zoning objective 'SE-T-03' would effectively require a vehicular access

situated to the south eastern corner of the subject site which is not proposed in the current application.

11.3.6. Therefore, and on balance, I would consider that the commercial strip as proposed is acceptable in terms of frontage onto Carrigaline Road and allows for the future redevelopment of Eircom site situated to the immediate south of the appeal site which could potentially enhance the eastern elevation as proposed.

11.3.7. The proposed development is inconsistent with the zoning objective 'SE-T-03' in terms of providing a frontage onto Church Street however I have acknowledged above that this proposal cannot deliver on that objective most likely due to ownership issues. I will examine the impacts of the proposed development on Churchyard Lane in terms of architectural heritage below.

11.3.8. I would consider that the design of the western elevation is generally sensitive and respectful of the established character. The proposed western elevation, which is a blank façade, is set back from the western boundary by approximately 29 metres. The western elevation has a sloping roof from north to south which, in my view, provides for visual variety and mitigates any perceived bulkiness. The proposed development also includes planting along the western site boundary. I would consider that the proposed western elevation would allow for a soft transition to Churchyard Lane which is appropriate given the sylvan character of the Churchyard Lane.

11.3.9. Overall I would conclude that the proposed development makes a positive urban design contribution to the local area.

11.4. **Architectural Heritage**

11.4.1. The appeal site consists of a green field site without any structures or associated properties and the surrounding boundary of the subject site comprises of natural vegetation. The submitted Architectural Heritage Impact Assessment notes that the

appeal site does not form part of a designed or formal landscape but it does provide a background to the graveyards on Churchyard Lane, most notably to the Church of Ireland graveyard.

11.4.2. The appeal site is situated within a designated Architectural Conservation Area. Policy Objective HE 4-5 'Architectural Conservation Area' of the Cork County Development Plan, 2014 – 2020, states that the objective is to conserve and enhance the special character of the ACA included in this plan. The following objectives of HE4-5 are relevant;

- Protecting all structures, group of buildings and landscapes within the ACA.
- Ensuring new development within or adjacent to an ACA contributes positively
- Promoting high quality architectural design within ACA's
- Ensure all new signage; lighting and advertising do not detract from the ACA.

11.4.3. There are a number of structures of notable conservation heritage within the vicinity of the appeal site and these include both structures on the RPS and structures on the NIAH. The structures on the RPS include;

- RPS ID – 00481 – St. Luke's Church of Ireland Church
- RPS ID – 00684 – former Garda Station

11.4.4. The former garda station is located on the opposite side of Carrigaline Road from the appeal site. The former garda building is a two-storey three-bay building with street frontage onto East Douglas Street. The building is currently in use as an Indian restaurant and take-away. St. Luke's Church of Ireland Church is a church of notable character however, in my view, is removed from the appeal site.

- 11.4.5. There are two structures both listed on the NIAH situated within close proximity to the appeal site and these include River View B&B and Sexton's House. The River View B&B, which dates from 1880, is situated on the opposite side of the Carrigaline Road from the appeal site. The front elevation of River View B&B, similar to the former Garda Station, faces onto Douglas Street East. Sexton House, which dates from 1875 – 1880, is located within the graveyard site adjacent to the Churchyard Lane.
- 11.4.6. I would have regard to the submitted Architectural Heritage Impact Assessment (AHIA) in considering the impacts of the proposed development on architectural heritage. I would note that this report refers to these structures that I have considered above.
- 11.4.7. The AIHA on the ACA concludes that the trees, open spaces, churches, graveyards and ancillary buildings form the principle features of the ACA. The AHIA concludes that the proposal will not detract from the ACA and the building will not dominate the majority of views from the ACA towards the appeal site. The AHIA also concludes that the character of the western boundary will be retained.
- 11.4.8. The Conservation Officer, in her report, dated 15th February 2017, considers that the appeal site is not an urban site however the proposed development treats the site as an urban site. The Conservation Officer considers that the proposal has no regard to the character of the ACA and considers that should the proposed retail unit be situated within the existing natural site boundary it would be more appropriate. This approach would have minimal impact on Carrigaline Road whereas the Conservation Officer considers that the current proposal does not contribute positively to the built environment.
- 11.4.9. I would consider, having reviewed the map of the ACA and having regard to a visual observation of the area, that the prominent features of the ACA are the churches, graveyards and ancillary buildings and the trees and open spaces. In terms of

considering architectural heritage I would consider, based on the information on the file and a visual observation of the local area, that the appeal site in itself would have no significant architectural heritage. However the setting of the appeal site, which is situated to the immediate south of Douglas village, has character in terms of architectural heritage.

11.4.10. In my view the proposed low rise wall along the eastern site boundary compliments the proposed eastern elevation and softens the transition from the proposed development to the public road. I have noted above that the Urban Design Statement argues that the proposal provides an inviting streetscape and generally improves the public realm along the Carrigaline Road. I would generally concur with this conclusion. I have also referred to the western elevation and boundary design in paragraph 11.3.8 above and I would consider this design approach is sensitive.

11.4.11. In relation to signage and lighting for the proposed development I would note the Local Authority condition no. 7 which relates to signage and lighting details. I would consider that this condition addresses any concerns in relation to potential adverse impacts and I would recommend a similar condition to the Board, should they favour granting permission.

11.4.12. Overall I would conclude, having regard to the prominent features of the ACA as referred to in paragraph 11.4.9 above, that the proposed development, given its design approach would have no adverse impacts on the architectural heritage of the local area.

11.5. **Impact on Residential Amenities**

11.5.1. Although I have referred to the site as a town centre site I would acknowledge that the subject site is located within close proximity to established residential properties and their amenities.

- 11.5.2. The established residential amenities include properties located to the immediate north of the appeal site and also properties located on the opposite side of the Carrigaline Road from the appeal site.
- 11.5.3. In terms of potential impacts that the proposed development may have on established residential amenities I would consider that overlooking, overshadowing and visual impacts are genuine reasons for concern having regard to the existing context.
- 11.5.4. In relation to the established properties located to the immediate north of the appeal site I would note that these properties are effectively detached properties situated on generous individual sites. I would consider that given that these residential sites are generous in size this would provide a buffer from the proposed development. The northern end of the proposed development includes car parking provision and this would provide a buffer from the proposed retail development to the established residential amenities. Overall I would consider that the proposed development would not significantly impact on these established residential amenities.
- 11.5.5. On the opposite side of the Carrigaline Road from the appeal site there is a 3-storey apartment building with balconies overlooking Carrigaline Road. The proposed eastern elevation of the retail development although two-storey in height has a double height ceiling. Therefore the proposal has only a ground floor use facing onto the Carrigaline Road and as such I would not consider that the proposed development would have a significant impact on established residential amenities in terms of overlooking. There is also an existing B&B, i.e. River View B&B, situated to the north of the aforementioned apartment building. However the rear elevation of this B&B faces towards the Carrigaline Road and its front elevation faces towards East Douglas Street. Therefore having regard to the orientation of this property I would not anticipate any impact from the proposed development on these established amenities.

11.5.6. Overall I would consider that the proposal would not seriously injure established residential amenities in the local area.

11.6. Traffic and Access

11.6.1. The proposed vehicular access to the serve the proposed retail unit is from Carrigaline Road. I would note that the Carrigaline Road is currently one-way and the directional flow of traffic travels towards Douglas, i.e. northwards. It is proposed that the access from the proposed development will involve a left-in off the Carrigaline Road and a left-out vehicular movement only. The Local Authority are satisfied with the sightline provision for the the proposed development and I would concur with this conclusion. I would note that the proposed vehicular access would have an impact on the existing footpath and also on the established on-street car parking spaces.

11.6.2. The application documentation is accompanied by a Traffic Impact Assessment. The Traffic Assessment assessed the traffic impact of the proposed development on a number of nearby junctions. Table 6 of the Traffic Assessment outlines the gross trips generated by the proposed development and given that the appeal site is currently vacant the proposal will result in significant traffic generation. The Traffic Assessment provides an assessment for the following relevant junctions;

- Carrigaline Road / R609
- Church Street / Douglas East / Carrigaline Road
- Douglas East / Carrigaline Road T Junction
- R609/R610 Roundabout (Fingerpost Roundabout)

11.6.3. The Traffic Assessment traffic analysis concluded that the Carrigaline Road / R609 and the Church Street / Douglas East / Carrigaline Road junctions would perform under capacity allowing for the proposed development. However the capacity of the

Douglas East / Carrigaline Road T junction would be reduced as there would be a 5% increase in the RFC for 2018. The Traffic Assessment indicates that should the measures contained in DLUTS be introduced then there would be a dramatic decrease in the RFC (ratio to flow of capacity) of this junction.

11.6.4. I note that the respective reports from both the Traffic and Transport Section and the Area Engineer conclude and acknowledge that the proposed development will have impacts on existing junctions. However both reports conclude that a special contribution of €100,000 would be acceptable to deliver on the upgrading of existing infrastructure measures required. I will consider further below whether the imposition of this levy is in accordance with the provisions of the Planning and Development Act, 2000 (as amended). In relation to the Fingerpost Roundabout the Traffic Assessment concludes that allowing for the proposed development there will be an increase of 6% to the RFC on the Maryborough Hill Road. Maryborough Hill Road is located on the southern side of the Finger Post Roundabout whereas the proposed development will access the Finger Post Roundabout from the north. The proposed development will not access directly onto the roundabout but will access the roundabout via Douglas Street East and access to the proposed development is from the R609. The Carrigaline Road takes its access off the R609. The Maryborough Hill Road will experience an increase in traffic however overall there is no significant increase in traffic on the Finger Post Roundabout. It is also notable from the applicant's response submission that it is contended that the peak traffic hours associated with the proposed development is 3-4pm midweek, and 12-1pm Saturdays which does not correspond with typical rush hour traffic. The applicant also submits that deliveries to the proposed store will be required to occur between 7:00am and after 11pm and this will avoid traffic conflict.

11.6.5. I would also note that the local authority requested additional information in relation auto-track analysis for HGV's and proposals for the proposed vehicular entrance to comply with DMURS. The applicant responded to this request to the satisfaction of the local authority.

11.6.6. Overall I would conclude that the Traffic Assessment has adequately demonstrated that there is a sufficient capacity in the local road network and junction network to accommodate the proposed development.

11.7. **Parking Provision**

11.7.1. The proposed development provides for 110 car parking spaces and also includes the provision of cycle parking spaces.

11.7.2. In relation to the car parking spaces I would note that Appendix D of the Cork County Development Plan, 2014 – 2020, sets out the maximum car parking standards for development types.

11.7.3. In relation to convenience retail I would note that one space per 20 sq. metres is required. The total floor area of the proposed retail development is 2,871 sq. metres as such the maximum car parking provision is 144 spaces. Therefore the proposed development has an under provision of 34 spaces, however the County Development Plan states that the car parking standards relate to the maximum standards rather than minimum.

11.7.4. The report by the Area Engineer notes the car parking deficiency outlined above and also notes the loss of 9 no. on-site public car parking spaces due to the proposed development. The Area Engineer recommends a special development contribution is paid by the applicant in lieu of the car parking shortfall. The reported car parking shortfall is 43 spaces (34 + 9) and the recommended financial contribution is €129,000 (43 x €3,000). I would note that the payment of a financial contribution for a shortfall in car parking in the town centre is consistent with paragraph 10.4.14 of the County Development Plan. However the subsequent paragraph in the County Development Plan, i.e. paragraph 10.4.15, states that the Local Authority will not normally seek the provision of a monetary payment in lieu of car parking where the development involves the reuse of an infill site.

11.7.5. I would conclude that the recommended financial contribution is generally acceptable and consistent with the provisions of the County Development Plan, provided that the contribution shall be consistent with the provisions of the Planning and Development Act. However I would also note that should the Board consider that the contribution in relation to car parking is inappropriate having regard to Section 48(1)(c) of the Planning and Development Act that it is possible that the overall the proposal is acceptable as the car parking standards in the County Development Plan are maximum standards.

11.7.6. The proposed development provides for 20 no. cycle parking spaces in the centre of the proposed car parking area and 9 no. cycle parking spaces along the eastern boundary of the proposed development. The total provision of 29 no. cycle parking spaces is consistent with Appendix D, Table 2, 'Cycle Parking Standards' of the County Development Plan.

11.8. Landscaping and Boundary Treatment

11.8.1. The existing site is notable for its established natural boundary and this feature contributes to the character of the local area. The eastern and western boundaries comprise of established mature trees including a mix of hedgerows. The southern boundary also comprises of mature trees which are evergreen in nature.

11.8.2. The submitted 'Tree Retention and Protection Plan' (drawing no. 038917_TS_02) outlines the existing trees on the site to be retained and those to be removed. This drawing is supported by the submission 'Tree, Hedgerow and Vegetation Survey, Assessment, Management Protection Measures'.

11.8.3. I would note that the proposal includes the removal all established trees along the southern and eastern boundary of the appeal site. The proposed development also includes the retention of the majority of established trees along the western boundary. I would consider that this is a reasonable approach having regard to the character of Churchyard Lane which has a sylvan character which contributes to the

setting of the local area. Separately I would note that the Local Authority permission contains a number of conditions which safeguard the protection of the aforementioned trees along the western boundary of the appeal site.

11.8.4. Overall I would consider that the landscape proposals are acceptable and would not compromise the character of the area.

11.9. **Appropriate Assessment**

11.9.1. The appeal site is located within close proximity to Cork Harbour SPA (site code 004030), i.e. approximately 500 metres.

11.9.2. In considering the potential impacts of the proposed development on the designated Natura 2000 site I would note that the proposed development will be served by the public foul sewer and the public water network. Therefore the only potential risk from the proposed development to the Cork Harbour SPA is surface water run-off. It is also worth noting that Cork Harbour SPA has 24 qualifying interests of which 23 are waterbirds and the final qualifying interest is a wetland. However I would acknowledge that run-off water from the subject site could however give rise to impacts on the receiving habitat for these water birds, although the prospect would be remote, in my view, given the separation distance as outlined above.

11.9.3. The Planning Authority completed a Screening Report which concluded that some further details were required in relation to the proposed means of surface water disposal to enable full assessment.

11.9.4. The applicant submitted revised proposals for a new storm water proposal. The revised proposal included the provision of a stone sub-base beneath the paving surface which will provide for storage beneath the car park. This sub-base will provide storage for a 1:100 year storm event and the outflow will be restricted by means of a orifice plate.

- 11.9.5. In addition to the above the revised proposal includes 225mm diameter surface water sewer along the Carrigaline Road connecting to the existing surface water sewer manhole at the Douglas East Road junction.
- 11.9.6. I would consider that these proposals would address surface water concerns and the potential for run-off to have an adverse impact on the Designated Natura 2000 site, i.e. Cork Harbour SPA. I would also note that the local authority are satisfied with the proposals.
- 11.9.7. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an outer suburban and fully serviced location, no appropriate assessment issues arise.

11.10. **Special Development Contribution**

- 11.10.1. Section 48 (1) (c) of the Planning and Development Act, 2000 (as amended) states that *'a planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development'*.
- 11.10.2. Therefore the significant issue, in my view, is whether the proposed development will require the local authority to provide public infrastructure and facilities which are specific and exceptional and not covered by the general contribution scheme. I note that the Cork County Council General Contribution Scheme states that contributions applicable to decisions to grant permission were calculated by dividing the planned expenditure on the provision of services over 20 years by the amount of development that is projected to happen during that period.

11.10.3. Condition no. 37 of the local authority permission itemises the specific infrastructure that will require expenditure by the local authority and which are not covered by the general scheme and these include;

- Upgrade of Finger Post Roundabout
- On-site car parking deficiencies
- Raised pedestrian crossing point
- Upgrade of Island to the north-east

11.10.4. The first party appeal argues that the financial contribution is inappropriate having regard to double charging, no details in relation to the nature of the upgrade for the Finger Post Roundabout, existing developments will also benefit from the junction upgrade works, no justification that the upgrade works are specific / exceptional to the proposed development, the TIA indicates that the proposed development will have no significant traffic impact on the Finger Post Roundabout, the calculation of the car parking levy is inconsistent with the Planning Act and any proposed car spaces that will be the subject to pay and display charges will then be contrary to development contributions.

11.10.5. Section 7.12 of the Development Management Guidelines, 2007, sets out guidance in relation to financial contributions. These guidelines advise in relation to special development contributions that the basis for the calculation of the contribution should be explained in the planning decision and how it is apportioned to the subject development. In this regard I am concerned specifically with the €116,100 contribution which relates to the upgrade of the Finger Post Roundabout. The TIA concludes that there will be no significant traffic impact arising from the proposed development. However TIA predicts traffic impacts on Maryborough Hill Road. I would note that this public road is located on the southern side of the Finger Post Roundabout whereas the proposed development is located to the north of the Finger Post Roundabout. The Local Authority failed to respond to a Section 132 request from the Board which required Cork County Council to submit relevant details such as to how the upgrade of this public infrastructure would benefit the

proposed development and how the costs incurred are apportioned to the proposed development. The figure of €116,100 is quoted in the Senior Executive Planner's report (dated 28th July 2017), however there is no background information supporting the calculation of this figure. The guidelines further advise that circumstances that might warrant the attachment of a special contribution condition would include where costs are incurred directly, as a result of, or in order to facilitate, the development in question are attributable to it. The guidelines advise further that in circumstances where the benefit of the specified works are more widespread, i.e. likely to benefit other lands then it is advisable to revise the general development contribution scheme. I would consider that the benefit of any upgrade works to the Finger Post Roundabout are more widespread and are not exceptional to the proposed development. In relation to the upgrade of the Island to the North East (€5,000) I would take the same view as the Finger Post Roundabout and conclude that it has not been adequately demonstrated that this Special Development Contribution is in accordance with Section 48(1) (C) of the Planning and Development Act.

11.10.6. As such the local authority, in my view, has not adequately explained, as is advised in the Development Management Guidelines, 2007, how the works or cost of works in relation to the Finger Post Roundabout and the Island junction apportioned to the subject development. Therefore having regard to Section 7.12 of the Development Management Guidelines for Planning Authorities, 2007, I would consider that it would be more appropriate to revise the general Development Management Scheme in order to allow for the subject works. I would recommend to the Board that the contribution in relation to €116,500 and €5,000 is omitted on the grounds that the subject works are not required for the sole benefit of the proposed development.

11.10.7. I would acknowledge that there is an underprovision for car parking spaces and this underprovision relates specifically to the appeal site. I would consider that paragraph 10.4.14 of the County Development Plan confirms that it is appropriate to levy a financial contribution in relation to a car parking deficit. However paragraph 10.4.15 of the County Development Plan states that Cork County Council will not

usually seek a monetary contribution in lieu of car parking where development involves reuse / refurbishment of a small scale infill site. I would consider given that the subject site is a town centre site there is a good argument to consider the subject site as an infill site and as such a financial contribution would not be applicable. In relation to appropriate costings for car parking spaces I would acknowledge that there is no background information in relation to the actual cost of car parking provision however I would consider that €3,000 is a reasonable amount for a car parking space allowing for site acquisition and layout costs. The appeal submission refers to precedents where the Board has removed special development contribution conditions for the shortfall of car parking provision on the basis that there was no planned infrastructure or proposed car parking provision to provide for the car parking shortfall or indeed any proposed car parking is not linked to a proposed development. I would consider that the decision order in these appeal cases, which include appeal references PL04.229549, PL04.212701 and PL04.222473, would certainly set a precedent in cases where the Local Authority imposes a special development contribution for a car parking shortfall but fails to identify a car parking scheme near to the appeal site. I would conclude having regard to these previous decisions that the local authority in failing to submit details of proposed car parking locations the financial contributions would not be consistent with Section 48 (1) (c) of the Planning and Development Act. I would recommend that this contribution is omitted as a Section 48 (1) (c) by the Board.

11.10.8. The special development contribution also includes a levy of €10,000 for a raised pedestrian crossing. The Area Engineer's report outlines that the proposed development would benefit from a raised crossing point on Churchyard Lane and improved pedestrian facilities on Churchyard Lane. I would consider having regard to a visual observation of the local area that the proposed development, should it be permitted, would place additional pressure on Churchyard Lane and its upgrade as proposed by the Area Engineer would benefit the local area and the demand for these upgrade works would be specific and exceptional to the proposed development.

11.11. Other Issues

- 11.11.1. The applicant submitted a Japanese Knotweed management plan for the appeal site. This management plan involves the on-site treatment and disposal of knotweed. The proposed treatment includes a herbicide application, removal of 50mm – 1m of topsoil and further herbicide application, the removal to a depth of 3m for the on-site burial in a sealed cell with a horizontal root barrier. I would note that the report from the Environment Section of the Local Authority concludes that they are satisfied with the proposed management plan. Overall I would conclude that the applicant has addressed concerns in relation to on-site treatment and to the spread of Japanese Knotweed.
- 11.11.2. In relation to flood risk I would note that there was previously a flood risk concern associated with the appeal site. However the proposed development provides for storm water attenuation and in addition it is proposed that the FFL of the proposed development will be situated above the 1 in 100 year fluvial / pluvial flood level. The report from the Senior Executive Planner outlines that previous floods on the subject site occurred due to deficiencies in the Ballybrack Stream which will be alleviated by proposed upgrade works. Overall I would consider that issues in relation to flood risk are satisfactorily addressed.
- 11.11.3. A number of the appeal submissions referred to previous decisions by An Bord Pleanála in which it is argued that these decisions would effectively act as precedents for the current proposal. I have briefly examined appeal ref. 241926, which is located in Bandon, Co. Cork, and I note that this development relates to a discount store. An Bord Pleanála refused permission having regard to layout and design of the proposal given its location. I would consider that appeal ref. 241926 is not comparable to the current case as this decided case relates to a edge of town centre site and would also be a gateway site to Bandon and therefore the reasons for refusing permission in Bandon would not relate directly to the appeal site. The appeal submissions also raised An Bord Pleanála decision in relation to appeal ref. 247006 as a precedent. I would note that appeal ref. 247006 relates to the demolition of a dwelling and the construction of a restaurant and the Board refused

permission on the grounds that the proposal is visually dominant and out of character with the ACA. I have assessed the current proposal under the heading architectural assessment and urban design above and I would not consider that appeal ref. 247006 would set a precedent for the current proposal as the context to the appeal site differs comprehensively to the site that relates to appeal ref. 247006 as a precedent. Finally appeal ref. 244123 was referred to in the appeal submission and this appeal relates to development for a drive through restaurant facility. I would note that appeal ref. 244123 relates to the same site as appeal ref. 247006. As such for the same reasons that I have outlined above I would not consider that appeal ref. 244123 is a precedent to the current case.

12.0 Recommendation

12.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan and the Local Area Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

13.0 Reasons and Considerations

Having regard to the town centre location of the subject site, the nature and scale of the proposed development, the zoning of the site as set out in the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017 and the location of the site with good connectivity to the centre of Douglas, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a detrimental impact on the vitality and viability of the town centre and would otherwise be in accordance with the proper planning and sustainable development of the area.

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 the 6th day of July 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. Final details and drawings of all proposed external signage and associated lighting shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This shall include for the following:

- Location of all proposed signage. Signage shall be kept to a minimum and totem poles shall not be permitted.
- Corporate branding shall be adjusted in order to enhance the quality of the ACA.
- Material specifications of all proposed signage and lighting shall be submitted.
- No internally illuminated signage shall be permitted.

Drawings at a scale of shall be submitted.

Reason: In the interests of orderly development and visual amenity.

4. Other than signage proposals agreed in writing with the planning authority in connection with condition no. 3, notwithstanding the exempted development provisions of the Planning and Development Regulations (2001, as amended), no further signs, symbols, emblems, nameplates or other advertising devices shall be erected or displayed externally on the site/structures, save without the prior grant of a planning permission.

Reason: In the interests of road safety and to safeguard the visual amenities of the area.

5. Other than lighting proposals agreed in writing with the planning authority in connection with condition no. 3, notwithstanding the exempted development provisions of the Planning and Development Regulations (2001, as amended), no further external lighting shall be erected or displayed externally on the site/structures, save without the prior grant of a planning permission.

Reason: In the interests of orderly development.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations (2001, as amended), no further external plant / ventilation systems / extractor fans / apparatus shall be erected on the site / structures, save without the prior grant of planning permission.

Reason: In the interests of road safety and to safeguard the visual amenities of the area.

7. The vehicular access 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.

8. Bicycle parking spaces shall be provided within the site in accordance with the details submitted on the 06/07/17.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interests of sustainable transportation.

9. Footpath at entrance shall be dishd to the satisfaction of the planning authority.

Reason: To ensure satisfactory access to the site.

10. Footpath shall be reinstated at developer's expense to the satisfaction of the Council's Area Engineer.

Reason: In the interests of safety.

11. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

12. 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 interest of public safety and residential amenity.

13. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to the 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) location details of all trees that will be retained and protection measures during construction;
- (d) details of proposed street furniture, including bollards and lighting fixtures; details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual and residential amenity.

15. 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.

16. Deliveries associated with the proposed development shall be restricted to before 7:00am and after 10pm.

Reason: In the interest of orderly development and safeguarding local amenities.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

18. 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;

- Raised pedestrian crossing.

The amount of the contribution to be paid to Cork County Council is €10,000.00. The contribution shall be paid prior to the commencement of the 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.

Kenneth Moloney
Planning Inspector

15th December 2017