



An  
Bord  
Pleanála

## Inspector's Report PL25M.249120

<b>Development</b>	Change of use of ground floor unit 4(a) from retail warehouse use to office use with internal alterations, additional toilets, car parking spaces, new entrance security gates and all associated works.
<b>Location</b>	Golden Island Retail Park, Golden Island, Athlone, Co. Westmeath
<b>Planning Authority</b>	Westmeath County Council
<b>Planning Authority Reg. Ref.</b>	17/7110
<b>Applicant</b>	Diskin Enterprises
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Diskin Enterprises
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> November 2017
<b>Inspector</b>	Niall Haverty

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.46 ha, comprises a retail warehouse development known as Golden Island retail park, located on the south-eastern edge of Athlone town. It is bounded by a warehouse/industrial type development to the north which is now occupied by a number of retail units and car parts/repairs businesses, by Carrick O'Brien road to the east, and by undeveloped lands to the west and south which are also in the ownership of the applicant. An Aldi supermarket is located to the east, on the opposite side of Carrick O'Brien road, and the Golden Island Shopping Centre is located to the west. The River Shannon is located c. 500m to the west, and there are a considerable number of drainage channels/watercourses in the lands surrounding the appeal site, including immediately to the south.
- 1.2. The retail warehouse development comprises four units (4(a), 4(b), 4(c) and 4(d)) and has a stated gross floor space of 2148 sq m, while the area to which the proposed change of use relates extends to 342 sq m. Unit 4(a) is located at the northern end of the development and is currently unoccupied at ground floor level, while the first floor is in use as offices, accessed by a separate entrance. Units 4(b) and 4(c) are currently occupied by Advance Pitstop and Central Autoparts, respectively, while Unit 4(d) is vacant.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the change of use of the ground floor of Unit 4(a) from retail warehouse use to office use together with internal associated alterations, additional toilets plus alterations to the site layout to include additional car parking spaces, new entrance security gates and all ancillary site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Westmeath County Council decided to refuse planning permission for the following reason:

- The proposed development materially contravenes the Athlone Town Plan 2014-2020, in particular, objective O-DU2, which states that it is an objective of the Council “to monitor change of uses and ensure the vitality and variety is maintained”. The development proposed, if permitted would result in a change of use from a purpose built retail warehouse unit and would consequently have the potential to attract commercial/office uses to this out of town centre location. To permit same would thereby seriously compromise the vitality and vibrancy of the core area of Athlone town, would result in forming a haphazard arrangement of uses at this location, would set an undesirable precedent for similar developments of this type in the future and would therefore be contrary to the proper planning and sustainable development of the area.

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

3.2.1. The Planning Officer’s report can be summarised as follows:

- Office use is open for consideration within the mixed use zoning.
- Site is within flood risk zone, however given that structure is established and there is no increase in footprint, the Planning Authority is satisfied that the development as proposed will not increase flood risk.
- Proposal would not give rise to significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 sites.
- Notwithstanding that the principle of subdivision of this site has been established under 07/3203, due cognisance must be afforded to Policy P-RET11.
- Having regard to the planning history and siting, concerns are expressed that the proposed change of use may result in accommodating a use which would be more appropriately located within the town core area.
- Development may compromise the vitality and viability of the core area of Athlone and result in haphazard development on the edge of the town.
- To provide for a change of use is contrary to Objective O-DU2, which states that it is an objective of the Council to monitor changes of uses and ensure the vitality and variety is maintained.

- The area is primarily associated with retail warehousing and to permit office space at this location will compromise the vitality and viability of the town centre and set an undesirable precedent.
- Development contributions have not been fully received with respect to Reg. Ref. 06/3017.

### 3.3. Other Technical Reports

- **Engineering:** No objection, subject to conditions.
- **Chief Fire Officer:** No objection subject to provision of adequate water for firefighting.

### 3.4. Prescribed Bodies

- **HSE:** No objection, subject to conditions.

### 3.5. Third Party Observations

- None.

## 4.0 Planning History

- 4.1. **PL25M.248709 (Reg. Ref. 17/7015):** Permission granted in 2017 for the sub-division of existing retail unit 4D to accommodate additional first floor office space, minor alterations to existing elevations to include additional windows and signage and for minor alterations to existing site layout to include additional car parking spaces, new entrance security gates and signage.

Condition 2 of the Board's Order states:

2. (a) The range of goods to be sold in the reduced Unit 4D shall be limited solely to 'bulky goods' as defined in the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012.

(b) Unit 4E hereby permitted shall be limited to use for office purposes as defined in class 3 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001-2017.

**Reason:** In order to prevent an adverse impact on the viability and vitality of the established retailing facilities within Athlone town centre and so as not to undermine the retail hierarchy of Athlone.

I note that the sub-divided new Unit 4(e) permitted by the Board includes office use at both ground and first floor levels.

4.2. **Reg. Ref. 07/3203:** Permission granted in 2008 for retention of modifications to development permitted under 06/3017. The modifications include: separation of unit 4A into ground and first floor units with increase in the mezzanine floor area of c.41sqm and realignment of ground floor glazing to this unit (with associated small increase in area of c.6sqm). Elevational amendments to the front and rear of unit 4A and revised temporary service yard and turning circle plus substation.

Conditions 2 and 3 state:

2. The first floor unit hereby permitted shall be limited to class 3 office purposes.

**Reason:** To accord with use applied for and in the interests of the vibrancy and vitality of Athlone town centre

3. The ground floor unit hereby permitted shall be limited to retail warehouse purposes for the sale of bulky goods only, as defined in the Retail Planning Guidelines for sale of non-food, bulky goods such as DIY products, carpets, furniture etc. No change shall be made to the size of the unit hereby permitted and no subdivision of the unit shall take place except in accordance with a further planning permission.

**Reason:** To ensure the continued vibrancy of Athlone town centre and to ensure that any proposed convenience or comparison floorspace in this locality would not undermine the vitality and viability of the town centre in accordance with the Westmeath Retail Strategy.

- 4.3. **Reg. Ref. 06/3017:** Permission granted in 2006 for the development of 4 no. retail units on a portion of the site of a previously permitted granted retail warehousing development under PL34.207457 (Reg. Ref. 04/3040).
- 4.4. **PL34.207457 (Reg. Ref. 04/3040):** Permission granted in 2004 for the development of a retail park incorporating 12 retail warehouse units.

## 5.0 Policy Context

### 5.1. Athlone Town Development Plan 2014-2020

- 5.1.1. The appeal site is zoned as 'mixed use' in the Athlone Town Development Plan 2014-2020. Section 13.2.2 relates to mixed use and states:

"Mixed use reflects the mixture of uses which have always co-existed in town centres and which gives them the vitality, variety and intensity of uses which makes them attractive and important places for community interaction. A mixed use zoning provision can also help to ensure the economic efficiency through which public infrastructure and services can be provided. It can attract a critical mass to a central area around which service provision can be focused.

It is a policy of this Development Plan, to sustain and enhance the vitality and viability of town centres and where appropriate to consolidate urban areas. This will be achieved by encouraging a mix of compatible uses within town centres and maximising the use of land to ensure the efficient use of infrastructure and services, through mobilising brownfield and underutilised land for development where appropriate. Any such development will have regard to the Councils adopted Retail Strategy and policies in relation to the built heritage and building height and density."

- 5.1.2. This is supported by the following Objective:

- **O-LZ3:** To provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services.

- 5.1.3. Office use is permitted in principle under the mixed use zoning objective.
- 5.1.4. With regard to retail policy, I note that the appeal site is located outside of the designated 'core retail area' for Athlone. Section 4.15 of the Development Plan relates to retail warehousing and states, *inter alia*:

"The subdivision of retail warehouse premises into smaller units shall not be permitted, as they may undermine existing retail provision in the retail core and thereby adversely impact upon the vitality and viability of the town centre. The Retail Planning Guidelines indicate that individual retail warehouses should not be less than 700m<sup>2</sup> gross floor area (with no permission to subdivide) and no more than 6,000m<sup>2</sup> in size. It is also important that all retail warehousing is restricted solely to the sale of bulky goods."

The following retail policies and objectives are noted:

- **P-RET3:** To prioritise the reuse of vacant and derelict buildings in the town centre for uses including retail development.
- **P-RET4:** To sustain the vitality and viability of the major shopping areas and to encourage measures to improve their attractiveness.
- **P-RET5:** To support the vitality and viability of existing designated retail centres and facilitate a competitive and healthy environment for the retailing industry into the future by ensuring that future growth in retail floor space is in keeping with the Retail hierarchy, as prescribed in the Retail Strategy.
- **P-RET11:** Restrict the subdivision of retail warehouse premises into smaller units, as they may undermine existing retail provision in the retail core and thereby adversely impact upon the vitality and viability of the town centre.
- **P-RET13:** To discourage non retail and excessive lower grade retail uses, such as, take-aways and betting offices in the core retail area and other principal streets in the town centre, in the interests of maintaining and sustaining the retail attraction of the town centre.
- **O-RET3:** To promote higher order and comparison goods retail activity in the town centre and resist the loss of retail units, to non-retail use, at pedestrian level, particularly in the primary shopping streets in Athlone which are defined as follows: Connaught Street, O'Connell Street, High Street, Main Street,

Castle Street, Pearse Street, Church Street, Mardyke Street and Irishtown Upper.

5.1.5. Section 5.9 relates to 'variety and mix of uses' and states:

"A balance and mix of uses needs to be provided in the town centre to maintain its character and vibrancy. An appropriate range of shops needs to be present, including not only national and international retailers but local and independent retailers to provide choice, variety, distinctiveness and local identity. Mixed use developments within the town centre are required to attain sustainable development objectives, thereby creating opportunities to live, work, shop etc, within urban environments and reduce the propensity to travel by car."

5.1.6. The following policy and objective are noted:

- **P-DU3:** To resist proposals for the change of use from a retail use to a non retail use such as take aways and betting offices in the town centre core area, where such a proposal would individually or cumulatively undermine the vibrancy of the town centre and result in the loss of active retail frontages at pedestrian level.
- **O-DU2:** To monitor change of uses and ensure the vitality and variety is maintained.

## 5.2. **Retail Planning Guidelines for Planning Authorities 2012**

5.3. Section 4.11.2 relates to retail parks and retail warehouses and states, inter alia:

"To minimise potential adverse impacts on central areas, it is important that the range of goods sold in both existing and any future retail parks is tightly controlled and limited to truly bulky household goods or goods which are not portable by customers travelling by foot, cycle, or bus."

"Specific planning and competition issues arise in relation to the size range of individual retail warehouse units and it is therefore necessary to address the separate matters of minimum and maximum unit sizes. Generally speaking, units of less than 700 M2 gross floorspace are more easily capable of being accommodated in urban centres and, in any event, tend to sell a less bulky



range of goods. Consequently, planning authorities may consider it appropriate to impose a minimum size condition preventing the construction or subdivision of retail warehouse units into stores less than 700 M2 in out-of-centre locations.”

5.3.1. The term ‘Retail Warehouse’ is defined as follows:

“A large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car-borne customers.”

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first party appeal was made on behalf of Diskin Enterprises by Brendan McGettigan & Associates Ltd., Architects and Design Consultants. The grounds of appeal can be summarised as follows:

- Decision has its origins in the failure of the Planning Authority to acknowledge the existence of the entire Golden Island shopping centre and contiguous mixed use urban development along Golden Island Road.
- Blind spot pretends that the retail core of Athlone is confined to the Church Street/Connaught Street spine, whereas in reality it is north-south from Athlone Town Centre to Golden Island.
- Existing building is zoned mixed use and the site is within the functional core of Athlone and 5 minutes walk from St Mary’s Place, Church Street and Athlone Town Centre Shopping Centre.
- The urban core of Athlone can be identified by the zone between its two landmark churches, St Peter and Pauls and St Marys. The site is within 5 minutes walk of that core zone.
- As the town grows, the interface between Golden Island and the old centre is developing and infilling.

- The old industrial/warehouse building beside the site will naturally be replaced/upgraded, thereby cementing the site further into the heart of the town.
- The rigid single-use planning analysis being applied by the Council is inappropriate for this very modest development in the middle of a town. Similar uses exist in large buildings at Golden Island Road, one minute walk from the site. Hence there is ample precedent for adjacent office use.
- The permitted use for the building is retail warehousing, but in reality the unit is under the threshold size for retail warehouses.
- The mixed use zoning states that office use is permitted in principle. Thus the change of use is consistent with the zoning for the site.
- Site has ample parking and excellent access.
- Development is adjacent to existing supermarket and retail/commercial development and would broaden the mix of uses and contribute to vibrancy and future development potential of this area.
- Net effect of refusal would be the curtailment of the vitality and variety the Planning Authority wishes to maintain.
- Athlone Development Plan fails to admit that Golden Island is a key part of the retail core of the town.
- The proposed change of use is entirely appropriate and absolutely negligible in terms of any impacts on the overall town.
- Precedent for sub-dividing a retail unit on this site is supported by Reg. Ref. 07/3203.

## 6.2. Planning Authority Response

- None.

## 6.3. Observations

- None.

## 7.0 Assessment

7.1. I consider that the key issues in determining the appeals are as follows:

- Principle of proposed development.
- Retail impact.
- Access and traffic.
- Other issues.
- Appropriate Assessment

### 7.2. Principle of Proposed Development

7.2.1. The appeal site is zoned 'mixed use' under the current Athlone Town Development Plan 2014-2020, and I note that the Development Plan includes a separate 'Retail Warehousing' zoning objective. The Development Plan includes a stated objective (O-LZ3) for 'mixed use' zoned lands, i.e. to provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services.

7.2.2. While the Planning Officer stated in her report that office use is open for consideration within the 'mixed use' zoning objective, I note that it is in fact 'permitted in principle' within this zoning objective, while 'retail warehouse' is 'open for consideration'.

7.2.3. I therefore consider that the proposed development would not contravene this zoning objective and would be acceptable in principle, subject to consideration of the planning issues identified in section 7.1 above.

### 7.3. Retail Impact

7.3.1. While the Golden Island Retail Park was originally permitted as a retail development, it is clear from the planning history, including the Board's recent decision, that the nature of the development has evolved somewhat. This has occurred through the sub-division of units and the introduction of office use at first floor level, such that the development has taken on a more mixed use character. I also note that only two of

the four ground floor units are currently occupied, and that one of these is a car servicing/repair operation (Advance Pitstop) rather than a retail use.

- 7.3.2. The retail warehouse unit 4(a) was sub-divided under Reg. Ref. 07/3203 into separate ground floor and first floor units. Condition 3 of that permission restricted the use of the ground floor unit to “retail warehouse purposes for the sale of bulky goods only, as defined in the Retail Planning Guidelines for sale of non-food, bulky goods such as DIY products, carpets, furniture etc.” Condition 3 also stated that “no change shall be made to the size of the unit hereby permitted and no subdivision of the unit shall take place except in accordance with a further planning permission”.
- 7.3.3. The stated reason for Condition 3 was to ensure the continued vibrancy of Athlone town centre and to ensure that any proposed convenience or comparison floorspace in this locality would not undermine the vitality and viability of the town centre in accordance with the Westmeath Retail Strategy.
- 7.3.4. While the permitted use of the ground floor unit 4(a) is retail warehousing, I note that its size of 342 sq m is less than half the minimum size for such units that is recommended in the Retail Planning Guidelines and the Athlone Town Development Plan. The Guidelines note that smaller units such as this are more easily capable of being accommodated in urban centres and, in any event, tend to sell a less bulky range of goods. Having regard to the limited size of the unit, and notwithstanding the restrictive use condition that currently applies, I consider that a unit of 342 sq m is more likely to appeal to a convenience or comparison goods retailer as a retail unit, rather than to a true bulky goods retailer as a retail warehouse unit. I note from my site inspection that the unit would appear to have been vacant for a considerable period of time. It therefore appears that the Planning Authority’s previous decision to permit the sub-division of the unit in question served to undermine its viability as a retail warehouse unit for the sale of bulky goods.
- 7.3.5. The Planning Authority considered that the proposed development would be contrary to Objective O-DU2, in that it would have the potential to attract commercial/office uses to an out of town centre location and would thereby seriously compromise the vitality and vibrancy of the core area of Athlone town.
- 7.3.6. In my opinion the appeal site can be considered to be an edge-of-town centre location, rather than an out-of-town location. While it is located outside of the

designated core retail area, it shares the 'mixed use' zoning objective of the majority of the non-residential parts of the town centre. It is also located opposite a supermarket, c.120m from Golden Island shopping centre and cinema and is accessible and walkable to the primary town centre streets and commercial activities.

7.3.7. I note that Objective O-DU2 simply seeks to "monitor change of uses and ensure the vitality and variety is maintained". Having regard to the 'mixed use' zoning of the appeal site, I consider Objective O-LZ3 to be of particular relevance. This Objective seeks to provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services.

7.3.8. Since the site is zoned 'mixed use', rather than 'retail warehousing', and since it already accommodates both permitted retail and office uses, I consider that the proposed development would contribute to the mix of uses at the site and maintain the vitality and variety of the area through an increase in activity and the opportunity for cross-visitation between office uses and retail uses. I further consider that the limited size of the unit is such that any office use attracted to this location would not have a material impact on the vitality or vibrancy of the town core area. Furthermore, having regard to both the 'mixed use' zoning and the location outside of the designated core retail area, I do not consider that the proposed development would set an undesirable precedent for similar developments of this type. In this regard I note that the Development Plan includes provisions such as Policy P-RET13 and Objective O-RET3 to discourage non-retail uses, particularly at ground floor level, within the core retail area and to protect the primary retail streets.

7.3.9. The works associated with the proposed development are limited and with the exception of the additional car parking spaces are generally internal. I consider that the works and the proposed change of use would result in very little change in the external appearance or character of the structure, which because of its design, mixed usage and significant set-back from the road already has a relatively inactive street frontage. When considered with the existing first floor office use in Unit 4(a) and the recently permitted ground and first floor office use in new Unit 4(e), I consider that the proposed development would be consistent with the emerging mixed use character of the development and would add a degree of vitality and

variety to the area. Having regard to the foregoing, I therefore recommend that permission is granted.

#### **7.4. Access and Car parking**

- 7.4.1. With regard to car parking provision, I note that the minimum car parking standards set out in Table 12.11 of the Athlone Town Development Plan 2014-2020 requires 3 spaces per 100 sq m for both retail warehousing and office use. The proposed development would not, therefore, give rise to an increased requirement for car parking.
- 7.4.2. Notwithstanding this, I note that the car parking standards are minimum standards, and having regard to the edge-of-centre location of the appeal site, I consider the applicant's proposal to provide an additional ten spaces, including two wheelchair accessible spaces, to be reasonable.
- 7.4.3. I note that additional car parking spaces and security gates also formed part of the recently granted permission PL25M.248709 (Reg. Ref. 17/7015). While the additional car parking is in the same area in both applications, there is a discrepancy between the location of the two wheelchair accessible spaces. Since either or both permissions may ultimately be implemented, I do not consider that any fundamental issue arises in this regard, although I recommend that a condition be included to require a car parking layout to be agreed with the Planning Authority prior to commencement.

#### **7.5. Other Issues**

##### **7.5.1. Flooding**

- 7.5.2. I note that the appeal site is located within the 100 year fluvial flood event area, as indicated on the Flood Risk map that accompanies the Athlone Town Development Plan 2014-2020. A recorded flood event is also indicated at the south eastern corner of the site. I note from my site inspection that the area within which the site is located is flat, low lying and criss-crossed by drainage channels, indicating that it is an area that is likely to be at risk of flooding.

7.5.3. Section 5.28 of the Flood Risk Management Guidelines for Planning Authorities 2009 advises that applications for minor development, including most changes of use of existing buildings, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. The Guidelines also advise that since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply but recommends that a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.

7.5.4. No flood risk assessment was included with the planning application or appeal. However, noting that the application primarily relates to the partial change of use of an existing building, and the extent of physical works proposed is relatively minor, I do not consider that the proposed development is likely to result in any obstruction to flow paths or have adverse impacts on watercourses or flood management facilities. I therefore do not recommend that planning permission be refused on the basis of flood risk.

7.5.5. **Development Contributions**

7.5.6. Section 7.0 of the Westmeath Development Contribution Scheme 2013-2020 relates to exemptions and reductions and Category (xix) states:

“In respect of permission for change of use, where development contributions were paid in respect of the former use, the contribution payable on the new proposal will be net of the quantum of development previously paid for. Where the former use is fully authorized and any levies that might have applied to that use have been paid, credit will be given for the previous use.”

7.5.7. Having regard to the statement in the Planner’s Report that development contributions have not been fully paid in respect of the existing development, I recommend that a standard development contribution condition be included, should the Board be minded to grant permission.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, which relates to the partial change of use of an existing structure and relatively minor physical works, the nature of the receiving environment and the distances to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be GRANTED for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the mixed use zoning of the site as set out in the current Development Plan for the area, to the planning history of the wider retail warehouse park and to the nature, scale and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact upon the vitality and viability of the town centre, would not seriously injure the visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.



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

2. The ground floor of Unit 4(a) shall be limited to use for office purposes as defined in class 3 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001, as amended.

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

3. Details of all signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the amenities of the area/visual amenity.

4. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure a satisfactory parking layout in the interest of pedestrian and traffic safety and of visual amenity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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Niall Haverty  
Planning Inspector

1<sup>st</sup> December 2017