



An
Bord
Pleanála

Inspector's Report ABP-300995-18

Development	Demolition of existing licensed Discount Foodstore and construction of a new Discount Foodstore with ancillary off-licence sales.
Location	Galway Road, Tuam
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17/1320
Applicant(s)	Lidl Ireland Gmbh
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	First and Third Party
Appellant(s)	1. Lidl Ireland Gmbh 2. RGDATA
Observer(s)	None
Date of Site Inspection	28 th of May 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site is located on the southern outskirts of Tuam Town, north County Galway and contains a single storey discount food store and associated parking. The site is accessed directly from the R942, Galway Road, which is c. 400m north of a junction onto the newly constructed motorway. The surrounding area is characterised as mixed use with light industrial/ enterprise and there is a large warehouse with extensive parking to the south of the site separated by a palisade fence. The site to the north, closest to the town is in commercial use by SteelTech Sheds factory, who have submitted a concurrent proposal for an upgrade of an existing access and road along the north of the site. A footpath runs along the front boundary of the site into the town centre to the north.

2.0 Proposed Development

2.1. The proposed development comprises:

- 1) The demolition of existing single storey licensed Discount Foodstore with ancillary off-licence sales measuring 1,760m² gross floor space with a net retail sales area of 1,286m²;
- 2) The construction of a single storey mono-pitch licensed Discount Foodstore with ancillary off-licence sales measuring 2,482m² gross floor space with a net retail sales area of 1,670m²;
- 3) Redevelopment and extension of existing carpark, and extension of existing overall site area from 0.67 to 1.12 hectares;
- 4) The closure of existing vehicular access and creation of pedestrian access;
- 5) The redeveloped site will be accessed via proposed upgraded shared vehicular access to Steeltech Sheds and permitted filling station, forecourt and 'drive thru' facility (Reg. Ref. 16/437 refers)- permission to be sought for same under separate concurrent planning application; and
- 6) All other associated ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 9 no. conditions of which the following are of note:

C 2-

- a) No permission shall be implied for the closure of the existing vehicular access and the existing vehicular access shall be retained as per drawing no SRC 105 103.
- b) Prior to commencement of works the applicant shall submit the design alterations for the existing access as per the additional information for the written agreement of the Roads and transportation Unit and include the recommendations of a new road safety audit.

C 9- A Section 48 payment is required for a Shop- Major Sales outlet for 2,483 m² (€20.00 per m²) €49,640.00.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of a detailed Traffic Impact Assessment and Road Safety Audit as unsolicited further information during an extension of duration period on foot of an initial recommendation to refuse permission.

The initial reason for refusal referred to the direct vehicular access from the public road and overdevelopment on the site having regard to the scale of development (2,482m²) and number of proposed car parking spaces (154).

The original permission was accompanied by the following:

- Traffic Assessment
- Drainage Strategy
- Retail Impact Assessment.

3.2.2. Other Technical Reports

Road & Transportation Unit- Recommend further information on the ownership of the proposed access and location of junctions. The Planners report refers to the refusal of the new access.

3.3. Prescribed Bodies

Transport Infrastructure Ireland- Recommend Further information on the submission of an independent Road Safety Audit.

3.4. Third Party Observations

Two submissions were received, one from the appellant and a further from a business in Galway. The issues raised are summarised in the grounds of appeal.

4.0 Planning History

ABP 300997-18 (Reg Ref 17/1321)

Application currently on appeal with the Board, refused by the Local Authority, for the upgrading of an existing (south- western) access road as permitted under PL07.247306 (Reg Ref 16/437) to serve a filling station etc. and to serve the upgrade of the Lidl store as part of this appeal (300995-18). The reason for refusal related to the premature nature of the access pending the development for which it was permitted (see below, PL07.247306) and the policies and objectives of the development plan and the DoECLG Spatial Planning and National Roads Guidelines.

10/1742

Permission granted for a single storey extension to the existing discount food store (131m²) and relocation of car parking spaces. Development contribution €6,665.50.

05/3879

Permission granted to demolish a garage and DOE testing building and a new discount food store with associated works. Conditions of note include C-5 inclusion

of a right turning lane on the N17, C 9- inclusion of a footpath along the front of the site to the north-east, C 13 Development Contribution €49,410.00.

Adjoining Site

PL07.247306 (Reg Ref 16/437)

Permission granted for a new filling station, forecourt, and “drive thru” facility.

5.0 Policy Context

5.1. Retail Planning Guidelines, 2012

5.2. Spatial Planning and National Road- Guidelines for Planning Authorities, 2012

5.3. Design Manual for Urban Roads and Streets, 2013 (DMURS)

5.4. Development Contribution

5.4.1. Development Contributions Guidelines for Planning Authorities, 2013

Chapter 2- Supporting Economic Development

Double charging- The practice of “double charging” is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing “planning gain” in an equitable manner. Authorities are reminded that any development contribution already levied and paid in respect of a given development should be deducted from the subsequent charge so as to reflect that this development had already made a contribution.

5.4.2. Galway County Development Contribution Scheme, 2016.

Part 2 - Industrial / Commercial and other Development. Different classes of development are included in Group 1, 2 & 3, depending on the level of impact on the infrastructure.

Part 4- Exemptions. Where demolition and rebuilding of a new residential unit is proposed, a pro-rata charge shall be calculated whereby the percentage of floor area of the original habitable house relative to the new development shall be waived.

5.5. Galway County Development Plan 2017-2023/ Tuam Local Area Plan 2011-2017

Deferral of Notice under 19(1)(d) for a period of 2 years from 25/01/2016.

The site is located on lands zoned BE, Business and Enterprise, where it is an objective “*To provide for business and technology parks*”

Retailing (non-food) which will not impact on the town centre, is “open for consideration”, subject to applying the sequential test on identifying the optimum location, the and in accordance with proper planning and sustainable development of the area.

Established Use/ Non-conforming Use.

N17 Business Park/MG Business Park existing businesses that are currently permitted which may require extension and/or refurbishment in relation to their existing uses, shall be viewed favourably by the planning authority, subject to the principles of proper planning and sustainable development.

Section 10.5.1.1- Retail Assessment

Convenience retail over 2,000m² is considered significant.

Section 10.10.2 Roads

Road Safety Audit- All significant changes to existing commercial, industrial or retail developments will be required to submit Road Safety Audits that are undertaken by a suitably qualified and independent person;

Traffic Impact Assessment – All significant changes to existing commercial, industrial or retail developments will be required to submit Traffic Impact Assessments;

Table 10.10.4 Car parking

Large shop > 1,000m² – 1 space per 12m² GFA.

5.5.1. Draft Tuam Local Area Plan 2018

A Draft Tuam Local Area Plan 2018-2024 is being drafted and the period of public consultation on the draft finished on the 02nd of March 2018. This plan has not been adopted and therefore is not relevant in the determination of this appeal.

5.6. Natural Heritage Designations

The site is located 1.5km to the east of Lough Corrib SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from both a third party (retail association) and a first party (Condition No. 2, access, and Condition No. 9, development contribution) both of which are summarised below.

Third Party

Principle and retail impact

- The proposal is a stand-alone “out of centre” convenience retail unit along a main approach road into Tuam.
- There is a 41 % increase in the gross floor area and it is proposed to increase the site area by 40% to accommodate additional surface car parking spaces. These increases will have a significantly greater impact on the vitality and viability of the town centre.
- The policies of the Draft Tuam Local Area Plan 2018-2024 set an overall strategy for retail development in Tuam which is to be directed to the town centre and associated main streets.
- There is high vacancy levels in the town centre and the proposed development has not been accompanied by a sequential test, therefore would contravene DM Guidelines ED1, Objective ED4 and Section 4.6 of the Draft LAP.
- Objective R3 of the County Development Plan 2015 aims to prepare a Retail Strategy and the proposal is premature pending this Strategy.
- The lands are zoned C2 Commercial/ Mixed Use zoned in the draft LAP where large scale convenience shops are not permitted in principle and Objective ED 8 requires relocation where the uses do not conform to the zoning.

- The proposed development is an inefficient use of land and does not represent a compact urban form as promoted in the retail Design Manual.
- The proposal represents a substandard layout as the surface parking dominates and does not include adequate space for tree planting, there is no pedestrian circulation space and the building is a poor quality generic design with a blank façade. Similar concerns raised in PL26.246524.

Access

- The new access is reliant on a separate planning application with no definite start date and reliant on access to the N 17 (which has not been downgraded to a regional road).
- The planning authority have grave concerns over the proposed access arrangements.
- Condition No 2 has been included to upgrade the existing access, which the applicant has not applied for and an updated Road Safety Audit should form part of the application.
- There are currently constraints with the right turnings lane into the site.
- Policy T 17- Protection of the National Road Network- County Development Plan 2015-2021 requires development to have regard to national policies and the safeguarding of M17/18 Galway to Tuam Road.
- The Retail Planning Guidelines 2012 restrict large out –of – town retail centres to be located next to national or planned motorways.

Location

- The conclusion reached by the Board in PL07.239541 (out-of-centre retail north of Tuam) is applicable to the site where it would be against policy and seriously injure the vitality and viability of Tuam Town Centre.

First Party

Condition No.2 (Access)

- A proposed revised wording as an alternative to Condition No. 2 has been provided to permit the use of a shared access to the north of the site (permitted under PL07.247306) when completed.
- The originally sought access would be a more optimal solution as per a shared access, grant of permission PL 07.247306.
- The proposed access has been designed to accommodate the traffic generated from the Lidl store (Reg Ref 17/1321) and detailed traffic analysis has been provided to indicate there would be no material impact on the traffic.
- It is submitted that this application is not reliant on Reg Ref 17/1321 nor is the access reliant on a previous grant of permission Reg Ref 16/437. Indeed this application is Phase 1, the access is Phase 2 and the filling station Phase 3.
- The number of junctions onto a national road would be restricted and a shared access (Lidl, Steeltech and future petrol filling station) is a better solution.
- The Road Safety Audit (RSA) submitted with the unsolicited additional information assessed that the shared access would have a positive impact on the Galway Road.

Condition No. 9 (Development Contribution)

- The levy is significantly in excess to what is considered fair and reasonable.
- The planning authority have not made an allowance for the existing floor space of 2,482m² as there is only an increase of 722m², contribution if €14,440 (reduction of €35,200)
- The Galway County Council Development Contribution Scheme 2016 includes three separate categories of development, Group 1, 2 & 3 with levy rates of €20, €14 & €12 respectively for each group. The proposal was levied at a rate of €20 for "Shop- Major Sales Outlet".

- Department Circular Letter 1/2013 and the Development Contributions Guidelines, 2013 state that only net additional development should be charged in the cases of redevelopment.
- Credit for existing floor space is a precedent in previous Board decisions, namely PL25.226507, PL25.230257 and PL84.233031.

6.2. Applicant Response

An agent on behalf of the applicant responded to the third party grounds of appeal and the issues raised are summarised below:

- It is requested that the Board uphold the grant of permission subject to modifications to Condition No 2 & 9.
- The proposed development provides employment and a retail function for Tuam, it should be considered as an extension as it merely builds upon an existing permission. A change of location to an edge of centre would leave a vacant retail units on the site.
- The redevelopment of two Lidl stores have been granted by the Board under PL15.246710 and PL15.248148 in Drogheda and PL04.248281 in Kanturk.
- The net increase in trade is minimal as it only constitutes an increase of 30% net retail.
- Having regard to the existing use on the site, the sequential suitability has previously been determined as acceptable.
- The Draft Local Area Plan for Tuam identifies 22% vacancy in the town which is isolated to one development with a number of small units.
- The Galway County Development Plan 2015-2016 contains an objective to undertake a retail strategy which has not been done.
- The development is considered shop- convenience which is permitted in principle in the draft LAP.
- The design and layout is a high standard with associated landscaping.

- The road issues has been addressed in the first party appeal under 300997-18.
- Section 4.6 of The Retail Planning Guidelines refers to extensions that “are of a scale which could have a significant impact on the role of the function of the city/ town centre”. This proposal is minor.
- Other alternatives to the proposal where considered e.g. alterations to the existing building.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:-

- Principle of Development
- Urban Design
- Access and Condition No. 2
- Application of Section 48 Development Contribution Scheme
- Appropriate Assessment

Principle of Development

7.2. The proposed development is for the demolition of an existing discount food store (1,7680m²) and the relocation and construction of a new discount food store (2,482m²). The site is located on lands zoned as BE, Business and Enterprise in the Tuam Local Area Plan where retailing (non-food) which will not impact on the town centre, is “open for consideration”, subject to applying the sequential test on identifying the optimum location (further discussed below), and in accordance with proper planning and sustainable development of the area. The grounds of appeal

refer to the proposed zoning C2, Commercial/ Mixed Use and other policies and objectives in the Draft Tuam Local Area Plan 2018-2024, which do not support the proposed development. This draft LAP has not been adopted by the Local Authority and therefore is not considered in this assessment.

- 7.3. The grounds of appeal argue that a sequential test should have been submitted as the location of the retail development on an edge of centre location will have a negative impact on the vitality and viability of Tuam town centre, which has a vacancy rate of 22%. A Retail Impact Assessment accompanied the proposed development which noted the size of the proposal below the threshold of “significant” and having regard to the assessment criteria set out in the Retail Planning Guidelines 2012 the proposed development would not lead to a significant or material retail impact on Tuam Town Centre. The applicant states a sequential test was not required as the principle of development had established and to change the location would leave an empty retail unit, in addition they argue the vacancy in Tuam town centre is linked to one development which includes a number of small units which could not accommodate the proposed development. Section 4.6 of the Retail Planning Guidelines “Sequential Approach and Extension – Change of Use Applications” states that the sequential approach should be used to assess proposal for extension of existing development “*where they are of a scale which could have a significant impact on the role and function of the city/town centre*”. The proposed development includes the retention of a retail use on the site and replacement of the building with a modern building and an increase in 722m² gross floor area and 184m² net retail sale. I note the information in the Retail Impact Assessment, which I consider reasonable and having regard to the existing use on the site and the minimal increase in the net retail sales I do not consider the proposed extension would have a significant impact on the role and function of Tuam town and therefore a sequential test is not required.
- 7.4. Having regard to the nature of the existing use on the site, the size of the proposed development and the zoning on the site and the information contained in the national retail guidance, and subject to complying with other policies and objectives of the development plan and LAP, detailed below, I consider the principle of development at this location acceptable.

Urban Design

- 7.5. The proposal includes the relocation of the existing Lidl store at the northern corner of the site to the southern boundary setback from the public road by c. 60m. The access, as permitted, will link the public road to the entrance of the site and the proposed car parking is arranged along the north and west of the site beside the public road. The overall design of the proposed unit is of a contemporary style with a monopitch roof and expanses of glazing on the outside. The proposed signage above the door is a large cooperate sign and the development includes a totem sign on the northern corner adjoining the public road. The area between the car park spaces and the boundaries is designated as landscaped and no boundary treatment has been submitted in relation the retention of the existing entrance, although this could be included as a condition on any grant of permission.
- 7.6. The Tuam LAP promotes the use of best practice design guide criteria which forms part of the national guidance for sustainable residential development, where the design and use of materials should reflect the character of the area. Section 10.4.1.8 of the LAP promotes the use of existing building lines which should be set back by a minimum of 25m from the edge of the road. The existing warehouses on either side of the site are set at the rear of the sites away from the public road. Photomontage drawings of the proposed retail unit illustrate the existing and proposed units in the vicinity of the site, as being of similar height and style and I consider the design of the unit is in keeping with the commercial characteristics of the surrounding area.
- 7.7. Table 10.10.4 of the LAP requires the provision of 1 car parking space per 12m² GFA (200 required). Table 10.10.6 requires the provision of 1 cycle space per 100m² (24 spaces). The report of the planner refers to the shortfall of 36 car parking spaces on the site. Section 10.10.4 encourages to a flexible approach to the provision of car parking spaces in the town where the objective of the site can be achieved. I note the site is not located within the town centre although it is currently well served with pedestrian links from the town and to surrounding residential areas and a main bus route along the front of the site, Galway Road. The proposal includes a basic bicycle stand which I do not consider reasonable to accommodate 20 bicycles although I

consider the inclusion of a condition to include an appropriate covered stand reasonable.

- 7.8. Therefore, having regard to the location and design of the dwelling and the characteristics in the vicinity of the site, I consider subject to conditions relating to the provision of a landscaping scheme, boundary treatment and a bicycle stand, the proposed development would have a positive impact on the public realm of Tuam Town.

Access and Condition No 2

- 7.9. The site is currently accessed from a stand-alone vehicular and pedestrian access onto the Galway Road, R942, formerly N17, as submitted in the accompanying traffic assessment. The proposed development includes access to the north east of the site, via an access granted for an adjoining filing station PL07.247306 (Reg Ref 16/437). A concurrent separate application (Reg Ref 17/1321), submitted by SteelTech Garden Sheds Ltd, is currently before the Board (ABP-300997-18) for the upgrade of the access road permitted under PL07.247306 to accommodate the filing station, drive through and Lidl development. The Planning Authority refused permission for this access road as it was deemed premature pending the upgrade of the road permitted under PL07.247306 and those traffic management measures required as part of this permission. Those traffic management measures in Condition No. 2 include alterations to the eastern ghost island and accompanying through lanes along the N17 and Condition No 8 required modifications to the entrance and exit points to the site to facilitate two directional vehicular movements.
- 7.10. As part of unsolicited further information, during an extension of duration, the applicant submitted additional reasoning for the use of the shared access road to the north east of the site, including the need not to have ownership over the access, lack of direct vehicular access from the proposed road to the public road, detrimental impact on the national road and overdevelopment of the site having regard to the significant number of car parking spaces. The traffic assessment included an analysis of the impact of the additional traffic volumes from the proposed development on the road network and concluded that having regard to the net increase in Lidl traffic at an increase in 3.4% on the Galway Road West and 4.7% on the Galway Road east, there would be no significant detrimental impacts on the

capacity of the roads. In addition, the applicant stated that should the planning authority still consider the existing Lidl access point to the Galway Road preferable, an alternative access agreement was included. Condition No 2, detailed below, was included. The grounds of appeal, the applicant, have submitted an alternative wording for Condition No. 2 which would permit a new access to the north of the site, should Reg. Ref 17/1321 be granted.

7.11. Existing Condition No. 2

“ a) no permission is granted or implied for the closure of the existing vehicular access. For the avoidance of doubt, the existing vehicular access shall be retained and utilised as the sole vehicular access to the development hereby permitted as illustrated for in drawing no SRC 105 103.

b) Prior to commencement of development , the applicant shall submit to the Roads and Transportation Unit for its written approval the design of alteration to the existing access as set out in Dwg no SRC 105 103 submitted as additional information during the extension period. The design shall include and follow the recommendations of a new road safety audit- that deals with pedestrian safety of the access and the consequence of narrowing the access for movements of Heavy Goods Vehicles to and from the public road i.e. encroachment on opposite lanes. The development shall thereafter be carried out in accordance with the approved details”

7.12. Proposed wording for Condition No. 2

a) The existing vehicular access shall be utilised as the sole vehicular access to the development hereby permitted as illustrated for in drawing no SRC 105 103 Rev A, unless and until permission as illustrated for in drawing is implemented, for an adjoining shared access road under Reg. Ref 17/1321, at which point the existing vehicular access shall be decommissioned in accordance with drawing no SRC 105 100 Rev F.

b) In the event of the utilisation of the existing vehicular access to serve the development (in the temporary or permanent absence of the adjoining shared access road), the developer shall, prior to commencement of development, submit to the Roads and Transportation Unit for its written approval the design of alterations to the existing access as set out in Dwg no SRC 105 103 Rev A submitted as additional information during the extension period. The design shall include and follow the

recommendations of a new road safety audit- that deals with pedestrian safety of the access and the consequence of narrowing the access for movement of Heavy Good Vehicles to and from the public road i.e. encroachment on opposite lanes. The development shall thereafter be carried out in accordance with the approved details.”

- 7.13. As stated above in the alternative working for Condition No. 2, the grounds of appeal accept the use of the existing access in the first instance and should the shared access to the north east , ABP-300997-18, be permitted, access is required. Proposals for upgrade of the main public road, including a new right turning ghost island are included in Drwg No SRC 105 100.
- 7.14. The report of the Roads and Transportation Unit raised concern over the design of the road (previously permitted PL07.247306) to accommodate the additional traffic flow for the proposed development and also the separate ownership of the access and junction of those lands to the north east. The site location map does not include the access for the proposed development, nor has any agreement been submitted to permit access/ egress over these lands. The applicant submits in the unsolicited information that such issues of land ownership are not planning matters and as per Section 34 (4) (13) of the Planning and Development Act, as amended, *“A person shall not be entitled solely by reason of a permission under this section to carry out any development”*. Section 5.13 of the Development Management Guidelines states that whilst ownership is indeed a civil matter the applicant should have sufficient legal interest over the lands to make a valid application. As it is clear from the documentation submitted, the access has not been included within the site area and the applicant has no current control or ownership over the lands required for the initial access and I consider based on the assumption that other land owners may undertake works under a separate permission and the inability to impose any conditions on lands not within the applicants control promotes haphazard and piecemeal proposal and would set an undesirable precedent for similar type development. Therefore I consider the use of the access to the north east would not be in the interest of proper planning and I do not consider the applicants wording for Condition No. 2 reasonable.
- 7.15. I have assessed the use of the existing access, the site lines proposed (49m x 2.4m) and having regard to the speed limits (50kph) and the down grade of the N17, I do

not consider the proposed development would have a significant negative impact of the pedestrian or traffic flow in the vicinity of the site.

Application of a Section 48 Development Contribution Scheme.

- 7.16. Condition No. 9 requires the developer to pay €49,640.00 in accordance with the provisions of Section 48. The proposed development was classed as Shop-Major Sale Outlet (Group 1) within the Galway County Development Contribution Scheme 2016, therefore a unit charge of €20.00 per m² was imposed (total area levied 2,482m²). The grounds of appeal argue Section 48 contributions have been paid in respect of the existing Lidl store (Reg Ref 05/3879) and an extension (Reg Ref 10/1742). In addition, they argue the class of use is more akin to a discount food store and therefore would be classed as Group 3 in the development contribution scheme, which attracts a lesser levy (€12per m²).
- 7.17. The Galway County Development Contribution Scheme 2016 includes three groups in the non-residential section, in relation to retail a “Shop-Major Sales Outlet” is listed as part of Group 1 whilst a “Local Neighbourhood Shop” is listed as part of Group 3. The Retail Planning Guidelines, 2012 include the definition of a “Supermarket” as a store mainly selling food with a net floor retail floor space of under 2,500m² and a “Local Centre or Neighbourhood Centre” comprises of small shops of local nature. The proposed store is 2,482m² with a net retail sales area of 1.670m², therefore I consider the definition of “Shop-Major Sales Outlet” reasonable and the imposition of €20.00 per m² as per Group 1 acceptable.
- 7.18. The proposed development includes the demolition of an existing Lidl store (1,760m²) and the rebuild of a new Lidl store (2,482m²). The existing Lidl Store was granted permission under Reg Ref 05/3871 and a levy of €49,410.00 was paid. Reg Ref 10/1742 included a grant of permission and a levy of €6665.50 was paid. The Galway County Development Contribution Scheme, 2016 included an exemption from levies for residential developments which include demolition and rebuilt although did not specify any exemption for non-residential developments. Chapter 2 of the Development Contributions Guidelines for Planning Authorities, 2013 includes reference on the practice of “Double Charging” of development Contributions which is inconsistent with the primary objective of infrastructure provision and Authorities are reminded that *“any development contribution already levied and paid in respect of a given development should be deducted from the subsequent charge so as to*

reflect that this development had already made a contribution". Levies for 1,760m² have been collected by the Local Authority in respect to the impact of the same retail unit on this site for the provision of infrastructure. Further impact on the infrastructure in the vicinity will be generated from the additional 722m² and I consider a for this area applicable. I consider the imposition of a levy for the entire retail unit would constitute double charging and therefore would be inconsistent with the primary objective of infrastructure provision.

- 7.19. Having regard for the nature of the proposed development and the replication of the exact retail use on the site and the previous levy's paid on the site, I consider any grant of permission would include Section 48 levy for 722m² of "Shop-Major Sales Outlet" (Group 1- €20.00 per m²) for €14,440.

Appropriate Assessment.

- 7.20. The subject site is located 1.5km to the east of Lough Corrib SAC and is served by existing public infrastructure for water and waste water in Tuam town centre. There is currently no hydrological links between the site and the Lough Corrib SAC. Therefore, having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.
- 8.2. It is further recommended that the access requirements of Condition No. 2 is **RETAINED** and the Section 48, development contributions, is **MODIFIED** to include €14,440.

9.0 Reasons and Considerations

Having regard to the scale and nature of the existing development on the site and to the scale, nature and limited extent of increased net retail sales area; to the site

location within the development area of Tuam Town, the zoning objective BE, Business and Enterprise and policies and objective in the Tuam Local Area Plan 2011- 2017, and, to the established pattern and character of existing development in the vicinity it is considered that the proposed development would not adversely affect the vitality and viability of Tuam Town centre, would not seriously injure the visual amenities of the area, would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 19th of January 2018 to the planning authority 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. Prior to commencement of development the applicant shall submit full details of the access as per Drg No. SRC- 105-103 submitted to the Planning Authority on the 19th of January 2018 for “existing access option with new site layout” for the written approval of the Planning Authority. The details shall include the information required below in Condition No. 3 and include those recommendations of a new road safety audit dealing with pedestrian safety and the consequence of narrowing the access for the movement of Heavy Goods and Vehicles.

Reason: In the interest of traffic safety

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development and shall relate to access permitted in Condition No.2. 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. The car park shall include a permeable surface.
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. Palisade fencing shall not be permitted to the front of the building along the north, north east or north west boundaries.

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

Reason: In the interest of visual amenity

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

Reason: To ensure adequate servicing of the development, and to prevent pollution

5. 20 number bicycle parking spaces shall be provided within the site in a covered stand. The layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to

serve the proposed development, in the interest of sustainable transportation

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area

7. Details 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

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. No goods, raw materials or waste products shall be placed or stored between the front of the building and the road.

Reason: In the interest of public health and the visual amenities of the area.

10. 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

11. The developer shall pay to the planning authority a financial contribution of €14,440 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is 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

Karen Hamilton
Planning Inspector

14th of June 2018