



An
Bord
Pleanála

Inspector's Report ABP-301500-18.

Development

Demolition of existing single and two storey retail units and associated ancillary structures; the construction of a three storey development consisting of primary care centre, 3 no. retail units and library; alterations to existing surface car park; revised entrance layout to St. Patrick's Place; ancillary site works and all associated external works.

Location

Old Market St. Patrick's Place, Gully
Bandon Co. Cork

Planning Authority

Cork County Council.

Planning Authority Reg. Ref.

17/06517

Applicant(s)

Farnaharr Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Three Third Party

Appellant(s)

1. Jerry Mehigan

Observer(s)	2. Veronica Neville 3. John Hurley 1. Finbarr and Anne O'Tuama.
Date of Site Inspection	6 th Sept 2018.
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (of stated area 0.26 ha) is located at The Old Market, in the town centre of Bandon, County Cork, on a site that bounds Market Street (to the east) and St. Patricks Place (to the south) and which is currently occupied by a two storey modern building with surface carpark to the rear (north and west) access from Saint Patricks Place.
- 1.2. The existing site includes a mixed – use town centre development, with permitted retail, office, restaurant and leisure uses, incl. Bandon Post Office.
- 1.3. The Old Market site is surrounded by an urban street network of footpaths and street lighting. The footpath is wide with seating on the site side of St. Patricks Place / Market Street with a horizontal road curve alignment. A zebra controlled pedestrian crossing is provided on Market Street, south of its South Main Street Junction. Zebra controlled pedestrian crossings are provided at the west end of south Main Street and on the South Main Street, east of its Market Street junction.
- 1.4. The Old Market site includes pedestrian access on Market Street and a dedicated access laneway on St. Patricks Place, located west of the site access junction. Pedestrian access is also provided at the north west of the Old Market car park, at the adjacent off-street public car park located to the south side of Ballymodan Place.
- 1.5. The Old Market off-street car park has 85 defined car parking spaces, incl. three disabled driver spaces. Parking is pay and display, on the basis of the first 15 minutes. Permitted car parking within Bandon town is pay and display.
- 1.6. Bus Eireann bus stops and shelters are located on Glasslyn Road, east of south Main street. Cycle parking is provided on south Main Street, at its west end.
- 1.7. The appeal site is located within the zone of archaeological potential for the historic town of Bandon. The buildings proposed for demolition are modern and are of no heritage interest albeit designed to look like an old streetscape.

2.0 Proposed Development

- 2.1. The proposed development comprises:

- Demolition of existing single and two storey retail units and associated ancillary structures; (of 1,493 sq. m)
- The construction of a three storey development consisting of (4,148 sq. m):
 - Primary care centre, (2,857 sq. m)
 - 3 no. retail units (352 sq. m)
 - Library (824 sq. m)
- Alterations to existing surface car park; access to the proposed upgraded private car park would be barrier controlled. The upgraded car park would include an internal one-way circulation parking aisle lane. A total of 63 car parking spaces, incl. 4 disabled spaces. A total of 27 cycle parking spaces are proposed.
- Revised entrance layout to St. Patrick's Place;
- Ancillary site works and all associated external works.

Note: The ground floor of the proposed development comprises commercial retail units and a library space. The upper floors are devoted to day-care medical. The proposed library is for relocation of the existing Cork County Council Library on Market Street.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Subject to further information (F.I.) being requested with respect to 21 items summarised as follows:

1. Legal boundaries / ownership and rights of way
2. Details of finish to façade
3. Dedicated cycle track through the site.
4. Details of sight distances
5. & 6. Details of compliance with Road Safety Audit (RSA)
7. Assessment of peak time queues at barrier control for access to the car park.

8. - 11. Assessment of car parking provision

13. – 17. Water supply, public sewer and surface water / storm drainage

19. Flood Risk Assessment – details of proposals in the event of a flooding event required.

20. Standard roads issues

21. Confirmation that views of plant room and roof will not impact views from St. Peters Church.

Planning permission was granted subject to 24 number conditions. Conditions of note include:

C2. Archaeologist to be engaged

C3. The proposed building to be used solely as that permitted herein (retail library and primary health care centre) and no change of use shall take place without the benefit of a further planning permission.

C4. The applicants shall prepare detailed sample panels with a selection of brick types constructed in the proposed bonding system, for the inspection and subsequent approval in writing of the p.a.

C11. Local roads used for construction traffic shall be continuously monitored during the construction phase.

C12. Construction and demolition waste management plan.

C13. Vegetation or any structure shall not exceed 1m in height within the sight distance triangle.

C23. Development contribution of €130,015.35

C24. Special contribution of €25,000 for the provision of public car parking

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planners Report: The proposal is for a contemporary response to regenerate an existing town centre site and is to be welcomed.

- Area Engineer: Following Further information, report states: No objection subject to condition.
- Archaeologist Report: No objection subject to condition.
- Architects Department: No objection subject to condition.
- The Conservation Officer: No objection subject to condition.
- Environment: No objection subject to condition.

3.2.2. **Other Technical Reports**

Irish Water (IW): No objection

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

A number of objections / submissions were received the issues raised are similar to those raised in the three third party appeals summarised in detail below.

4.0 **Planning History**

Reg. Ref. 09/4571 Permission Granted (on the 21/04/2009) for Retention of sub-division of supermarket into 10 no. retail units, one of which is a Post Office.

Permission to construct porch at main entrance & associated site works. Market Street & St. Patrick's Place, Gully.

Reg. Ref. 08/6424 Permission Granted (on the 23/09/2008) for change of use from restaurant to restaurant and take away and ancillary services. Unit 2 The Gully Market Street Bandon.

Reg. Ref. 05/3272 Permission Granted (on the 08/08/2005) for Change of use from retail to restaurant and to carry out internal alterations Unit 2 The Gully Market Street Bandon.

5.0 Policy Context

5.1. Development Plan

The Cork County Development Plan 2014 is the statutory Plan.

The appeal site is located on lands zoned town centre within Bandon town. The following policy and objectives of the Cork County Development are of relevance to the subject appeal site.

CS 3-1 Network of settlements: higher order settlements

CS 4-2 Greater Cork ring strategic planning area

Chapter 7 Town Centres and retail

TCR 2-1 Town Centre

Section 11.6 Flood Risks

WS 6-1 Flood Risks – overall approach

WS 6-2 Development in flood risk areas

ZU 1-1 Implementation of zoning objectives

ZU 2-1 Development and Land-use zoning

Bandon Kinsale Municipal District Local Area plan (LAP) 2017

Section 1.8 Flood Risks and Management

IN-01 Flood Risk Assessment and Management

Section 3.2 Bandon Vision and context

Section 3.2.15 Town Centre / Retail

The site is within the town centre, where a variety of town centre uses are permissible. The site is within the South Main Street Conservation Area.

The site abuts an area identified as within Bandon Public Realm area improvements.

5.2. Natural Heritage Designations

The site is not within a Natura 2000 site the closest Natura site is Courtmacsherry Bay Special Protection Area (SPA) Site Code 004219 located some 10 Km to the south of the subject appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

Three third party appeals submitted by Veronica Neville, John Hurley and Jerry Mehigan. The grounds of appeal are summarised as follows:

Car Parking and Traffic

- Number of car parking spaces proposed inadequate. Does not comply with Development Plan standards.
- Reduction in car parking spaces from 85 to 61 is unacceptable
- Unclear how allocation of proposed car parking is to work. The TTA states that 45 spaces are required by the PCC which leaves a balance of 16 spaces for other users. It is unclear from the TTA if the 45 spaces include or exclude spaces for staff.
- There is a car parking requirement of 147 spaces (96 for the PCC, 33 for the library and 18 for the retail units)
- The layout of the car park is questionable and suitability of spaces 53 to 61 questionable
- Health and safety issues

- Special development contribution towards car parking is insufficient / deficient. Council calculates a deficiency of 10 spaces (71 – 61) but condition 24 requires a payment of €25,000 (5 spaces at €5,000)
- Exacerbation of serious traffic problems within the town
- Concern with respect to the barrier style entrance proposed totally inappropriate for this location
- Traffic chaos, congestion at peak periods.
- No detailed traffic assessment carried out by the transportation section of Cork CC
- An out of town location would be preferable from a traffic and parking point of view.

Use

- The fact there is a public library proposed makes the decision of the p.a. questionable.
- Perhaps the p.a. did not properly consider all aspects of the proposal
- Over development of a restricted site

Right of way Access

- The issues of right of way access has not been resolved
- Unclear how the right of way will be managed to ensure unfettered access
- Insufficient information on how traffic is to be managed on the site
- Pedestrian safety has not been taken into account
- Cycle lane proposed on the right of way access into the car park is dangerous
- Unclear how the northern exit barrier is to operate

Size and Scale of the Proposed Development

- Size and scale totally out of keeping with the historical nature of the site
- Contrary to Development Plan policies in terms of size and scale – South Main Street ACA

- Contrary to Bandon LAP under the urban design guidance section
- Out of character with Bandon town centre
- Proposal is contrary to the Bandon Transportation and Public Realm Enhancement Plan
- Height of the structure will obstruct views of St. Peters Church and views of the northern end of the town
- Negative impact upon light to Market Street
- Visually dominant and obtrusive three storey building.
- Detract from the historic streetscape
- The post development view from the church steps will seriously impact the view of the skyline to the north incl. the historic presentation convent building
- There are alternative sites available which would be more suitable.

6.2. Applicant Response

- 6.2.1. Three responses were received from Avanti Architects on behalf of the first party. They are summarised as follows:

Design and Setting

- The proposed development follows the historic street pattern and references the Old Potato Market which once occupied the site.
- Seeks to create a new 'Town Reception Square' which is in line with the recommendations of the Bandon Transportation and public Realm Enhancement Plan (BTREP)
- The parapet height of the proposed development is of comparable height to the surrounding 3 storey structures along Market Street and the 3 and 4 storey structures along St. Patrick's Quay
- Designed in contemporary idiom, with materials and components that express a sense of presence and quality.

Views of St. Peters Church

- It is not considered that the proposed development will materially impact upon view of St. Peters from along Market Street or from St. Patricks Quay.
- The proposed development will not impact upon light to buildings on Market Street.

Traffic and Transportation Assessment and Car Parking

- Sets out a schedule of existing permitted and proposed development and car parking.
- The proposed redevelopment site includes a total of 61 car parking spaces, incl. three disabled access spaces.
- A total of 26 cycle parking spaces are proposed
- This provides for a total of 87 parking spaces (Cars and bicycle) which is 16 more than the required number.
- Cycle parking provision supports the objectives of Cork County Council.
- The proposed development would generate approx. 25 % less peak hour vehicle trips compared with the existing site permitted development.
- The existing site permitted convenience retail unit would not be retained in the proposed development.

Cycle Lane

- No objection to providing a cycle lane connection route through the car park to align with the objectives of the BTREP
- It can only be accommodated as a shared cycle route

Northern Exit Barrier

- The existing bollards at the northern exit / barrier are to be replaced with new bollards as indicated on drawings submitted.
- It is not proposed to alter the existing condition at this interface so as to open up an entry and / or egress route through the car park to the north.

Location of proposed development

- Location of the development is in line with the Bandon LAP (section 3.2.2)
- Location is also in line with Cork County Development Plan which supports the provision of PPC's in town centre locations (Section 5.6.8 & Section 5.6.9)

Right of Way

- It is proposed that remote access drop down bollards are located at either end of the right of way, to manage the use of the right of way.
- In order to separate the right of way and the proposed car park, a precast concrete kerb is located along the boundary between the right of way and the proposed car park.

Responses Accompanied with:

- Analysis of view from St. Patricks Quay towards St. Peters Church

6.3. Planning Authority Response

None

6.4. Observations

Observation received from Phil O'Regan & Co. Solicitors on behalf of Finbarr and Anne O Tuama of Aisling, New Road, Bandon, Co. Cork. Issues raised are summarised as follows:

- Concern with respect to any impediment of observers long established, unrestricted and unimpeded right of way rear access.
- Any interference with the current rear access materially affects and seriously damages the observers use and enjoyment of their property.
- Observation attached with correspondence between the observer and their solicitor and the County Council.

6.5. Further Responses

None

7.0 ASSESSMENT

I consider the key issues in determining this appeal are as follows:

- **Principle of the Proposed Development and Compliance with County Development Plan Policy**
- **Traffic Safety & Car Parking**
- **Design & Setting**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

7.1. Principle of the Proposed Development and Compliance with County Development Plan Policy

- 7.1.1. The appeal site is located within the town centre of Bandon on a site which bounds Market Street and St. Patricks Place. The proposed development incorporating a primary care centre (PCC), a library and retail accommodation within the town centre is in line with the vision and context for Bandon set out in the Bandon Local Area Plan (LAP) 2017 the strategy of which aims to promote the town centre as the primary location for retail and services.
- 7.1.2. The existing two storey modern buildings proposed to be demolished are in poor condition and some are vacant. The new building of modern idiom will provide for a variety of town centre uses which are permissible and encouraged within the town centre.
- 7.1.3. The Bandon LAP S3.2.2 states: 'The aim of the LAP is to strengthen Bandon's position as a premier market town through the creation of a unique sense of place by embracing its rich built and natural heritage and encouraging continued expansion of its employment and service function. It is also important that the town centre continues to develop as the primary location for retail and services. The plan supports the delivery of key pieces of infrastructure needed to facilitate its continued growth as the Gateway to West Cork'.

7.1.4. The Cork County Development Plan 2014 sets out that PCC's should generally be located in town centres in the first instance (S5.6.8) and that future PCC's should be located in the County's main settlements (S5.6.9)

7.1.5. S5.6.8 specifically states: 'The Planning Authority will support the provision of Primary Healthcare Centres (PHC's) subject to a number of location factors which include the following;

- 'PHC's should generally be located in town centres in the first instance or if a suitable site is not available then the alternative site selection process should be based on the sequential approach.
- PHC's should be accessible to pedestrians and accessible by public transport and private car in order to maximise access for both urban and rural populations.
- Proposals will need to be made for parking but location will be a determining factor in the amount to be provided. In cases where accessible public parking is provided off site a reduced standard may be acceptable.
- All proposals must address parking as part of an overall mobility management plan. See Chapter 10 Transport and Mobility'.

7.1.6. The site is located within the town centre of Bandon on lands zoned BD-T-01 'Town Centre' / 'Business'. The nature and scale of the proposal is compatible in principle with the existing pattern of development and the policies and objectives of the LAP and the County Development Plan. I do not agree with the appellant that the proposal would be better located on a greenfield site or that it would give rise to over development of the subject appeal site. Given the established pattern of development in the vicinity, I am of the opinion, in agreement with the planning authority, that the proposed redevelopment of this town centre site, would not have an undesirable effect on permitted uses, subject to compliance with development management criteria set out in the Bandon LAP 2017 and the Cork County Development Plan 2014.

7.2. Traffic Safety & Car Parking

7.2.1. Third party concern has been raised with respect to lack of adequate car parking, barrier style entrance proposed and exacerbation of traffic chaos and creation of

serious traffic problems within the town. It is argued that the proposal could result in a serious health and safety hazard and traffic hazard.

- 7.2.2. The first party in their appeal response sets out a schedule of existing permitted and proposed development and car parking. The existing car park has a capacity of 85 spaces. It is used to serve the existing activities on the site as well as contribution to the parking provision within the centre of the town. The proposed redevelopment site includes a total of 61 car parking spaces, incl. three disabled access spaces. It is noted that 71 car parking spaces are required by the new proposed development as opposed to 90 required by the existing situation. 45 car spaces are required by the HSE for the proposed PCC. The applicant submits that the existing car parking layout does not comply with the current codes for car park design and the 85 existing spaces is therefore not a true comparison. It is also submitted that the proposed library development encompasses a relocation of the existing Cork County Council library on Market Street.
- 7.2.3. The first party argues that the proposed development would generate approx. 25 % less peak hour vehicle trips compared with the existing site permitted development. This is detailed in the Traffic and Transportation Assessment submitted in support of the application. It is contended that taking cycle parking spaces (26 proposed) into account that the development provides for a total of 87 parking spaces (cars and bicycle) which is 16 more than the required number.
- 7.2.4. C24. of the draft grant of planning permission requires that a special contribution of €25,000, (which equates to 5 car parking spaces) be imposed for the provision of public car parking, given the shortfall in car parking proposed. Given the redevelopment nature of the proposed development and its town centre location I consider that the car parking layout and quantum as proposed is acceptable in principle subject to the special contribution towards 5 public car parking spaces and Mobility Management Strategy being put in place.
- 7.2.5. Should the Board agree that permission be forthcoming I recommend that a condition be attached to provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. Details to be agreed with the planning authority shall include the provision of centralised facilities within the

development for shower and changing facilities associated with the policies set out in the strategy.

- 7.2.6. Access to the proposed upgraded private car park is proposed to be barrier controlled. The upgraded car park would include an internal one-way circulation parking aisle lane. The TTA concludes that the proposed redevelopment site existing junction (The Old Market Car Park) on St. Patrick's Place would operate well within practical capacity, without any significant traffic queuing and delays, during the predicted opening year (2019) peak hour, with the proposed redevelopment in place. The access junction would operate with a highest predicted RFC of 0.128. No significant vehicle queues, or delays would occur at the junction.
- 7.2.7. The proposed development has been subject to a Stage 1 Road Safety Audit. Regard is had to the objectives included in the recommendations of Cork County Council's Bandon Transportation and Public Realm Enhancement Plan. Overall it is considered given the location of the proposed redevelopment within the heart of Bandon town centre on a brownfield site and the traffic management and car parking proposed that, subject to condition, the proposed redevelopment would not have any significant adverse traffic impact on the existing local road network that planning permission should be refused.

7.3. Design and Setting

- 7.3.1. It is contended that the proposed development follows the historic street pattern and references the Old Potato Market which once occupied the site. The potato market allowed for an external space that opened onto St. Patricks Quay. The proposed development seeks to follow this pattern and create a new 'Town Reception Square' which is in line with the recommendations of the Bandon Transportation and public Realm Enhancement Plan (BTREP) Figure 3.01 'Bandon Streetscape Proposals' / 'Bandon Public Realm Proposals' of the LAP.
- 7.3.2. The proposed development of three storeys, some 11.6m in height, while it is one additional storey higher than the existing structure on the site, it is of comparable parapet height to the surrounding 3 storey structures along Market Street and the 3 and 4 storey structures along St. Patrick's Quay. This is a town centre location as such, I agree with the first party that the proposed development designed in

contemporary idiom, with materials and components that express a sense of presence and quality sits and marks the entrance to the town at the new 'Welcoming Mat' / 'Town Reception Square' as outlined in the Bandon Transportation and Public Realm Enhancement Plan (BTREP).

- 7.3.3. It is submitted that the development has been designed to be constructed in contemporary idiom, avoiding unnecessary rhetorical gesture, but employing materials and components that express a sense of permanence and quality. Enhancement and defining of the building geometry, demonstration of design quality, civic pride and presence and flexibility have all been considered.
- 7.3.4. The use of red brick for the façade treatment is in line with the historic use of brick for important public and civic buildings within Bandon town centre. The elevations of the structure have been designed so that the proportion of glazing to the upper floors are similar to that found on the adjoining structures along Market Street and St, Patricks Quay. I note that the design of the glazing pattern has been agreed with the planning department, the architect's department and the conservation officer of Cork County Council. This is supported by the decision of the planning authority, documentation and reports on file.
- 7.3.5. I also highlight C4. of the draft grant of planning permission which sets out that the applicants shall prepare detailed sample panels with a selection of brick types constructed in the proposed bonding system, for the inspection and subsequent approval in writing of the p.a. I recommend that should An Bord Pleanala decide to grant planning permission, for the subject development, that a similar condition be attached to the decision to grant.
- 7.3.6. Certainly, the insertion of a contemporary building onto this site will significantly alter the character of the streetscape and character of the area generally. However I consider that the form and height of the building is appropriate for this type of civic / healthcare purpose within the heart of the town centre. Good buildings have the power to excite, inspire and motivate. I am of the opinion that the proposed building will be aesthetically pleasing in its context.

Views of St. Peters Church

- 7.3.7. Concerns have been raised that the proposed development will materially impact upon view of St. Peters from along Market Street or from St. Patricks Quay.

- 7.3.8. The first party submits that the proposed development does not alter views. An examination of the existing streetscape has been carried out and I note perspectives and Drawing Number AD-17038-PL-205 which analysis the view from St. Patricks Quay towards St. Peters Church. The drawing analysis sets out a cross section of a view point 100m east of the proposed development along St. Patricks Quay looking towards St. Peters Church. The cross section shows the view line with the existing structure and the proposed altered view line. It is submitted that this analysis demonstrates that while the view is altered, it is not substantially affected by the proposed scheme.
- 7.3.9. I tend to agree with the first party on this matter. Having carried out a site visit and, in particular, I refer the Board to Photo 1 attached as appendix to this report, – ‘View north west towards the corner of Market Square and Saint Patricks Place’, where only a glimpse of the bell tower is visible.
- 7.3.10. The proposed development will not materially impact upon views of St. Peters or impact upon light to buildings on Market Street.

7.4. Other Issues

Cycle Lane

- 7.4.1. I highlight that the applicant has no objection to providing a cycle lane connection route through the car park to align with the objectives of the BTREP. Proposals in this regard are considered acceptable.

Northern Exit Barrier

- 7.4.2. The existing bollards at the northern exit / barrier are to be replaced with new bollards as indicated on drawings submitted. I highlight that it is not proposed to alter the existing condition at this interface so as to open up an entry and / or egress route through the car park to the north.

Right of Way

- 7.4.3. It is proposed that remote access drop down bollards are located at either end of the right of way, to manage the use of the right of way. In order to separate the right of way and the proposed car park, a precast concrete kerb is located along the boundary between the right of way and the proposed car park.

7.4.4. I consider that the applicant has submitted sufficient legal estate or interest in the land for the purpose of a grant of planning permission. I highlight that it is not the role of An Bord Pleanála to adjudicate on civil property disputes, this is a matter for the courts. Section 34(13) of the Planning and Development Act 2000, as amended, sets out that a person shall not be entitled solely by reason of a permission to carry out any development. Disputes over right of way / title / ownership should be resolved via the appropriate channels i.e. the civil courts.

7.4.5. **Environmental Impact Assessment (EIA)**

7.4.6. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.5. **Appropriate Assessment (AA)**

7.5.1. The closest European Site is Courtmacsherry Bay Special Protection Area (SPA) (Site Code 004219) located some 9 Km to the south of the subject appeal site, at its closest point.

7.5.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites. 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 **CONCLUSION / RECOMMENDATION**

8.1.1. I recommend that planning permission should be Granted subject to the following conditions.

9.0 REASONS AND CONSIDERATIONS

- 9.1.1. Having regard to the land use zoning of the site, its location and established pattern of development in the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development is acceptable in terms of scale, mass and design, would not be injurious to visual amenity of the area, would not give rise to a traffic hazard and would not, therefore, be contrary to 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 20th March 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail 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 developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

3. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority.

(i) Detailed sample panels with a selection of brick types constructed in the proposed bonding system.

(ii) Details of the materials, colours and textures of all the external finishes to the proposed development.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

4. Use of the overall premises shall be restricted to those uses specified in the documentation lodged with the planning authority (retail, library and primary care centre) and any change of use, whether within the use class for exempted development of the planning and Development Regulations, 2001 as amended, or otherwise, shall be subject to the prior permission of the planning authority.

Reason: In the interest of orderly development.

5. 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: To ensure adequate servicing of the development and to prevent pollution.

6. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of public safety and orderly development.

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

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

8. (a) No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

(c) External roller shutter shall not be erected, any internal shutter shall be only of the perforated type, coloured to match the façade.

(d) Signage shall be restricted to the fascia only and shall be hand painted or consist of individual raised letters. Details and material specifications of same shall be submitted to the planning authority for written approval prior to commencement of works on site.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

9. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 16.00 on Saturdays and not at all on Sundays, Bank or 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.

10. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of orderly development.

11. Twenty-six number covered bicycle parking spaces shall be provided within the site. 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.

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, noise / vibration and traffic management measures and off-site disposal of construction/demolition waste.

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

13. (i) During construction the developer shall provide adequate off-carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. Parking along the public road shall not be permitted.

(ii) vegetation or any structure shall not exceed 1m in height within the sight distance triangle.

Reason: In the interest of traffic safety.

14. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

15. All surface water drainage from car parking areas shall be passed through a Class 1 bypass oil and silt interceptor before being discharged to the site surface water system. An inspection chamber with sump shall be provided between the hydrocarbon interceptor and the discharge area. The sump shall be a minimum size of 500mm square and 400mm deep and shall be of watertight construction. The interceptor and sump shall be installed and operated to the satisfaction of the planning authority.

Reason: To safeguard the amenities of the area.

16. All waste from the facility shall be securely stored on site prior to collection by an authorised specialist waste management operator and shall not be stored on the public road.

Reason: In the interest of public health.

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 the sum of €25,000 (twenty five thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of provision of public car parking which shall be required to serve the development. This contribution

shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

Fiona Fair
Planning Inspector
12.10.2018