



An
Bord
Pleanála

Inspector's Report ABP 302671-18

Development	Extension to shopping centre
Location	Castletroy Shopping Centre, Dublin Road, Castletroy, Co.Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	18/717
Applicant	UGP Castletroy SC Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refuse
Appellant	UGP Castletroy SC Ltd.
Observers	1. Joseph Madden 2. Limerick Chamber 3. Sigma Retail Partners 4. Irish Life Assurance Plc 5. Castletroy Town Centre
Date of Site Inspection	29/11/18
Inspector	Pauline Fitzpatrick

2.0 Site Location and Description

The Castletroy Town Centre is a purpose built shopping centre in Castletroy c.5km to the east of Limerick City Centre immediately to the south of Kilmurray Roundabout. It comprises of a largely single storey enclosed mall anchored by a convenience unit (Supervalu) with approx. 15 smaller retail units. The building is positioned in the northern portion of the overall site with surface parking to the west and south. There is a stand alone multiplex cinema to the south-west with a drive through restaurant at the entrance to the complex.

Access is via a roundabout off a local road (L1121) bounding the site to the west with a further T-junction access between the cinema and restaurant. Access to a residential area opposite the site to the west is available from an arm off the said access roundabout with further residential bounding the site to the south-east with the shared boundary delineated by a high wall.

3.0 Proposed Development

The proposal entails an extension to the Castletroy Town Centre providing for:

	Gross floor Space (sq.m.)
1 no. convenience retail unit	1,430
10 no. comparison retail units	1,258
1 no. bulky goods/retail warehouse unit	2,317
4 no. retail service units	721
1 no. café/restaurant unit	550
Circulation	1100
Total	7376
2 storey car park	5412

270 surface parking spaces are to be removed to facilitate the proposed development. The two storey car park is to accommodate 607 parking spaces. 97

surface spaces are to retained. The proposal provides for an overall net gain of 434 spaces.

Closure of existing T-junction access to the site from the L1121 and provision of new roundabout access.

Ancillary works including reconfiguration of internal distributor road, service yard and new substation.

The application is accompanied by:

- Architectural Design Statement
- Planning Supporting Statement
- Retail Impact Statement
- Engineering Services Report
- Travel Plan
- Traffic and Transportation Assessment
- Appropriate Assessment Screening
- Site Lighting Report
- Sustainability Report
- Landscape Design Statement

4.0 Planning Authority Decision

4.1. Decision

Refuse permission for the following reason:

It is considered that the size and scale of the development proposed would have an adverse impact on the vitality and viability of the City Centre. The proposal as submitted is contrary to the Guidelines for Planning Authorities on Retail Planning, would materially contravene the Retail Strategy for the Mid-West Region, the Limerick County Development Plan and the Limerick City Development Plan, and would seriously impact the shopping role of Limerick City Centre.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planner's report which details the planning history on the site, the reports and observations received and planning policy context can be summarised as follows.

- The redevelopment of the district centre is to be welcomed but the scale and offer is such as to render it inappropriate with regard to the potential impact on the vitality and viability of the city centre. The potential impact on the city centre has not been adequately assessed.
- The application does not indicate how the proposal complies with Policy ED 13 of the Draft Castletroy LAP which recommends that district centres maintain their role and scale as primarily convenience shopping centres, not develop into primarily comparison goods retail destinations and not expand significantly beyond the 10,000 sq.m capacity/threshold set out in the Retail Planning Guidelines.
- The proposal would contravene the Mid West Retail Strategy, the County and City Development Plans and would seriously impact on the shopping role of Limerick city centre.

Refusal of permission for 1 reason recommended.

4.2.2. Other Technical Reports

Mid West National Road Design Office recommends that a Road Safety Audit be prepared.

Fire Service has no objection.

Mobility Management Officer, Limerick Smarter Travel recommends further information including a site audit regarding sustainable transport infrastructure, details on the baseline travel survey and mobility management targets. Considering the targets for walking and cycling the proposal has an overprovision of parking and should be scaled back in accordance with current and expected active and sustainable transport trends.

Environmental Services recommends conditions should permission be granted.

Executive Archaeologist recommends archaeological monitoring by way of condition.

Reference is made in the Planner's report to a report from Roads Section dated 22/08/18 which states that the location of the proposed roundabout is unacceptable. Revised details are required.

4.3. **Prescribed Bodies**

Transport Infrastructure Ireland has no observations.

Irish Water has no objection subject to conditions.

HSE details certain requirements should permission be granted.

4.4. **Third Party Observations**

Objections to the proposed development received by the planning authority are on file for the Board's information. The issues raised are comparable to the issues set out in the observations received, summarised in section 6.4 below.

5.0 **Planning History**

The planning history on the site is set out in the Planner's report on file. Of note.

PL13.112107 (98/ 2138) - permission granted for single and two storey complex consisting of supermarket (3260sq.m.) 23 Shop Units (1574sq.m.), separate drive through restaurant, toilet block, library, management suite, plant rooms and car park and E.S.B. Substation. Condition 2 required that the supermarket not exceed 3000 sq.m. Condition 3 required carparking not to exceed 620.

A number of applications for permission/retention permission for mezzanine levels to units and 1st floor retail units granted,, in addition to change of use of previously approved library to retail units, noted.

ABP 300803-18 (17/997) permission refused for construction of a new replacement mono-pitched Licensed Discount Foodstore with ancillary infrastructure & change of use of existing Lidl Licensed Foodstore building into two leisure centre units on a site to the north of the appeal site. The reason for refusal states that having regard to the nature and scale of the development proposed on a site outside of the designated 'core shopping centre boundary', for Castletroy, as designated in the Mid-West Retail Strategy 2010-2016, which forms part of the Limerick County

Development Plan 2010-2016, to the retail hierarchy, as set out in the current Development Plan for the area, and to the “Retail Planning Guidelines for Planning Authorities” the development, as proposed, would be premature in the absence of a masterplan for the area and contrary to the retail policies, as set out in the Castletroy Local Area Plan 2009-2016 and taken in conjunction with the adjoining permitted development, would negatively impact upon the vitality and viability of retail development in the city centre of Limerick and within the Castletroy Town Centre and would consequently be contrary to the Retail Planning Guidelines.

Reference is made in the 1st party appeal to a permission granted for an extension to the shopping centre under ref. 04/1098. The development was not carried out.

6.0 Policy Context

6.1. National Policy

The ‘Retail Planning Guidelines for Planning Authorities, 2012’ provides a framework to assist Local Authorities in respect of the preparation of Development Plans and in the assessment of planning applications in addition to guiding retailers and developers in the formulation of development proposals.

Section 3.4 states that the role of a district centre is to provide a range of retail and non-retail service functions ... for the community at a level consistent with the function of that centre in the core strategy. They should not serve as a retail destination in their own right sufficient to adversely impact on the city/town centre to which they are subservient. They can be purpose built serving new or expanding suburbs or traditional serving long established communities.

The need for additional retail development, in particular district centres, to serve future population growth or for any significant extension to an existing district centre should be identified in the development plan and be based on a significant growth in population in the intended location or on a demonstrable level of under-provision of retailing or other services to meet the regular convenience and lower order comparison shopping needs of new communities as provided for and quantified by the relevant core strategy.

6.2. Regional Policy

6.2.1. Mid-West Regional Planning Guidelines 2010-2020

Section 4.2.3 – those centres in the Metropolitan Area (outside the city centre) meeting the day to day needs of a local catchment population through the provision of main food shopping outlets should be supported and reinvigorated where necessary. However, their role should not be allowed to expand to encompass a materially broader range of comparison goods as this could lead to further competition within the City centre. These retail centres and retail parks should not be expanded beyond a scale appropriate for a suburban shopping location in Limerick.

6.2.2. Retail Strategy for the Mid-West Region 2010-2016 (figures contained in report dated March 2009)

As per Table 6.2 Castletroy is designated Tier 2 Level 2 in the retail hierarchy for the Limerick Metropolitan Area.

The strategy reiterates the role of a district centre as set out above.

There should be no new permissions granted for out of centre retailing, including the extension of any existing store or retail park, and the broadening of the range of goods sold to encompass any categories other than bulky goods. Similarly these centres and retail parks should not be expanded beyond a scale appropriate for a suburban shopping location in Limerick. Consequently there should not be any expansion of these shopping facilities in order to allow the City Centre to foster investment and improve its trading position.

Section 6.32 - The strategy for the District Centres is:-

- The role and scale of the District Centres as primarily convenience shopping centres capable of supporting a main food shopping trip will be maintained;
- Reinvestment and regeneration of existing district centres will be supported but only provided where it does not change their role and scale;
- District Centres should remain primarily convenience goods and service centres, and should not develop into primarily comparison goods retail destinations;

- District centres should not be allowed to expand significantly above the 10,000 sqm. size threshold set out in the Retail Planning Guidelines for Planning Authorities.

6.3. Local Planning Policy

6.3.1. Limerick County Development Plan, 2010-2016:

Policy ED11: - to facilitate retail development where it is in accordance with:

- a) Retail Planning Guidelines, Department of Environment, Heritage and Local Government (DEHLG) 2005, and any subsequent amendments thereof.
- b) The Joint Retail Strategy for the Mid West Region, 2010-2016 insofar as it applies to the County, including any subsequent amendments thereof.

Policy ED 12 The Council endorses the retail strategy for Limerick City Centre to:

- a) Protect and promote the City Centre's role as a National Tier 2 centre at the top of the Mid West Hierarchy and a Gateway into western Ireland;
- b) Encourage the development of substantial new retail floorspace in the City Centre and extensions thereto, in order to allow the City Centre to recapture trade it has lost to other retail schemes across Metropolitan Limerick, and to reconfirm its position as the dominant retail location in the region;

Policy ED 13 - implement the strategy for those parts of the Metropolitan Area of Limerick that fall within the county, and as follows:

In relation to District Centres in the Limerick Metropolitan Area:

- a) To maintain the role and scale of the District Centres as primarily convenience shopping centres capable of supporting a main food shopping trip;
- b) To support reinvestment and regeneration of existing district centres on the proviso that it does not change their role and scale;
- c) To ensure District Centres remain as primarily convenience goods and service centres, and not develop into primarily comparison goods retail destinations;
- d) not to allow them to expand significantly above the 10,000 sq metre threshold set out in the Retail Planning Guidelines for Planning Authorities.

6.3.2. Limerick City Development Plan 2010 as extended

Policy R3 – to ensure that Limerick City Centre remains as the primary retail location within the Mid West Region. In this regard the City Council will require all out of city centre large retail proposals to demonstrate that they will not impact negatively on the vitality and viability of the city centre by means of a sequential test.

Policy R6 – District centres should not develop into primary comparison goods retail destinations and should not be allowed to extend significantly above 10000 sq.m.

6.3.3. Castletroy Local Area Plan 2018.

Since the planning authority's decision on the application and lodgement of the appeal the Castletroy Local Area Plan 2018 came into effect on the 23rd January 2019.

Objective ED 5 - to facilitate retail development where it is in accordance with:

(a) Retail Planning Guidelines, Department of Environment, Community and Local Government (DECLG) 2012 and the accompanying Retail Design Manual 2012.

(b) The Joint Retail Strategy for the Mid-West Region 2010.

Castletroy is identified as Tier 2 Level 2 retail within the Metropolitan Area.

Policy ED 13 of the County Development Plan is applicable to Castletroy.

The plan states that the Castletroy area has a broad range of retail services that provide for the needs of the area and its surrounding catchment. The function of these businesses is extremely important locally. The provision of shopping facilities is essential to ensuring the vitality and viability of the district. In recent years the retail choice in Castletroy has increased significantly...The Parkway shopping centre to the west and the Childers Road complex to the south west are also available for regional level shopping within close proximity to Castletroy residents. The retail floor space has reached its capacity in terms of the threshold set for Local Authorities by the "Retail Planning Guidelines for Planning Authorities" in Castletroy. It is considered that the retail provision in the plan meets the demands of the resident population and allows for a self-sustaining community while reducing the need to travel for everyday services.

6.4. Natural Heritage Designations

None in the vicinity

7.0 The Appeal

7.1. Grounds of Appeal

The 1st Party appeal against the Planning Authority's notification of decision to refuse permission, which is accompanied by supporting documentation, can be summarised as follows:

7.1.1. Quantum of Retail Floorspace

- The applicant has concerns as to the lack of assessment by the planning authority and any empirical evidence or specific policy or objective reference to support the refusal.
- The extension is so as to cater for the needs of the growing population and to fulfil its role and function as a District Centre in an area zoned retail/commercial/community in the Castletroy LAP 2009 (as extended) and zoned retail in the Draft LAP 2019. The draft LAP does not intend to and indeed cannot cap the size of a District Centre at 10,000 sq.m.
- The town centre is the area's local shopping centre, located c.6km from Limerick city centre. It is unique in that it also caters for the retail needs of 11,600 students and 1,300 staff at the University of Limerick, 80 organisations employing more than 4,000 at the National Technology Park and the Troy Studios film and television production facility, all within less than 2km walking distance. By 2022 it will be bigger than comparable satellite town locations such as Ballincollig c. 8km from Cork city centre which has a current population of 18,621.
- Permission was granted in 2005 for a comparable development under ref. 04/1098. A further planning permission was granted on lands to the west. Both provided for a significant quantum of additional retail development at the District Centre.

- Rezoning has taken place which has significantly reduced the quantum of land zoned for retail purposes. This has resulted in the Castletroy Town Centre becoming the only primary location for any retail growth in the area.
- The appeal site is not an out of centre location. The proposal will be a sustainable extension to the District Centre in accordance with the defined role for same in the retail hierarchy. It will not act as a retail destination in its own right to adversely affect any higher tiered retail centre.
- It is consistent with the policies and objectives of the Guidelines for Retail Planning and would not materially contravene the Retail Strategy for the Mid-West Region or the Limerick City and County Development Plans. The City Development Plan has no role or function in relation to the retail function outside the City administrative area.
- The current 2012 iteration of the Retail Planning Guidelines does not include a cap on the size of a District Centre. The Council's decision appears to be predicated on the 10,00 sq.m cap present in the 2005 guidelines.
- The Mid West Retail Strategy 2010 uses baseline data from March 2009. It is considered to be of significant vintage in relative terms and its policies and objectives should be viewed in relation to the current retail context in Castletroy and the wider area.
- The proposal will provide for a 2nd large convenience outlet which will centre its role as primarily a convenience outlet. In order to broaden the range of the District Centre to provide for ancillary services through linked trips associated with the primary convenience offer a number of small scale comparison units are proposed ranging in size from 75 sq.m. gross to 135 sq.m.gross. Due to their limited number and size they are not designed to be of a scale to support or attract national or international retailers which are being targeted by the city centre or higher tiered retail centres and will provide for the day to day needs of the catchment population. They are not intended to provide an offer that competes with the city centre for shopping trips. This view is supported by a trade diversion and retail impact assessment. A Peer Review of the Assessment considered that the assumptions used are supportable and the methodologies are in line with best practice. An additional trade diversion

assessment and updated Retail Impact Assessment are provided with the appeal. The overall conclusions are not amended.

- The Retail Impact Assessment demonstrates that there is significant potential for additional retail development at the District Centre. The market share of the proposed development would be c.9% of the total convenience expenditure, 4% of the total comparison expenditure and 11% of the total bulky goods expenditure in the catchment area.
- The overall break down of existing and proposed would be 48% convenience, 27% comparison and 11% bulky. These figures are relatively low considering that the role and function of a District Centre is to provide the primary retail function for the catchment and would be expected to perform better than this in terms of market share. It has been demonstrated that there will significant residual expenditure capacity in a conservative catchment area following the proposed development. In particular, there will be significant residual comparison expenditure and this is consistent with the retail hierarchy and policies of the Retail Planning guidelines which seek to direct significant higher order comparison retail development to the city centre.
- Should the Board consider that the quantum or type of floorspace is excessive it is requested to either seek revised proposals for a reduction in scale by way of section 132 of the Planning and Development Act 2000, as amended, or attach a condition requiring the omission/reduction in specified floorspace. An option for the reduction of floorspace is provided with the appeal comprising the omission of the bulky goods anchor unit and the change of 3 no. comparison units to a café/restaurant use. The amended scheme option includes the omission of the decked car park and utilisation of the space vacated by the bulky goods unit for additional surface car parking. This scheme as amended would accommodate an additional 320 no. parking spaces in total.

7.1.2. Traffic and Access

- The car park structure will be 9 metres high and, as such, is similar to the ridge height of a two storey dwelling. It will be located c. 9.3 metres from the eastern site boundary. The boundary will be landscaped.

- Amended access arrangements to address the Roads Sections comments accompany the appeal.

7.2. **Planning Authority Response**

None received

7.3. **Observations**

7.3.1. Joseph Madden

The submission can be summarised as follows:

- The proposed development would adversely impact on amenities of adjoining residential property by reason of overshadowing, loss of privacy and would be visually intrusive. The internal road arrangement could give rise to anti-social behaviour.
- Noise impacts have not been adequately assessed.
- It would give rise to light pollution.
- The proposal is contrary to Core Policy 3 of the Castletroy LAP which requires development not to have adverse effects on neighbouring property or create traffic hazard or congestion.
- The proposal exceeds the 900 sq.m. limit outlined in ED6 of the draft Castletroy LAP and contravenes the objective which states that centres should not be allowed to expand to encompass a materially broader range of comparison goods than currently exists.
- Castletroy Shopping Centre is designated as a Tier 2 district centre to service the needs of local residents and surrounding hinterland. There are adequate facilities at Parkway Shopping Centre, Parkway Retail Park and Limerick One Shopping Park. Larger warehouse based retail is available at the City East Business Park on the Ballysimon Road.

7.3.2. Limerick Chamber

The submission can be summarised as follows:

- Whilst in favour of the development and the population growth targets concerns have been voiced.
- The city centre has come under increasing pressure. Additional competition from a disproportionate enhancement of the retail offering at Castletroy Shopping Centre will likely exacerbate these challenges.
- The proposal has implications for the Draft Castletroy LAP provisions. If new tenants in the development provide a retail offering currently not available in the city centre, their occupancy could have a substantive negative impact on city centre retail activity.
- The occupancy of any new units should ensure that the shopping centre maintains its current role and scale, remains as a primarily convenience goods and services centre and does not develop into a primarily comparison goods retail destination.

7.3.3. Sigma Retail Partners

- It is considered that the existing shopping centre provides sufficient everyday services for the population at present in conjunction with the significant quantum of retail currently offered within Limerick City Centre and nearby centres such as Limerick One, City East Retail Park, Parkway Shopping Centre, Parkway Retail Park etc.
- There is a 17% vacancy rate within the Castletroy Shopping Centre.
- The proposal represents a significant extension and cannot be considered a 'small quantum' as referred to by the applicant. There are concerns it would have a serious impact on the role of the city centre and other centres within the Limerick area.

7.3.4. Irish Life Assurance Plc

- Castletroy and its environs is already well served by existing retail developments. There are many vacant units (details of retail provision and vacancy provided). Rather than Castletroy Shopping Centre being the area's local shopping centre it would be more accurately described as one of several local shopping centres.

- The thrust of current planning policy urges a precautionary approach to proposals significantly expanding out of city centre retail, particularly comparison and retail warehousing.
- The Draft LAP confirms that Castletroy has adequate retail floorspace and has reached its capacity.
- The LAPs are subordinate to the superior plans and guidelines which strongly discourage retail expansion outside the city core, especially comparison and retail warehousing.
- There needs to be a compelling planning rationale rather than just a commercial rationale for permitting such developments which has not been done in this instance.
- The current centre is already heavily weighted in favour of comparison with the proposal entailing further comparison and retail warehousing.
- It is queried whether the extended scheme could reasonably be said to be necessary to serve local needs.
- Whilst the applicant's proposed amendment put forward in the appeal to reduce the quantum of comparison and eliminating the proposed bulky goods it would still result in the scheme weighted in favour of comparison over convenience.

7.3.5. Castletroy Town Centre

Supports the proposed development with customer feedback supporting an extension to the range of shops and services.

7.4. Further Responses

The observation from Irish Life Assurance Plc was circulated for comment. A response from the applicant was received which, in addition to reiterating a number of points made in its original appeal, states:

- The observer is the owner of the Childers Road retail park
- There has been no notable expansion to the existing centre in the recent past despite significant growth and future planned growth in the catchment.

- The observer's assessment on existing retail provision is based on a qualitative assessment rather than empirical evidence. The application is accompanied by a Retail Impact Assessment which is based on conservative estimates of the catchment area and population growth. It demonstrates that there is significant potential for additional retail development at the District Centre. The quantitative assessments have been verified by an independent 3rd party.
- There will be significant residual comparison expenditure capacity. A small quantum of additional comparison retail floorspace is considered appropriate in order to provide for the day to day needs of the catchment population. The proposed and cumulative comparison shopping floorspace is not considered to be of a scale capable of competing with Limerick City Centre or the higher tiered centre at Crescent Shopping Centre.
- As established in the trade diversion assessment the proposal will not have a significant retail impact on any centre.
- The retail centres referred to in the observation are all local level services with some exceptions. The vacant units referred to are all small spaces and may not even be suitable for retail. None of the centres have a designated role to play in the retail hierarchy. The units are of a minor or standalone nature and their use for retail purposes would contribute to the coordinated and well planned retail provision for the locality. Parkway SC and Childers Road Retail Park are located outside the catchment of the proposed development and vacancy at these locations is, therefore, not considered to be relevant. Based on this assessment the vacancy rate is considered to be low.
- Parkway and Castletroy occupy the same level in the retail hierarchy. Parkway was excluded from the catchment area for Castletroy in recognition that Parkway serves a different catchment.
- The scale of retail centre proposed is not unusual in a suburban context, examples of which are given in the appeal submission.
- There are a number of vacant retail units in the existing shopping centre. It is considered that the proposal will increase the attractiveness of the centre and will encourage occupation. It is submitted that the proposal will not cause an

increase in vacant units in other higher tiered centre as it is not of a scale which can compete with same.

- The purpose of the policy framework is not to limit or discourage competition.

8.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

1. Quantum of retail floorspace and compatibility with policy provisions
2. Residential Amenity
3. Access and Traffic
4. Other Issues

8.1. Quantum of retail floorspace and compatibility with policy provisions

The following table presents the proposed development in the context of the existing retail offer at the centre. The existing retail floorspace figures are taken from Table 5 of the updated Retail Impact Assessment which accompanies the appeal.

	Convenience	Comparison	Retail Services	Bulky
Existing	4,299	2,117		-
Proposed	1,430	1,258	721	2317
Cumulative	5,729	3,375		2317
% increase	33%	59%		100%

Note: figures given are gross floor space

The proposal also entails 1 no café/restaurant of 550 sq.m.

The proposed additional retail floorspace (inclusive of the retail services but exclusive of the café) equates to c. 5726 sq.m. which represents an 89% increase over the existing retail provision. From the details above this would give a gross retail floorspace of over 12,000sq.m. This, in my opinion, would be a significant

amount of additional floorspace and its impact on the retail hierarchy and on national and local policy objectives in terms of location of retail development must be considered.

There is a suite of policy documents which inform the current proposal including the 2012 Retail Planning Guidelines, the Retail Strategy for the Mid-West Region and the Limerick County Development Plan 2010, as extended. I note that since the adoption of the said County Development Plan and the Retail Strategy, Limerick City and County Councils have been amalgamated under a single authority. Therefore, although the City Development Plan does not refer to the area of the development I would suggest that the policies and objectives as relating to retail are a relevant consideration. Whilst there are merits in the view that the said retail strategy and development plans are outdated due to their vintage they remain the current policy documents to which regard must be had. I note that the Regional Spatial and Economic Strategy is currently being prepared on foot of which the development plan for the area will be drawn up. In addition, I note that since the assessment of the application by the planning authority and lodgement of the appeal the Castletroy LAP 2018 came into effect (23rd January 2019) and represents the most up to date policy document.

As per the said LAP the site is zoned retail in which retail warehousing and local shops are permissible while supermarkets of 900 sq.m. or greater are open for consideration.

There is no dispute as to the designation of the Castletroy Town Centre as a district centre serving the expanding area of Castletroy. The centre is identified as Tier 2 Level 2 centre in the Metropolitan Retail Hierarchy in the Retail Strategy for the Mid West Region with this designation reiterated in the current LAP.

The core objective in terms of retail in the relevant policy documents both at national, regional and local level is to protect and reinforce the primacy of Limerick City Centre which has come under pressure with its retail offering diminished as a consequence of out of city centre retail development.

As noted in section 3.4 of the Retail Planning Guidelines the role of a district centre is to provide a range of retail and non-retail service functions for the community at a level consistent with the function of that centre in the core strategy. They should not

serve as a retail destination in their own right sufficient to adversely impact on the city/town centre to which they are subservient. This is repeated in both the Retail Strategy and the Development Plans for the area.

The current LAP largely reiterates the provisions of the Mid-West Retail Strategy and the Development Plans and is quite explicit in its vision in seeking to ensure District Centres remain as primarily convenience goods and service centres, and not develop into primarily comparison goods retail destinations. It is also an objective not to allow them to expand significantly above the 10,000 sqm capacity/threshold (set out in the Retail Planning Guidelines for Planning Authorities). It is noteworthy that the LAP states that the Parkway Shopping Centre to the west and Childers Road complex to the south-west, which were considered to be outside the catchment for the proposed development, are also available for regional level shopping within close proximity to Castletroy residents. The LAP determines that the retail floor space in Castletroy has reached its capacity in terms of the threshold set for Local Authorities by the "Retail Planning Guidelines for Planning Authorities" and that the retail provision in the plan meets the demands of the resident population and allows for a self-sustaining community while reducing the need to travel for everyday services.

The agent for the applicant contends that the 10,000 sq.m. threshold referenced both in the Mid West Retail Strategy and the LAP pertains to the previous iteration of the Retail Planning Guidelines and that such a cap is not included in the current document. This is correct however there is nothing prohibiting such policy documents stipulating such a cap. For the Board's information and from the figures available that the gross retail floorspace would be in the region of 12,000 sq.m. This represents a material breach of the 10,000 sq.m. threshold were it to be enforced.

I also would concur with the applicant that the Retail Strategy for the Mid-West Region based on 2009 figures and to which regard is had in the LAP may require updating. However, this does not necessarily negate the current policy provisions set out therein and it remains the relevant policy document to which regard must be had.

I note that the retail planning guidelines clearly state that the need for additional retail development in particular district centres to serve future population growth or for any

significant extension to an existing district centre should be identified in the development plan and be based on a significant growth in population in the intended location or on a demonstrable level of under-provision of retailing or other services to meet the regular convenience and lower order comparison shopping needs of new communities as provided for and quantified by the relevant core strategy. As such a plan led approach to retail development is advocated.

It is noteworthy that whilst the Castletroy LAP anticipates a 22% growth in population from 14,733 (2016) over the 6 years of the plan period (see Table 4 of the LAP) it saw fit to retain the view that the existing retail complement is sufficient to meet its needs.

Thus, notwithstanding the retail impact assessment and trade diversion study which accompany the application and updated in support of the appeal, which conclude that there is sufficient capacity to accommodate the extension within the catchment without any impact on the city centre, I submit that the suitability or otherwise of the proposal must first be supported at policy level. This is currently not the case.

Therefore in view of:

- (a) the changed administrative provisions for the area,
- (b) the vintage of the County and City Development Plans and Mid-West Retail Strategy,
- (c) the fact that the Castletroy LAP will form part of the Limerick City and Environs area in the next Development Plan, the preparation of which is to commence, and which will supersede the LAP
- (d) the vintage of the current Regional Planning Guidelines for the area and the fact that Regional Spatial and Economic Strategy with its Metropolitan Area Strategy Plan is currently being prepared

I am of the opinion that to allow a quantum of development as proposed would be premature pending a review of the relevant policy documents which would provide for a more up to date and holistic approach to retail planning within the Limerick metropolitan area and the identification of the nature and extent of additional retail provision considered to be acceptable at this shopping centre.

The applicant in support of its appeal proposes for the Board's consideration the omission of the bulky goods retail unit and change of 3 no. comparison units to a café/restaurant. As per paragraph 4.96 of the appeal submission this would reduce the overall floor area from 6,276 sq.m.(gross) to 3,625 sq.m. The convenience floorspace would stay the same at 1,430 sq.m. with comparison reduced from 1,258 sq.m. to 860 sq.m. These amendments would result in the omission of the decked parking provision and rearrangement of the surface parking arrangement. In my opinion the proposal does not address the fundamental concerns as set out above in terms of the policy context. I also submit that the floorspace proposed remains a substantial addition.

In addition, I consider that the amendments constitute a material change to the development as described in the public notices. Should the Board be disposed to a favourable decision in terms of the said amended plans it may consider it appropriate to seek revised public notices.

8.2. Residential Amenity

The current shopping centre backs onto undeveloped lands to the north with the section of the site immediately adjacent to the residential scheme to the east (Dromroe Avenue) laid out as surface parking. Inevitably the proposed extension and associated 2 storey car park to the south of the existing building will result in development in close proximity to the shared boundary. The extension is to have a setback of 20.159 metres from the shared boundary with the car park to have a setback of 9.30 metres. In terms of the former, the extension would not be to a height as to raise any concerns in terms of overshadowing and appropriate measures can be put in place to control delivery times etc. to ensure the movements to the rear of the centre do not detract from the residential amenities. In terms of the latter certainly the aspect from the dwellings will be altered but this must be viewed in the context of the retail zoning for the site. With an overall height of 9.150 metres I do not consider that material issues arise in terms of overshadowing. With the absence of openings save for louvres to facilitate ventilation, overlooking and loss of privacy would not arise. I note that the entrance and exit arrangements are away from the elevation facing the dwellings. Again, I consider that appropriate measures can be put in place relating to opening hours, lighting etc. so as protect residential amenities.

8.3. Access and Traffic

The existing access arrangements from the L1121 are to be amended including the closure of the existing T-junction access to the site and provision of new roundabout access. Amended plans accompany the appeal to address the issues raised in the Roads Section report incorporating two alternatives. The first entails an amended roundabout layout including traffic calming features. A Road Safety Audit was carried out on same and it is stated that the recommendations therein will be incorporated into the design. The second option provides for a T- junction with a two lane exit from the proposed development. Capacity analysis undertaken shows that the T- junction will have sufficient capacity to cater for the traffic generated by the proposed development. The former arrangement is the applicant's preferred option. I consider that this issue could be addressed by way of condition should the Board be disposed to a favourable condition.

8.4. Other Issues

8.4.1. Environmental Impact Assessment

Regard is had to Schedule 5 of the Planning and Development Regulations 2001, as amended, which sets out the classes of development for the purposes of Part 10 (Environmental Impact Assessment).

Paragraph 13, Part 2 of the Schedule relates to changes and extensions.

Any change or extension of development which would:-

- (i) Result in the development being of a class listed in Part or paragraph 1 to 12 of Part 2 of the Schedule, and*

The overall floorspace of the existing shopping centre has not been provided. The parent permission granted in 1999 for the shopping centre under ref. PL13.112107 gave a stated overall gross floor space of 9,796 sq. metres. The said application was accompanied by an EIS. In view of the planning history for the site as detailed in the planner's report on file it would appear that the floorspace may have increased in the interim period. From a calculation of the footprint of the centre I estimate the floorspace to in the region of 10,000 sq.m. (conservative estimate)

The additional floorspace, which is stated to be 7376 sq.m. (excluding the floorspace associated with the decked car park) would result in an overall floorspace of in the region of 17,500 sq.m. (conservative estimate)

On the basis of the above the existing and proposed development exceeds the 10,000 sq.m. threshold for a shopping centre as set out in Paragraph 10(b)(iii).

(ii) Result in an increase in size greater than

25%, or

An amount equal to 50 per cent of the appropriate threshold.

whichever is the greater.

The additional floorspace, which is stated to be 7376 sq.m. (excluding the floorspace associated with the decked car park), is greater than 50% of the appropriate 10,000 sq.m. gross threshold. As stated previously as the overall floor area of the existing centre is not given I estimate that it may be in the region of 10,000 sq.m. The proposal would result in more than a 25% increase in floorspace.

It is my reading, therefore, that an EIAR is mandatory in this instance. This has not been raised by any party to the application or appeal or by the planning authority and constitutes a new consideration for which the Board may wish to seek comments from the relevant parties. In view of the recommendation for refusal for the reasons has set out in my assessment above I do not propose to recommend such a course of action but that the applicant be advised of the requirements of the legislation in terms of EIA.

8.4.2. Appropriate Assessment

Having regard to the nature and scope of the proposed development on a zoned and serviced site within the built up area of Castletroy it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be refused for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to:

- (a) The quantum of additional convenience and comparison retail floorspace proposed;
- (b) The designation of Castletroy Town Centre as a Tier 2 Level 2 centre in the retail hierarchy for the Limerick Metropolitan Area;
- (c) The proximity of the site to Limerick City Centre and its primacy in the retail hierarchy;
- (d) The current provisions of the Retail Strategy for the Mid-West Region 2010 which requires that district centres maintain the role as primarily convenience goods and services centre and not develop into primarily comparison goods retail destinations, and
- (e) The policies and objectives of the Castletroy Local Area Plan 2018 which states that the retail floor space has reached its capacity and that the provision in the plans meets the demands of the resident population.

The Board is not satisfied that the proposed development would not have an adverse impact on the vitality and viability of the City Centre and would therefore be contrary to the provisions of the relevant development plans for the area, the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government, 2012 and to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

February, 2019