



An
Bord
Pleanála

Inspector's Report ABP-305709-19

Development

The demolition of an existing retail unit / commercial building (unit 27) comprising 874 sqm and the construction of 1 no. two-storey retail unit of 3,732 sqm (gross floor area) with ancillary office and staff facilities and all associated ancillary development works including the provision and relocation of parking, access roads, footpaths, drainage and landscaping.

Location

Fairgreen Shopping Centre, Barrack Street, Carlow.

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

19198

Applicant(s)

Fairgreen Shopping Centre (Carlow) Limited

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal	Third Party v. Decision
Appellant(s)	Thomas Thompson Holdings Ltd.
Observer(s)	Aviva Ireland
Date of Site Inspection	18 th December, 2019
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located to the east of Barrack Street in Carlow town centre where it occupies a position to the rear (east) of the Lismard retail units, alongside the link road between Barrack Street and the Inner Relief Road. The surrounding area can be described as mixed-use and includes a variety of retail, commercial, entertainment and office uses typical of a town centre location, although there is a notable residential component to the south / southeast. The site itself has a stated site area of 0.64 hectares, is irregularly shaped, and forms part of the wider Fairgreen Shopping Centre complex. It presently comprises an existing two-storey retail / commercial building (proposed for demolition) which has been subdivided into a series of units in addition to an area of customer car parking and the service yard and staff parking associated with the main shopping centre.

2.0 Proposed Development

2.1. The proposed development consists of the following:

- The demolition of an existing two-storey retail / commercial building (floor area: 874m²), which has been subdivided into three separate ground floor units with two further units overhead, identified as Unit No. 27 of the Fairgreen Shopping Centre.
- The construction of a replacement two-storey retail unit (gross floor area: 3,732m²) for the sale of comparison goods (net floor area: 2,888m²) with ancillary offices and staff accommodation / facilities.
- Associated development works, including the provision and relocation of car parking, access roads, footpaths, drainage and landscaping.

2.2. Amended proposals were subsequently submitted in response to a request for further information with the principle changes encompassing alterations to the building height and its elevational treatment.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 24th September, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 27 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, infrastructural works, landscaping, signage, advertisements, construction management, and development contributions, however, the following conditions are of note:

Condition No. 2 – Restricts the use of the development to the retail sale of comparison goods as defined in Annex 1 of the Retail Planning, Guidelines for Planning Authorities, 2012. It also prohibits the subdivision of the retail unit without the benefit of a prior grant of planning permission.

Condition No. 10 – Requires the recommendations of the Stage 1/2 Road Safety Audit to be implemented in full.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

An initial report stated that the principle of the proposed development was acceptable having regard to the applicable 'town centre' land use zoning and the site location within the 'Core Retail Area' identified in the County Retail Strategy, 2015. It was also considered that the proposal was acceptable as regards its potential impact on existing retailing in the town and that there was sufficient capacity to accommodate the additional comparison floorspace proposed. The report subsequently recommended that further information be sought with regard to a number of issues including the height and elevational treatment / external finishes of the proposed development, the adequacy of the car parking arrangements, and the submission of a Road Safety Audit (Stage 1 / 2).

Following the receipt of a response to a request for further information, a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

Environment (Director of Services): Notes that the proposed development will avail of connections to existing public mains services.

Environment (Planning Report): No objection, subject to conditions.

Environment (Screening for Appropriate Assessment): States that the proposed development, both alone or in combination with other projects, will not have any likely significant effects on the River Barrow and River Nore Special Area of Conservation.

Water Services: No objection, subject to conditions.

Carlow Municipal District: An initial report stated that there was no objection to the proposed development, subject to conditions (including a requirement that no queuing of traffic along Barrack Street be permitted at any time). Following the receipt of a response to a request for additional information, a further report was prepared which reiterated that there was no objection to the proposal provided all those items identified in the Stage 1/2 Road Safety Audit were addressed during the construction of the development.

Transportation Dept.: No objection, subject to conditions.

Carlow Fire Authority: No objection, subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. *Irish Water:* No objection, subject to conditions.

3.4. **Third Party Observations**

3.4.1. A total of 6 No. submissions were received from interested third parties in respect of the subject proposal, however, in the interests of conciseness, and in order to avoid unnecessary repetition, I would advise the Board that the principle grounds of objection / areas of concern raised therein are reiterated in the grounds of appeal.

4.0 Planning History

4.1. **On Site:**

PA Ref. No. 055648. Was granted on 11th August, 2006 permitting Brennan D. & J., permission for the retention of the existing retail building as constructed, to retain the sub-division of same into 4 No. units comprising 3 No. retail units on the ground floor, 1 No. unit on the first floor and retention of the change of use of the first floor unit to a gym.

(In addition to the foregoing, I would refer the Board to the summation of the extensive planning history relevant to the wider development of the Fairgreen Shopping Centre as set out in the application documentation, the Planner's Report dated 8th July, 2019, and the grounds of appeal).

4.2. **Other Relevant Files:**

4.2.1. *The Former Penneys' Retail Store & Hanover Park, Kennedy Avenue, Carlow (identified as 'Opportunity Site 1: Former Penny's Site off Kennedy Avenue' within the Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018):-*

PA Ref. No. 075852 / ABP Ref. No. PL42.228338. Was granted on appeal on 11th February, 2009 permitting Donnybrook Property Investments Limited permission for the construction of development consisting of a c. 68,225m² retail, office and residential development comprising: the demolition of an existing c. 4,000m² Penneys' Supermarket and adjoining buildings, 22,566m² gross floor area retail development (13,313m² net) comprising 26 units of 11,652m² (net) comparison shopping and 1,661m² (net) convenience shopping, 490m² Café and Food Court, an occasional Farmers Market, 2,367m² of Class 3 Offices, 63 residential units comprising a mixture of one, two and three bedroom apartments and two and three bedroom duplex units, ancillary mall, signage, circulation, service, plant areas and public/private open space; all in a two, three, five and landmark eight-storey structure over a 1,092 space two-level underground car park. The proposal will result in the reduction by circa 0.5 hectares of the present area of Hanover Park which will be reconfigured and upgraded with hard landscaping and planting. Vehicular access will be via Kennedy Avenue and Kilkenny Road with separate service access off Kilkenny Road. A cycling, pedestrian/fire access link will be provided between

Kennedy Avenue and Kilkenny Road. A riverside walk will be provided on the southern Bank of the Burrin River and provision made to receive a new boardwalk to the western side of the existing bridge over the River. Access to the existing Hanover Shopping Centre will be maintained and provision made for a future pedestrian link to Burrin Street via the existing stone gateway at 59 Burrin Street (a Protected Structure – Item 19), all on a circa 2.8 hectare (6.9 acre) site at Penneys' Supermarket and Hanover Park, Kennedy Avenue (N80), Kilkenny Road (N9), Carlow.

PA Ref. No. 106308 / ABP Ref. No. PL42.236653. Was granted on appeal on 14th November, 2011 permitting Donnybrook Property Investments Limited permission for a c. 49,560m² retail, office and residential development on a c. 2.94 hectares (7.26 acres) site including demolition of the existing Penneys' Store (c. 4,000m²) and Hanover Shopping Centre (770m²) and adjoining buildings; 26,071m² gross floor area retail development (17,767m² net) comprising 36 units of 13,492m² (net) comparison shopping and 580m² (net) convenience shopping; 975m² café and food court; an occasional farmers market; 927m² of Class 3 offices; 30 residential units comprising a mixture of two and three bedroom apartments and two bedroom duplex units; ancillary mall, signage, circulation, service, plant areas and public/private open space; all in a two, three, five and landmark seven storey structure over a 640 space single level underground car park. The proposal will result in the reduction by circa 0.5 hectares of the present area of Hanover Park which will be reconfigured and upgraded with hard landscaping and planting. Vehicular and service access will be via Kennedy Avenue and Kilkenny Road. A cycling, pedestrian/fire access link will be provided between Kennedy Avenue and Kilkenny Road. A riverside walk will be provided on the southern bank of the Burrin River and extension to the western side of the existing bridge over the river. Pedestrian access to the proposed development will be provided from Burrin Street via the existing stone gateway at 60 Burrin Street (a Protected Structure – Item CT19) which is retained. The proposed development represents a 26% reduction and revision of the approved (planning register reference number 07/5852, appeal reference number PL 42.228338) 67,263m² mixed use development on the same site whose established principles have been incorporated, all at Penneys' retail store and Hanover Park, Kennedy Avenue, Kilkenny Road (R448) and Burrin Street, Carlow.

- PA Ref. No. 16136. Was granted on 24th June, 2016 permitting Donnybrook Property Investments Limited an 'Extension of Duration' of PA Ref. No. 106308 / ABP Ref. No. PL42.236653 with an expiry date of 13th November, 2021.

PA Ref. No. 116455. Was granted on 28th March, 2012 permitting Donnybrook Property Investments Limited permission amendment of previously permitted (Planning Register Ref. No. 10/6308; an Bord Pleanala Ref. No. PL 42.236653) mixed use retail, Class 3 office, food court, occasional farmers market, residential, car-park, landscaped park and ancillary development on a c.2.94 hectare (7.26 acre) site at Penneys' Retail Store and Hanover Park, Kennedy Avenue, Kilkenny Road (R448) and Burrin Street, Carlow. The site includes a protected structure at 60 Burrin Street (stone gateway - Item CT19). The proposed amendments comprise internal alterations and extension to previously permitted Unit 17 for Debenhams (proposed total area: 4727sq.m.) including its incorporation of formerly proposed Units 16, 30 & 31 at ground floor (576sq.m.) incorporation of Unit 36 and extension at first floor (998sq.m.), re-location of Unit 17 roof top plant enclosure, the omission of 6 no. permitted residential units and alteration of 3 no. units from 2 bed to 3 bed apartments at first, second and third floors, a reduction in the number of residential units from 30 to 24 and associated alterations to elevations at Penneys' Retail Store & Hanover Park, Kennedy Avenue, Kilkenny Road & Burrin Street, Carlow.

PA Ref. No. 19478. Application by Primark Ltd. for permission for the refurbishment of the existing store (3,892m²) including retail, staff area, stock room, external envelope, new plant buildings (29.16m²) and replacement roof to the retail store. The works will also include new signage, new canopy to loading bay, convert partial convenience retail to comparison retail, allocation of 47 no. carparking spaces including 3 no. disabled parking spaces, 15 no. bicycle stands, upgrade of existing carparking surface, landscaping and entrance to store, temporary hoarding to adjacent properties and associated works. All at Kennedy Avenue, Carlow. No decision to date.

4.2.2. *Carlow / Hanover Retail Park (identified as 'Opportunity Site 18: Hanover Retail Park' within the Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018*

PA Ref. No. 106301 / ABP Ref. No. PL42.237008. Was refused on appeal on 23rd May, 2011 refusing Thomas Thompson Holdings Limited permission for the construction of a retail superstore of 8,889m² gross floor area to include convenience supermarket with a net floor area of 2,598.2m², and a home stores textiles and comparison goods net floor area of 2,662m² including alcohol sales area, ancillary administration offices, staff facilities, bulk store cage marshalling area, café, circulation space to include entrance atrium, and service yard. The re-alignment and landscaping of existing 598 car parking spaces granted under planning register reference number PD 5041 to include additional 180 new parking spaces to give total of 778 spaces, new ESB substation, all ancillary landscaping, site development works and services to include re-alignment of existing entrance and boundary wall to the Hermitage (a protected structure) and construction of new Link Road from Paupish Bridge to Hanover Cross including the modifications to existing junction arrangements at Hanover Cross. Access to the proposed development will be via the existing Carlow Retail Park entrance and via two car park accesses and a service yard access onto the new link road; all on site of 5.24 hectares at Carlow Retail Park, Hanover, Carlow, Co. Carlow.

- The site of the proposed development is located some 600 metres from the historic town centre of Carlow. The proposed development incorporates a large convenience and comparison retail element combined with extensive onsite car parking. Having regard to its scale and taken in conjunction with recently developed retail provision in proximity to the Carlow Inner Relief Road, and permitted developments, it is considered that the proposed development would form a strong counterweight to the historic town centre, which is recognized as a distinguishing feature of Carlow in the Carlow Town Development Plan, 2009–2016. Notwithstanding the zoning of the site for Town Centre Activities in the said development plan, it is considered that the proposed development would adversely affect the vitality and viability and undermine the role of the historic town centre and the commercial core of Carlow Town. The proposed development would, therefore, be contrary to the

“Retail Planning Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in January, 2005, where it is national planning policy to protect the role of town centres and would be contrary to the proper planning and sustainable development of the area.

- Having regard to the proximity of the proposed road to the boundaries of existing residential properties to the south and to the River Burren to the east, the banks of which are designated as an amenity area in the Carlow Town Development Plan, 2009–2016, it is considered that the proposed development would seriously injure the amenities of the area and of property in the vicinity by reason of noise and visual obtrusiveness. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. 116453 / ABP Ref. No. PL42.240640. Was refused on appeal on 1st March, 2013 refusing Thomas Thompson Holdings Limited permission for a development comprising the construction of a retail development of 5,109m² gross floor area to include convenience supermarket with a net floor area 2,500m² and comparison goods textiles and homewares and drapery net floor area 1,000m², including alcohol sales area, ancillary administration offices, staff facilities, bulk store cage marshalling area, café, circulation space to include entrance atrium and service yard. The landscaping and rearrangement of existing car parking provision, 598 No. spaces granted under planning register reference number PD 5041 to include additional 31 No. new parking spaces to give total 629 No. spaces, Taxi Rank, all ancillary landscaping, site development works, plant and services and lighting. Access to the proposed development will be via the existing Carlow Retail Park entrance via the Inner Relief Road at Hanover Roundabout, all on a site area of 3.68 hectares at Carlow Retail Park, Hanover, Carlow, County Carlow (An Environmental Impact Statement accompanied the application).

- Having regard to the nature and extent of the proposed development incorporating a substantial convenience and comparison shopping store, to its location at a distance from the town centre and its lack of connectivity and pedestrian linkages to the town centre, to the provisions and objectives of the Carlow Town Development Plan, 2009-2015, the Carlow County Retail

Strategy, 2009, and the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2012, the Board is not satisfied that the proposal would not have a detrimental impact on the vitality and viability of the town centre and considered, therefore, that the proposed development would be contrary to the proper planning and sustainable development of the area.

PA Ref. No. 18433 / ABP Ref. No. ABP-305498-19. Application by Thomas Thompson Holdings Ltd. for permission for a retail development comprising 1 No. retail comparison unit to be partially subdivided to serve 2 No. retail comparison concessions (in accordance with the Retail Planning Guidelines 2012). Permission is also sought for a mezzanine level within this unit resulting in a retail development of total gross floor area 3,798m². Permission is sought for associated elevational signage, utilisation of existing entrance to the retail park and extension of the existing entrance road to serve rear service yard containing delivery area and open plant areas, minor demolition/removal of part of the existing wall onto Hanover Road and the provision of 1 no. new pedestrian access, reconfiguration and utilisation of existing car parking to serve the proposed development with the provision of additional disabled and parent and child parking, bicycle parking, landscaping and all ancillary site and engineering works necessary to facilitate the development. A Natura Impact Statement (NIS) was prepared in respect of the proposed development and was lodged with the application. All at Carlow Retail Park, Hanover Road, Carlow.

The notification of the decision to grant permission for the aforementioned development has been appealed by Fairgreen Shopping Centre (Carlow) Ltd. and a decision is pending with the Board.

5.0 Policy and Context

5.1. National and Regional Policy

- 5.1.1. The '*Retail Planning, Guidelines for Planning Authorities, 2012*' provide 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.

5.2. Development Plan

5.2.1. Carlow County Development Plan, 2015-2021:

Chapter 2: Development Strategy:

Section 2.5: Settlement Structure for Carlow:

Section 2.5.1: Carlow Town and Environs:

Carlow is designated as a County Town in the National Spatial Strategy and is a key driver which can help promote more balanced regional development. Under the NSS and South-East Regional Planning Guidelines, Carlow is an important regional centre with a sphere of influence extending northwards into County Kildare, north-west into County Laois as well as its role as a County Town within the South-East region. Given that the population of the Carlow Urban area stood at 23,030 in the 2011 Census, it is anticipated that the next review of the RPG's and its population target for Carlow Town of 25,000 will be amended during the lifetime of this Plan.

In order to fulfil its role as a County Town, Carlow will be the main focus for public and private sector investment within the county over the period of the Plan.

Objectives:

- To implement the NSS and South-East Regional Planning Guidelines by encouraging developments of Carlow Town, Greater Carlow and Graiguecullen Urban area.
- To review the County Development Plan in the light of any emerging replacement to the NSS and South-East Regional Planning Guidelines and vary the Development Plan accordingly if necessary.

Section 2.6: Retail Strategy:

The Planning Authority will seek to ensure that all retail development permitted is in accordance with the Retail Planning Guidelines for Planning Authorities (2012) and the accompanying Retail Design Manual – A Good Practice Guide (2012) and the Carlow County Retail Strategy accompanying this Development Plan. This Retail

Strategy sets out the Retail Hierarchy for the county and confirms the level and form of retailing activities appropriate to each town and settlement.

Retail Hierarchy for Carlow County: *Level 1 – Carlow County Town Centre*

Section 3.6: *Urban Development / Urban Renewal*

Chapter 11: Design and Development Standards:

Section 11.12: *Commercial Development*

New commercial and retail development shall be provided for in areas that are specifically zoned for such purposes. The Council will seek to maintain the vitality and viability of town and village centres and will have regard to the Carlow County Retail Strategy 2015 - 2021 (or any amendment of same) in the assessment of any applications for retail development.

In some cases, the Council may require the applicant to submit a Retail Impact Assessment to demonstrate that a proposal complies with the County Retail Strategy and the Retail Planning Guidelines, and that it will not have an adverse impact on existing town or village centre developments, or result in displacement.

Appendix 4: Retail Strategy (July, 2015):

Chapter 5: Health Check Assessment

Section 5.2: *Carlow:*

Identification of Core Retail Area:

The traditional town centre is recognised as Tullow Street and Dublin Street, however, development in the town centre in the past 10-20 years has been concentrated to the south east of the traditional town core.

The town harnessed opportunities afforded to it through the Government tax designated urban renewal schemes which kick started an expansion of the town centre eastward. The initial phase of this expansion comprised the development of the Carlow Shopping Centre and more recently the redevelopment of the former livestock mart to accommodate the Fairgreen Shopping Centre and the development of Hanover Retail Park further south. This has resulted in a geographical shift from the traditional core retail area of the town. The Fairgreen development has led to a somewhat disjointed retail structure in the town centre.

Health Check Assessment Conclusion:

Carlow Town functions and performs the role of the main town centre within the County. The town accommodates an excellent range of functions not found in other towns within the County in accordance with its Level 1 County Town Centre designation. The quality and quantum of retail goods on offer in Carlow reflects its role and function in the national retail hierarchy as a Level 1 Tier Centre.

The south eastern expansion of the core retail area of the town over the past 20-20 years with developments such as the Carlow and Fairgreen Shopping Centres have facilitated the expansion of the retail profile of the town. These developments have provided large retail floorplates within the town which caters for the needs of national and international convenience and comparison retailers, these developments have resulted in a geographical shift of the retail activities within the town centre.

The health check assessment has identified a significant lack of permeability between the traditional town core retail area of Dublin Street and Tullow Street and the more recent town centre expansion area especially the Fairgreen Shopping Centre. The Fairgreen Centre has rather poor pedestrian linkage to the Tullow Street area and lacks profile and visibility from Barrack Street. The poor pedestrian permeability between the historic core of Tullow Street and Dublin Road and the Fairgreen Centre in particular has resulted in a fragmented retail core and limited interaction between the traditional core and town centre expansion area. The fragmented nature of the core has resulted in the weakening of the role and function of traditional core shopping streets such as Dublin Road and Tullow Street as evidenced by the more frequent occurrences of vacancies within these areas, especially the western end of Tullow Street.

Chapter 7: Quantitative Assessment:

Section 7.7: Floorspace Capacity:

Table 7.12: Indicative Floorspace Potential (sq.m.)		
	2011	2021
Convenience	2,951	7,137
Comparison	8,992	21,179

Chapter 8: Retail Hierarchy and the Future Distribution of Floorspace:

Level 1: Carlow County Town Centre

Table 8.2: Comparison Floorspace Distribution		
Settlement	Floorspace Allocation Ratio	Comparison Floorspace Allocation
Carlow Town	80%	16,943
Remainder of Carlow County	20%	4,236
Total	100%	21,179

Chapter 9: Policies and Objectives:

Section 9.4: *Specific Town Centre Objectives for Carlow Town (incl.):*

- The core retail area should form the primary focus and preferred location for new retail development. Within this area there is a need to reinstate the role and function of the traditional retail core of the town which is centred on Tullow Street and Dublin Street.
- Central opportunity sites should be prioritised for development.
- Opportunities for enhancement of the pedestrian permeability of the retail core should be considered. The proportion of space devoted to pedestrians should be improved within the core retail area in order to enhance pedestrian permeability. Further pedestrian crossing facilities should be provided between Tullow Street, Fairgreen Shopping Centre, Carlow Shopping Centre and Kennedy Avenue to enhance the overall permeability of the retail core.
- Adopt car parking management standards in the town centre that reduces the presence of on-street car parking in favour of off-street parking.

Chapter 10: Criteria for Assessing Future Retail Development

Appendix 4: Opportunity Sites: Carlow Town

5.2.2. **Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018:**

Land Use Zoning:

The proposed development site is located in an area zoned as 'Town Centre' with the stated land use zoning objective 'To protect the vitality and vibrancy of the town centre and provide for town centre activities'.

Other Relevant Sections / Policies:

Part 2: Core Strategy:

Carlow Town Development Plan Core Strategy (including the following principles):

- Consolidate the urban area and provide for a retail hierarchy including town centre, district centres and neighbourhood centres in the interest of ensuring the vitality and viability of the town centre (Map of retail hierarchy contained in Part 3, Section 1)
- Advance key opportunity sites by preparing development briefs or urban design framework plans.

Part 3: Thematic Strategy:

Section 1: Economic Development and Inward Investment:

Retail Policies:

ECN P11: Ensure retail proposals are determined having regard to the Joint Retail Hierarchy included in this Plan, the Joint Retail Policy Document and the Retail Planning Guidelines 2005 or as amended and do not undermine or erode the vitality or vibrancy of Carlow Town Centre.

ECN P12: Support the retail primacy of Carlow Town Centre within the Greater Carlow Graiguecullen Urban Area and County Carlow and the focus for comparison retail development in accordance with the Retail Strategy and Retail Planning Guidelines 2005 or as amended.

Section 10: Urban Design and Built Form

Part 4: Sub-Area Spatial Strategy:

Section 1: Carlow Town:

Objective CTO1: Consolidate the built form of Carlow Town:

- *Policy CT P1:* Focus development on Carlow Town Centre and the wider Carlow Town functional area to make efficient use of existing infrastructure and services and provide for sustainable land use patterns. Dependent upon clear demonstration that there will be no impact on the integrity of a Natura 2000 site in accordance with Article 6 of the Habitats Directive or significant adverse effects on other environmental receptors.
- *Policy CT P3:* Actively promote appropriate backland and infill development as well as re-development of brownfield sites and under-used lands particularly within Carlow Town Centre and subject to environmental considerations and wider planning considerations.

Objective CTO2: *Reinforce the quantum and diversity of uses within Carlow Town Centre:*

- *Policy CT P5:* Encourage the provision of a wide range of shopping, commercial, community, civic, tourism, amenity and transport services within Carlow Town Centre.
- *Policy CT P6:* Direct high-order commercial, civic and tourism services to town centre locations.
- *Policy CT P7:* Apply the recommendations of the Joint Retail Policy Statement along with relevant Retail Strategies, the Joint Retail Hierarchy and the Retail Planning Guidelines 2005 or as amended to safeguard and strengthen the vitality and vibrancy of the town centre.
- *Policy CT P8:* Support the full occupation of newly-developed, purpose-built building stock in the town centre including office space, retail space and apartment units.

Objective CTO5: *Encourage specific urban renewal projects and advance opportunity sites.*

- *Policy CTP 30:* Support the principle of redeveloping the former Penny's site (Opportunity Site 1), Barrow Track site (Opportunity Site 2), Court Place site (Opportunity Site 3) referred to above and mapped

Appendix 5: Retail Strategy, 2012-2018:

Section 5: Broad Capacity Assessment

Section 6: *Retail Strategy:*

Carlow Town Centre:

Carlow Town functions and performs the role of the main town centre within the County. Carlow is a market town and service centre. It has the additional appeal of being a key tourist destination and symbolises the Gateway to the South East Region.

Carlow accommodates an excellent range of functions not found in other towns within the County and dominates the settlement hierarchy befitting its role as the County Town.

With respect to retail floorspace provision, Carlow Town provides a good range of convenience and comparison shopping floorspace selling goods not found elsewhere within the County. All types of retail floorspace are considered to be appropriate within the Level 1 Centre, particularly centrally located comparison floorspace at Kennedy Ave and Kilkenny Road.

A permitted scheme for renewal at the Penny's site includes some 26,071 sqm gross floor area retail development (17, 767 sqm net) comprising 36 units of 13,492 sqm (net) comparison shopping and 580 sqm (net) convenience shopping; 975 sqm Café and Food Court, an occasional Farmers Market, Offices and 30 residential units.

Level 1 County Town Centre: Carlow: Town Centre

Policies:

- It is the policy of the Council to facilitate and encourage the consolidation and improvement of retailing and other town centre activities.
- In accordance with national policy objective for urban design, new retail developments within the defined town centre core should complement the defined urban nature of its location, and have a positive impact on urban design with long-term sustainable uses, and contribution to the town, where mixed-use and urban renewal is appropriate.
- It is the policy of the County to ensure that new development create, or positively contribute towards, a connected network of streets and spaces, putting the requirements of pedestrians and cyclists as a priority by creating direct routes that connect to the main areas of shopping activity.

- The Council will seek a robust and thorough analysis in respect of the Sequential Test for all significant retail developments in accordance with the Retail Planning Guidelines.
- It is the policy of the Council to develop a traffic management strategy and provide for a good quality car-parking programme linked to the pedestrian network in the town.
- It is the policy of the Council to continue programme of urban landscaping including measures to improve pedestrian safety, convenience, and accessibility through the town centre.
- It is the policy of the Council to encourage activities that enliven the evening economy, including culture and entertainment uses.

Actions:

- Promote access to car parks in the town centre and publicize approach routes to each car park/multi storey car park in the Carlow Town Centre, by adopting a circulation system that directs cars to these car parks.
- Adopt car parking management standards within the town centre that reduces on-street car parking in favour of off-street car parking and a restriction on long term car parking (i.e. commuter) facilities in favour of short term (business, retail and leisure) car parking use.
- There is a presumption against surface car parking in the Town Centre, which tends to be visually unattractive, undermines the vitality of town centre and represents inefficient use of land. Underground car parking facilities provide a more efficient use of land, subject to archaeological investigations. Where car parking is not underground or integrated into the building shell (i.e. Multi storey), car parking facilities should be provided behind established building lines in each development and shall be screened and to the rear of buildings so as to avoid the view of expansive car parks and to assist in providing continuous development blocks and building lines expected within a new street form.
- Implementation of the proposals for Plas na Saoire with particular focus on delivery of environmental improvement of spaces, buildings, linkages, the

public realm, the town's heritage and specifically its relationship to the River Burrin/Barrow.

- Encourage late night shopping and amenities that will help promote it, including effective advertising and provision of street entertainment.
- Upgrade the quality of pedestrian streets within the centre, restricting on-street car parking and undertaking environmental improvements.
- Incorporate public art and high quality urban design, street furniture and landscaping, etc., into newly pedestrianised areas.
- Focus on providing a safe and clean pedestrian street environment at all times throughout the day and evening.
- The local authorities will consider implementing free controlled parking schemes for parts of the day (particularly on weekday afternoons).
- Seek to establish town centre partnership including Local Authorities, Retailers, Commercial Interests and Residents to progress town centre initiatives, proactively manage the town centre and consider diversified funding mechanisms for town centre improvement.
- Establish a working group to encourage facilitate and simplify positive re-development initiatives in the traditional urban core (both small and large scale) and explore and disincentives to town centre development, and vacancy.

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The River Barrow and River Nore Special Area of Conservation (Site Code: 002162), approximately 800m west of the application site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited

ecological value of the lands in question, the availability of public services, and the separation distance from 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.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development involves the demolition of an existing retail unit (floor area: 874m²) and the construction of a new retail unit with a gross floor area of 3,732m² thereby extending the total floor area of the Fairgreen Shopping Centre to 26,848m². This additional floorspace (i.e. 2,858m²) represents an increase 11.9% in the overall floor area of the shopping centre and constitutes a clear intensification of use of the subject site.
- The proposal includes for the revision of the existing car parking arrangements on site and will result in the loss of 67 No. spaces to the detriment of the parking facilities that presently serve the Fairgreen Shopping Centre. This reduction in the total number of car parking spaces available to customers of the existing shopping centre is unacceptable given the size and nature of the additional retail floorspace proposed and as the existing car park is at capacity.
- Notwithstanding the applicant's submissions, the existing quantum of car parking serving the Fairgreen Shopping Centre has been shown to be insufficient to cater for its needs. Therefore, it would be contrary to the sustainable development of the area to permit a significant reduction in the existing car parking provision (i.e. the loss of 67 No. spaces consequent on the proposed development).
- Although the applicant has submitted that visitors to the Fairgreen Shopping Centre will, where possible, use public transport etc. as an alternative to the private car, and that users of the proposed development will also likely avail of shared trips to the wider shopping centre, the Board is advised that the

Fairgreen Shopping Centre previously considered it necessary to provide 281 No. extra car parking spaces in tandem with the development of 556m² of additional retail floorspace as was permitted under PA Ref. No. 07/5898. In this regard, it is considered that the additional floorspace and loss of car parking consequent on the subject proposal will exacerbate traffic congestion at both entrances to the Fairgreen Shopping Centre whilst the tailbacks generated will also impact on the appellant's operations at Carlow Retail Park.

- The increased demand for car parking and the overall reduction in availability will have significant adverse traffic impacts and will also give rise to haphazard parking in the area contrary to the requirements of 'My Carlow' which aims to increase pedestrian permeability and safety.
- There are significant concerns as regards the proposal to connect to existing water services in the absence of any provision for the upgrading of the network in order to cope with the demands of the proposed development. This could be hazardous for existing retail development and the overall serviced area.
- Whilst the Appropriate Assessment Screening Report provided with the application has concluded that '*no elements of the proposed development will result in any impact on the integrity or qualifying interest / special conservation interest of any relevant European Site*', it is considered that the proposed development is of a scale enough to have an impact on the surrounding area by reference to its connection to existing water services without providing for the upgrading of same.
- There are concerns that there will be a significant reduction in available car parking serving the Fairgreen Shopping Centre during the construction of the proposed development.
- Although the Construction and Environmental Management Plan states that certain procedures will ensure that '*the construction related activities on the development site are executed in a safe and controlled manner and to minimise disruption and impacts on the amenities in the area*', given the high level of activity in the area and the site's strategic location within the retail core of Carlow town, it is submitted that the proposal will nevertheless result

in disruption and impact on local amenities, with particular reference to traffic impacts and the availability of car parking for both the existing shopping centre and neighbouring retail units.

- The provision of a retail unit of the considerable scale proposed and the associated reduction in car parking will have a negative impact on the existing shopping centre, retail units and shops in the area.
- Concerns arise as regards the scale, mass and bulk of the proposed development given the delicate and unique location of the site within the retail core of Carlow town centre. It is considered that the design of the proposal is not in keeping with the character of the area or the existing shopping centre.
- The application has not been accompanied by a Visual Impact Assessment and no photomontages have been provided in order to assess the wider impact of the development on adjoining properties and the surrounding area.
- A more detailed Shadow Analysis should have been provided. The submitted Shadow Casting Study only considers the impact on those properties along Barrack Street (which is shown to be of a significant nature) and does not analyse the effect on daylight for other adjoining properties / residents.
- The overall design of the development does not reflect the well-established urban environment of the surrounding area.
- It is acknowledged that the overall height of the proposed building was reduced in response to a request for further information, however, the new construction will nevertheless have a notable visual impact on the area due to the scale of the unit.
- The subject proposal will adversely impact the future development of neighbouring properties due to its significant scale, mass and bulk.
- The panoramic glazing at first floor level within the proposed development will result in the overlooking of those residential properties within Crosbie Place to the south of the application site. This is considered to be inappropriate given that the proposed unit allows for access by the general public.
- The reference to the use of bricks and smooth fair-faced blockwork in order to help reduce the scale of the proposed building serves as an indication that the

applicant is aware of the considerable scale of the development proposed. Such measures would not be required if the proposal was in keeping with the character of the area and of a suitable scale for the site.

- The nature / type of the retail offering proposed has not been identified other than for a reference to the sale of '*comparison goods*'. Therefore, it could be argued that as an occupant has not been identified for the proposed unit, it is questionable whether an existing vacant unit would not be able to accommodate the development proposed, particularly in light of the diverse nature of '*comparison goods*' as defined by the '*Retail Planning, Guidelines for Planning Authorities, 2012*'.
- It should be demonstrated that a tenant has been secured for the proposed unit rather than provide additional retail space remote from the traditional town centre which contains a number of opportunity sites that could potentially house retailers in multiple locations instead of having a single grouping of several traders in the proposed larger development.
- The submitted information is insufficient to permit a proper assessment of the potential impact of the proposed development on the town centre, existing retail offerings, and the surrounding area.
- Appendix 'C' of the Road Safety Audit states that '*there will be either one or two tenants occupying the new space*' and this uncertainty serves to further exacerbate the difficulty in carrying out a proper assessment of the proposal.
- The proposed development site is located within an expanse of car parking with very little and extremely low-quality public realm. The proposed unit will be located at a remove from the existing shopping centre with no public space connecting it to same. There will be very little integration with the surrounding area which will result in a poor retail environment.

6.2. Applicant Response

- For information purposes, the Board is advised that the appellant has a concurrent application on appeal for a similar development at Carlow Retail Park, Hanover Road, Carlow (i.e. PA Ref. No. 18433 / ABP Ref. No. ABP-

305498-19). However, whilst that application was granted permission on the instruction of the Acting Director of Services having been recommended for refusal by the executive & senior planners, the subject application was wholly endorsed by all those officials of Carlow County Council who reported on same.

- Cognisance should be taken of Section 2.5.3 of the '*Retail Planning, Guidelines for Planning Authorities, 2012*' which state that the planning process should not be used to prevent competition. Any potential impact on individual (existing and / or future) traders is not a material consideration in the assessment of this appeal.
- The proposed development will add greatly to the vitality and viability of the Fairgreen Shopping Centre and to Carlow town centre as a whole.
- Contrary to the assertion in the grounds of appeal that the proposed development represents an intensification of use of the subject site, given the site location and the objectives of '*My Carlow: A vision for a living town centre*', it is considered that the proposal will provide much needed additional retail floorspace within a well-established retail location and will add a new retail format to the town thereby allowing it to fulfil its strategic vision as set out in the 'My Carlow' public realm scheme.
- The proposed development will optimise the use of a currently under-utilised site and will add to the character of the existing shopping centre whilst also positively contributing towards an improved retail offering within the town centre.
- The Planning Authority has determined that the proposed development will not seriously injure the amenities of the area, is acceptable in terms of traffic safety and convenience, and will accord with the proper planning and sustainable development of the area.
- With regard to the appellant's assertion that the current quantum of car parking available is insufficient to serve the existing shopping centre, no evidence (such as a Traffic Assessment) has been provided to support such a statement.

- The Carlow Traffic Model Junction Assessment contained in the Engineering Report prepared by Malone O'Regan Consulting Engineers confirms that there is scope for additional traffic before capacity is reached for the existing and proposed developments. However, the key traffic consideration for the subject proposal is that it will encourage more sustainable shopping patterns as it is easily accessible on foot and by bicycle and will allow for shared trips.
- The proposal is of a high standard and represents a good design solution for this key town centre opportunity site in that it will improve the urban environment and visual amenities of the area. In further support of the proposal, it should be noted that the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 states the following:

'Barrack Street presents a number of opportunities for redevelopment of existing sites and improvements to the public realm. Despite the variety of land uses present in the town, there is a lack of an identifiable focus in the area. The renewal of this area offers potential to draw the shopping areas at Fairgreen, Carlow Shopping Centre and in the historic commercial core of Dublin Street and Tullow Street closer together and revitalise this area as an active quarter within the Town Centre'.

- The proposed development involves the appropriate re-use and redevelopment of a site which is identified as Opportunity Site No. 2 in the 'My Carlow: A vision for a living town centre' public realm proposal.
- The existing Fairgreen Shopping Centre has a generous provision of car parking and the proposed development will not increase traffic congestion in the area.
- The appellant's assertions with regard to car parking requirements are entirely contrary to accepted best practice in relation to sustainable transport and planning policy. In this respect, the Board is referred to the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 and the response to the request for further information.

In accordance with current Development Plan standards, there is an existing surplus of car parking within the Fairgreen Shopping Centre. Moreover, the Planning Authority has determined that the car parking provision consequent

on the proposed development will accord with the requirements outlined in Section 11.19.4 of the Carlow County Development Plan, 2015-2021.

- No evidence has been submitted to support the assertion in the grounds of appeal that the proposed development *'will further add to the traffic congestion at both entrances to the Fairgreen Shopping Centre which will create tailbacks and this will affect our client's [the appellant's] operation at Carlow Retail Park due to inadequate car parking'*.

The Carlow Traffic Model Junction Assessment detailed in the Engineering Report projects an 11.9% net increase in traffic as a result of the proposed development, however, this will not be the actual scenario as shoppers already visiting the existing shopping centre will avail of shared trips to the new retail unit i.e. they will visit the shopping complex in its entirety. In addition, the report has noted that the highest Ratio of Flow to Capacity (RFC) value for the existing junction based on 2018 base year traffic flows is 0.46. This is below the threshold value of 0.85 and indicates that there is considerable scope for the junction to accommodate additional traffic flows before it reaches capacity.

Furthermore, if it is assumed that traffic flows will increase as a result of the development, the engineering report has clearly established that there is capacity at the Barrack Street junction to accommodate the anticipated 11.9% increase in traffic flows.

- Regard should be had to Policies TRANS P36 & TRANS P45 of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012 which discourage the provision of extensive surface car parking in the town centre and also allow for a relaxation in parking standards in special circumstances. In order to encourage sustainable transport and to reduce dependency on the private car, the Planning Authority will consider a relaxation in car parking standards within Carlow Town Centre.
- A detailed breakdown of car parking provision for the proposed development and the Fairgreen Shopping Centre was provided in response to the request for further information which concluded that the proposal would accord with the standards set out in the Joint Spatial Plan for the Greater Carlow

Graiguecullen Urban Area, 2012. These findings were accepted by the Municipal District Engineer.

- The proposed development has been designed to provide for adequate car parking, to promote permeability and pedestrian movement, and will not give rise to any adverse traffic impacts.
- The design of the proposed development has been carefully conceived and derives from a comprehensive and robust appraisal to ensure that the scheme is delivered and managed to a very high standard in order to make a positive contribution to the character and amenity of the area.
- In order to strike a balance between the existing Fairgreen Shopping Centre and the Lismard retail units to the west of the site, the Planning Authority sought revised proposals by way of a request for further information that would enhance the appearance of the proposed unit and integrate better with its surroundings. The amended design subsequently reduced the parapet level to be more in keeping with the roof height of the Lismard Centre and also omitted the stair tower and the roof railings thereby achieving a ridge height of 59.7m. This modified proposal is more in line with the Lismard units and the Fairgreen Shopping Centre.
- The revised design submitted in response to the request for further information includes for the following changes:
 - The replacement of the red brick with a fair-faced brickwork to match the Lismard building. In addition, the wall finishes incorporate a smooth render painted above the pre-cast concrete blocking course and a fair-faced concrete blocking course above the window head levels on the first floor. These revisions will ensure consistency between the proposed development and the existing building fronting Barrack Street.
 - Window canopies have been added to the wall corners on the east and south elevations to further assist in adding visual interest to the previously proposed blank wall sections.

- The incorporation of additional glass panels at ground and first floor levels to the east and south elevations to improve the visual interest of the unit and to promote the character of the area.
- The case planner's assessment of the revised design states the following:

'The revised roof height and design incorporates a uniform and simplified profile that is more sympathetic to the adjoining Lismard Centre. The alterations to the building will serve to better integrate the retail unit into the existing built fabric of the location, while also giving its appearance a degree of character and distinctiveness. The use of additional window canopies and glass panels in the southern and eastern elevations will also enable the building to make a more positive contribution to the adjoining public areas.'
- The suggestion that the proposal will overlook adjoining properties is rejected as the development will not be positioned so as to directly align with Crosbie Place. Furthermore, given the nature of the development, the separation distances involved, and the high boundary wall between the respective properties, it is not accepted that the proposed glass finish to the development would be 'inappropriate' or result in overlooking.
- The proposed development will make a positive contribution to the character of the area and accords with Retail Design Manual that accompanies the *'Retail Planning, Guidelines for Planning Authorities, 2012'*.
- It has been confirmed that the proposed development will be for the demand-led sale of comparison goods. No further clarification is required for planning assessment purposes.
- It has been confirmed that the public water supply and wastewater services have adequate capacity to accommodate the proposed development.
- The proposed development can be carried out with minimal impact to the operation of the existing shopping centre by reference to the Construction and Environmental Management Plan.

6.3. Planning Authority Response

- The site is zoned as ‘*Town Centre*’ in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012 (JSP) and is also located within the Core Retail Area for the town as delineated in the County Retail Strategy, 2015.
- Cognisance must be taken of the car parking policies set out in the Development Plan with particular reference to:
 - Policy TRANS P36 which seeks to ‘*Discourage the provision of extensive surface-based car parking within the town centre and free up town centre sites for redevelopment*’.
 - Policy TRANS P45 which seeks allows for a relaxation in the applicable car parking standards in Carlow town centre in order to ‘*encourage sustainable transport (minimise additional car travel, reduce trip lengths and encourage use of sustainable means of travel) and in recognition of the importance of economic development and regeneration of Carlow Town Centre*’.
- The Board is referred to the relevant provisions of the County Retail Strategy, 2015, including:
 - It is the policy of the Planning Authority to promote and encourage the major enhancement of retail floorspace, primarily comparison goods, and town centre functions in Carlow town to sustain its competitiveness and importance as the only Level 1 centre within the County retail hierarchy.
 - It is the policy of the Planning Authority to support the development of the core retail area as identified within the County Retail Strategy and reinforces the role and function of the core retail areas.
 - Chapter 8 states that ‘*Carlow town centre should be the prime focus for future development and in particular the development of high order comparison retail floorspace*’.
 - The capacity for additional comparison retailing in the town.

- Consideration should be given to the following:
 - The site location within the context of Opportunity Site No. 8 as identified in the Joint Spatial Plan.
 - The site location with respect to the Local Authority's 'My Carlow' Plan (A vision for a living town centre).
 - The established retail / commercial development on site.
 - The fact that the proposal will replace an existing retail / commercial development on site.
 - The site already forms part of an established shopping centre with its associated services and infrastructure.
 - The proximity of the site to the traditional town centre and the pedestrian linkages between both.
 - The assertion by the applicant that there are no existing vacant sites within the town capable of accommodating the proposed development.
 - The purported surplus in turnover for comparison retail goods and the indications that existing comparison retailers are overtrading and that there is a leakage of retail spend to other centres.
 - The proposed replacement building will make a more positive contribution to the appearance of the area.
 - The proposed development will be more consistent with the design, massing, scale and bulk of the existing shopping centre. The proposal was also amended in response to the request for further information in order to (a) enhance / add visual interest to the main public-facing elevations to the south and east; and (b) to be more sympathetic to the existing 2-storey building (Lismard Centre) fronting Barrack Street and the roofscape views when looking from the west.

6.4. Observations

6.4.1. Aviva Ireland:

- Both the Carlow Retail Park (in which the observer retains an interest) and the proposed development site are located in the town centre and possess the same land use zoning. In this regard, it should be noted that the decision of the Planning Authority to grant permission for a similar development within the aforementioned retail park under PA Ref. No. 18433 has been appealed by the subject applicant. Part of the grounds of that appeal relate to the nature of the retail use being sought and it is considered that many of the arguments raised therein as regards retail impact equally apply to the subject proposal.
- Whilst the observer has no objection in principal to the proposed development, concerns arise as regards the applicant's position with respect to retail impact and traffic considerations, in addition to the Planning Authority's assessment of such issues.
- It is not accepted that the Retail Impact Assessment (as supplemented by the responses to the requests for further information and clarification) accurately reflects the situation in Carlow.

In particular, it would appear that the potential of the development proposed within the Carlow Retail Park has been disregarded simply on the basis of its current planning status. This is an unreasonable characterisation having regard to the fact that the retail park is zoned as 'town centre' and is included within the Core Retail Area as set out in the Retail Strategy. Accordingly, both the Fairgreen Shopping Centre and the Carlow Retail Park are on an equal footing in terms of the retail hierarchy and their potential to provide for future retail development. Therefore, both sites have the same expectations and privileges in terms of the types of retail development that are permissible.

- The Retail Impact Assessment includes a survey of 18 No. vacant sites within the main retail streets of Carlow town centre which was undertaken in order to determine if there were any alternative sites that could accommodate the proposed development. That survey concluded that 17 No. of the sites were unsuitable as the units were not of a sufficient size to accommodate the

proposal. However, no account has been taken of the potential for the Carlow Retail Park to provide for the proposed development. This is particularly relevant having regard to its scale and equal status in terms of zoning etc.

- The existing car parking provision is integral to the functioning of the Fairgreen Shopping Centre, however, the applicant has not sufficiently accounted for the displacement and loss of car parking spaces as a result of the proposed development.
- Whilst the applicant has noted that the Fairgreen Shopping Centre complies with the development plan parking standards post-development, this statement ignores the reality of the current situation whereby the existing car park cannot cater for the current extent of retail provision on site and is very busy most of the time and occasionally at capacity at weekends. Therefore, any loss of car parking (particularly the net loss of 65 No. spaces as proposed) will significantly exacerbate the situation and will inevitably lead to overspill parking on adjoining and proximate lands such as the Carlow Retail Park.
- The subject application should have been accompanied by a Transport and Traffic Impact Assessment in order to demonstrate that the provision of a retail unit of c. 3,732m² would not adversely impact on traffic movements and car parking within the town centre. The assessment provided in the Engineering Report does not fully demonstrate that the proposed development is acceptable in this regard. Furthermore, there has been no consideration of the impact that the loss of car parking will have on the Fairgreen Shopping Centre.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Retail impact assessment / impact on the town centre
- Overall design and layout / visual impact
- Traffic implications
- Impact on residential amenity
- Infrastructural / servicing arrangements
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. The proposed development site is zoned as '*Town Centre*' in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 with the stated land use zoning objective '*To protect the vitality and vibrancy of the town centre and provide for town centre activities*'. By way of further explanation, the Plan subsequently states that the purpose of this zoning is to protect and enhance the vitality and vibrancy of the town centre and to provide for and improve retailing, residential, commercial, office, cultural, tourism, public facilities, amenity and other uses appropriate to the centre of a developing urban core, although retail proposals will be considered in the context of the Retail Strategy and resultant retail policies. Therefore, in accordance with the zoning matrix set out in Section 11: '*Land Use Zonings*' of the Joint Spatial Plan, the development of a '*shop*' is normally acceptable within this land use zoning (subject to the normal planning process, including the policies and objectives outlined in the Plan).
- 7.2.2. It is of further relevance to note that the proposed development site is located within that area identified as the '*Retail Core*' of the town centre which comprises Tullow Street, Dublin Street, the Barrow Track, Kennedy Avenue, Plas na Saoirse, Barrack

Street, including Fairgreen, and the Hanover / Carlow Retail Park. This core retail area is placed at the top of the retail hierarchy within the Development Plan and is the preferred location for new retail development in order to protect and enhance the vitality and viability of the town centre. Following on from the Greater Carlow Graiguecullen Urban Area Retail Strategy, 2012-2018 included at Appendix 5 of the Joint Spatial Plan, the Carlow County Retail Strategy, 2015 (Appendix 4 of the Carlow County Development Plan, 2015-2021) further reiterates that the core retail area of Carlow Town is to form the primary focus and preferred location for new retail development.

- 7.2.3. Cognisance should also be taken of the historical / established use of the appeal site for retail / commercial purposes both in reference to the existing building proposed for demolition and the use of the wider site area for parking and servicing purposes associated with the operation of the Fairgreen Shopping Centre.
- 7.2.4. Therefore, having regard to the foregoing, and in light of the potential for commercial synergy with neighbouring land uses, the site location in an established mixed-use area within the retail core of the town centre where there is good pedestrian connectivity and permeability with the wider area (including the key town centre retail locations of the Carlow and Fairgreen shopping centres in addition to the Barrack Street area which has been identified for renewal / upgrading by reference to its designation as Opportunity Site 8 in the Joint Spatial Plan), and the proximity of the appeal site to the traditional retail core of the town at Tullow Street / Dublin Street, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including retail impact assessment and the potential impact of the proposal on the vitality and viability of the town centre.

7.3. Retail Impact Assessment / Impact on the Town Centre:

7.3.1. Demand for Development / Retail Capacity:

In analysing the available retail capacity within Carlow town, at the outset, I would refer the Board to the Greater Carlow Graiguecullen Urban Area Retail Strategy, 2012-2018 (included at Appendix 5 of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018) which was prepared as a joint / multi-authority retail strategy by Carlow County Council, Laois County Council & Carlow

Town Council and is specific to the urban area which encompasses Carlow town. This document provides a broad capacity assessment as regards the future provision of retail floorspace within the urban area, however, it is of relevance to note that it was prepared in the context of the previous Carlow County Retail Strategy, 2009 and against the backdrop of national and international recession and significant changes in the retail industry (particularly internet retailing / online shopping trends). In recognition of the foregoing, the strategy therefore emphasises that *'providing certainty with regard to floorspace and expenditure projections and additional development requirements can become a precarious task, and one that should be approached with some caution'*. The strategy proceeds to consider the likely population trends and projections and notes that the population of the Greater Carlow Graiguecullen Urban Area as recorded in 2011 (i.e. 23,030 No. persons) had doubled in the space of 15 No. years, although it is acknowledged that the catchment area of the town is not restricted to its immediate environs and extends into neighbouring counties and beyond. It subsequently analyses the estimated per capita expenditure figures and sets out the average per capita growth rates per annum for both convenience and comparison retailing activities before determining that it is prudent to assume that there has been no growth in per capita expenditure figures since the 2009 Retail Strategy given the prevailing macro-economic circumstances (i.e. the economic downturn).

7.3.2. Broadly speaking, the Greater Carlow Graiguecullen Urban Area Retail Strategy, 2012 notes that the study area experienced strong population growth over the preceding 15 No. years and that this was accompanied by a significant increase in retail floorspace. It was further noted that permission had been granted for a number of significant retail developments within the strategy area including the redevelopment of the Penny's site at Hanover (with a gross retail floor area of 26,071m², including 13,492m² of net comparison retail floorspace) and a scheme proposed by Naus Developments at Barrow Track which included 10,981m² floorspace, including 5,827m² comparison, although I would advise the Board that neither of these developments has progressed. In terms of the potential for additional expenditure, it is stated that Carlow town faces considerable competition from other centres and that in light of its rank and role within the national, regional and county retail context, it would be important to sustain and enhance its comparison retail offer

(with the exception of bulky goods), although the indicative turnover ratios set out in the Carlow County Retail Strategy 2009 suggested that comparison goods floorspace was slightly under-trading (possibly due to inefficiencies or an oversupply of bulky goods floorspace). It was further noted that the Carlow County Retail Strategy, 2009 highlighted a limited capacity for additional floorspace in the county as a whole and that the estimated net spare expenditure capacity for the period 2009 to 2016 was negative with - €94.2m for comparison retailing in a high growth scenario. The Retail Strategy for the Urban Area thus concludes by stating that there has been no marked change in circumstances from the 2009 floorspace projections with limited capacity for additional floorspace and a reluctance in the market to implement significant permissions on key sites, although it is emphasised that it is not the purpose of the Retail Strategy to limit competition and as such there is an obligation to consider robust arguments for renewal and investment in floorspace.

- 7.3.3. Whilst I am cognisant of the findings of the Greater Carlow Graiguecullen Urban Area Retail Strategy, 2012, it must be noted that this document is somewhat outdated and thus I am hesitant to place an overt weighting on same. Moreover, an updated Carlow County Retail Strategy (2015) has been prepared as part of the Carlow County Development Plan, 2015-2021 (Appendix 4) which notes that the national economy has returned to growth, which is an important trend in the context of potential future retail development, although the retail sector continues to feel the effects of the recession whilst the growth of online retailing is likely to primarily impact on the comparison sector (particularly with smaller centres). This County Retail Strategy provides a breakdown of the total expenditure available for non-bulky comparison goods retailing within the identified study area in 2011 (which extends into neighbouring counties) and includes a projection of €292,564,29 for 2021 with adjustments having been made for inflows and outflows of expenditure (incl. online shopping and the trade draw of other centres). By utilising the existing retail floorspace figures for the county derived from a 2014 survey, and by applying an assumed turnover ratio of €6,000 / m² (based on 2011 figures adjusted to account for the variation in turnover yields dependent on location), it has been estimated that the existing comparison (non-bulky) floorspace within the county has a turnover of €165,492,000. Accordingly, the Strategy has calculated a residual surplus in the

available expenditure for new comparison (non-bulky goods) retail floorspace of €127,072,529 for the year 2021.

- 7.3.4. On the assumption that the aforementioned comparison turnover figure of €6,000 / m² is representative of a high level of trading (and thus no growth factor has been applied to same), it has been estimated that there is a future requirement for 21,179m² of comparison (non-bulky) retail floorspace in the county up to 2021, although this figure is only indicative and is not to be considered an upper limit. Notably, this figure does not include for any 'pipeline' floorspace which has already been permitted in the county but has yet to be constructed such as the redevelopment of the Penny's site and the construction of the Barrow Track scheme in Carlow Town. In addition, the aforementioned figures do not have regard to the existing levels of vacancy in the county. Moreover, it is emphasised that a key consideration in the assessment of any planning application will be the location and quantum of the retail floorspace proposed with the appropriate redevelopment and revitalisation of town centre lands to be given priority.
- 7.3.5. Chapter 8 of the County Retail Strategy, 2015 proceeds to consider the distribution of the indicative future floorspace projections and states that, in light of Carlow town's designation as a sub-regional centre within the national retail hierarchy as per the '*Retail Planning, Guidelines for Planning Authorities, 2012*' and its position as the principal urban centre in the county, and noting the existing county-wide distribution of comparison floorspace, a total of 16,943m² (i.e. 80%) of the indicative future comparison floorspace requirement is to be allocated to Carlow town. From a wider policy perspective, the strategy thus aims to promote and encourage the major enhancement of retail floorspace, primarily comparison goods, and town centre functions in Carlow town to sustain its competitiveness and importance as the only Level 1 centre within the County Retail Strategy. Specifically, the core retail area is to form the primary focus and preferred location for new retail development, with a particular need to reinstate the role and function of the traditional retail core of the town which is centred on Tullow Street and Dublin Street.
- 7.3.6. Having considered the foregoing, I would draw the Board's attention to the Retail Impact Assessment submitted in support of the subject application. The RIA details that the catchment for the assessment has been informed by the study area used in the Carlow County Retail Strategy, 2015 (i.e. the whole of Co. Carlow and parts of

neighbouring counties), however, it subsequently limits the catchment considered to Co. Carlow only on the basis that this will ensure a more realistic representation of the likely catchment for comparison shopping in Carlow town centre and also avoids the need to increase the population base in order to justify the proposal. The projected population of this catchment is subsequently extrapolated from the 2016 census population figures by applying a growth rate of 1.5% derived from the Carlow County Retail Strategy, 2015 and is calculated as 61,332 No. persons for a design / opening year of 2021 (whilst the average annual rate of population growth for the State is 1.6%, a more conservative growth rate was adopted to provide for a more realistic and accurate interpretation of the catchment area as well as ensuring consistency with the population projections set out in the County Retail Strategy, 2015). The RIA then utilises the projected expenditure per capita figure for comparison retailing set out in the County Retail Strategy, 2015 (i.e. a per capita spend of €4,121) to calculate a total available comparison expenditure in 2021 of €252,760,000.

- 7.3.7. At this point, I would advise the Board that the calculations used in the RIA derive from a considerably smaller population catchment when compared to the study area used for the County Retail Strategy, 2015, however, the applicant's consequent calculation of the total available comparison expenditure figure has not taken account of that portion of the expenditure attributable to 'bulky goods' retailing. In this regard the County Retail Strategy states that c. 20% of comparison expenditure will be accounted for by bulky household goods in retail warehouse type premises and, therefore, the applicant's available comparison expenditure figures would seem to be an over-estimation. Furthermore, no account has been taken of the impact of on-line shopping (2%) and outflows (13%) to competing centres on the available expenditure figure.
- 7.3.8. If the applicant's comparison expenditure figure for 2021 is amended to account for 20% 'bulky goods' comparison retailing it would equate to an adjusted available comparison (non-bulky) expenditure figure of €202,208,000 for a design year of 2021. By further refining this figure by accounting for outflows and on-line shopping at 13% and 2% respectively as per Table 7.7 of the County Retail Strategy, 2015, a final available comparison expenditure in 2021 of €171,877,000 can be calculated.

- 7.3.9. In its calculation of the turnover of the existing floorspace within the catchment area, the RIA details a total existing comparison (non-bulky) retail floorspace of 22,666m² within Carlow town (as derived from the 2014 floorspace figures contained Table 7.8 of the County Retail Strategy) and also includes a further 4,916m² of such floorspace for the remainder of the catchment area. By applying an assumed turnover ratio of €6,000 / m² as per the Retail Strategy, it has been calculated that there is an existing turnover of comparison (non-bulky) retail floorspace within the catchment area of €165,492,000.
- 7.3.10. On the basis that the proposed development has a net comparison retail floorspace of 2,888m², and by applying an assumed turnover ratio of €6,000 / m², it has been submitted that the subject proposal will have an estimated turnover of €17,330,000.
- 7.3.11. Accordingly, on the basis of the applicant's own (unadjusted) figures as set out in the RIA, in a design year of 2021 there will be an available surplus comparison expenditure of €87,270,000 and thus the case has been put forward that there is significant capacity within the catchment area to accommodate the proposed development.
- 7.3.12. Having reviewed the foregoing, in my opinion there are flaws within the submitted RIA, most notably, the failure to account for on-line shopping, outflows to other centre, and bulky goods in the calculation of the available comparison expenditure. By applying the proportionate reductions as previously referenced, an adjusted available comparison (non-bulky) expenditure figure of €171,877,000 can be calculated for a design / opening year of 2021. In turn, on the assumption that there has been no additional floorspace developed in the area, and by continuing to apply an assumed turnover ratio of €6,000 / m², it can be calculated that there will be an estimated available expenditure of €6,385,000 (i.e. €171,877,000 - €165,492,000). Therefore, the estimated turnover of the proposed development at €17,330,000 would seem to exceed the available expenditure capacity.
- 7.3.13. Whilst the aforementioned adjusted figures would seem to suggest that Carlow town does not have sufficient capacity available to cater for the additional comparison (non-bulky) floorspace proposed, I would caution against drawing any such conclusion on the basis that the figures used in the RIA and the County Retail Strategy are not directly comparable in a number of aspects. For example, I note that

the applicant's study area does not take account of the anticipated available expenditure inflows from neighbouring counties (estimated at €185,348,510). Consideration should also be given to the fact that the proposed development provides for the demolition and replacement of a certain amount of existing comparison floorspace. Furthermore, the current Carlow County Retail Strategy, 2015 allocates a total of 16,943m² (i.e. 80%) of the indicative future comparison floorspace requirement for the county to Carlow town with the proposed development representing only c. 17% of that figure. Finally, the County Retail Strategy has sought to stress that the potential floorspace projections set out in that document are merely indicative and are not to be interpreted as upper limits. It specifically states that the figures should be seen as minimums rather than maximums.

7.3.14. Although I would have reservations regarding a number of elements of the RIA, on the basis of the available information and the provisions of the County Retail Strategy, there appears to be sufficient capacity to accommodate the additional comparison (non-bulky) retailing proposed within Carlow town. It is of further relevance to note that neither the redevelopment of the Penny's site nor the construction of the Barrow Track scheme has progressed with the latter's permission having expired whilst permission has also recently been sought under PA Ref. No. 19478 for the refurbishment of the existing Penney's store. Therefore, on balance, I am generally satisfied that there is sufficient capacity within Carlow town to permit the subject proposal.

7.3.15. *Sequential Test:*

7.3.16. With regard to the application of the sequential approach in the assessment of proposals for new retail development as advocated by the '*Retail Planning, Guidelines for Planning Authorities, 2012*', the applicant has submitted that in light of the site location within the identified retail core of Carlow town centre (which forms the primary focus and preferred location for new retail development), it is clear that the subject proposal complies with the policies and objectives of the relevant development plan and the retail strategy and, therefore, there is no requirement to undertake a sequential test in order to assess the appropriateness of the selected site. By way of further explanation, the case has been put forward that there are strong policy provisions which seek to promote and encourage the major

enhancement of retail floorspace, primarily comparison goods, and town centre functions in Carlow town in order to sustain its competitiveness and importance as the only Level 1 centre within the county retail hierarchy. Reference has also been made to the site location within the established Fairgreen Shopping Centre where it can avail of existing supporting infrastructure and parking provision, its connectivity with the wider town centre, the potential for commercial synergy arising from the walking distance to other comparison outlets thereby minimising the need for vehicular trips, and the proximity of public transport (i.e. bus stops).

7.3.17. Having conducted a site inspection, and following a review of the available information, whilst I am cognisant of the geographical shift of Carlow town centre eastwards over the last 10-20 No. years and the consequential impact on the traditional retail core of the town in Tullow Street / Dublin Street, given the specifics of the site context, with particular reference to its established retail / commercial use as part of the Fairgreen Shopping Centre, the likelihood of commercial synergy with neighbouring land uses, the good pedestrian connectivity and permeability with the wider area (including the key town centre retail locations of the Carlow and Fairgreen shopping centres, in addition to the Barrack Street area which has been identified for renewal / upgrading by reference to its designation as Opportunity Site 8 in the Joint Spatial Plan) which are to improved further pursuant to the *'My Carlow: A vision for a living town centre'* public realm proposal, and the proximity of the appeal site within a comparatively short walking distance of the traditional retail core of the town, I am satisfied that the appeal site can be held to be within the retail core of the town centre and thus the completion of a detailed sequential test would not be warranted in this instance.

7.3.18. *Impact on the Town Centre:*

7.3.19. Consideration must also be given to the potential for the proposal to impact on the vitality and viability of Carlow town centre. In this regard, it is clear that the proposed development represents a significant addition in terms of retail floorspace to the town and, therefore, there is a need to demonstrate compliance with the Development Plan and that there will be no material adverse impact on the vitality and viability of the existing town centre. In respect of retail impact, the proposal should demonstrate whether or not it would:

- support the long-term strategy for the town centre as established in the retail strategy/development plan, and not materially diminish the prospect of attracting private sector investment into one or more such centres;
- have the potential to increase employment opportunities and promote economic regeneration;
- have the potential to increase competition within the area and thereby attract further consumers to the area;
- respond to consumer demand for its retail offering and not diminish the range of activities and services that an urban centre can support;
- cause an adverse impact on one or more city/town centres, either singly or cumulatively with recent developments or other outstanding planning permissions (which have a realistic prospect of implementation) sufficient to undermine the quality of the centre or its wider function in the promotion and encouragement of the arts, culture, leisure, public realm function of the town centre critical to the economic and social life of the community;
- cause an increase in the number of vacant properties in the primary retail area that is likely to persist in the long term;
- ensure a high standard of access both by public transport, foot and private car so that the proposal is easily accessible by all sections of society; and/or
- link effectively with an existing city/town centre so that there is likely to be commercial synergy.

7.3.20. Having considered the available information, and in light of the specifics of the site context as detailed elsewhere in this report, I am satisfied that the subject proposal accords with the strategic policy objectives of the Development Plan and the Retail Strategy as regards the primacy of the retail core within Carlow town centre and has adequately demonstrated that it will make a positive contribution to the vitality and viability of the town centre.

7.4. Overall Design and Layout / Visual Impact:

7.4.1. With regard to the overall design quality of the proposed development, I would concur with the Planning Authority's assessment that in light of the site location and the increased scale and visual prominence of the new construction when compared

to the existing building proposed for demolition, the subject proposal represents an opportunity to provide for an improved streetscape whilst the initial design warranted improvement. In this respect, I am in particular agreement that the elevational treatment of the original proposal along its principle frontage onto the link road between Barrack Street and the Fairgreen Shopping Centre / Inner Relief Road presented a somewhat uninteresting and unimaginative façade. Similarly, I note the concerns raised in relation to overall height of the construction and its visibility above the ridge line of the Lismard Centre when viewed from Barrack Street.

7.4.2. In my opinion, the revised design received by the Planning Authority on 30th August, 2019 in response to the request for further information provides for a considerable improvement in terms of the overall architectural quality and visual appearance of the development. The reduction by 1m in the parapet height of the wider expanse of the roof area ensures that it will not be overtly visible from vantage points along Barrack Street whilst the amended elevational treatment serves to enliven the aesthetics of the construction. The inclusion of the additional canopy features and the revisions to the fenestration arrangement, particularly when taken in combination with the wider palette of external finishes and the introduction of new architectural details such as the concrete blocking course and the faced brickwork, will break up the overall massing of the construction and will also achieve a more balanced and less monolithic appearance along the key frontages of the building to the south and east.

7.4.3. Moreover, having considered the submitted details, including the contextual elevational drawings, and in light of the surrounding pattern of development, I am satisfied that the overall design, scale, height and architectural treatment of the revised proposal will not detract from the character of this built-up urban area or the future development potential of neighbouring properties and is an appropriate design response to this town centre location.

7.5. **Traffic Implications:**

7.5.1. The proposed development will be accessed via an existing entrance arrangement which serves the Fairgreen Shopping Centre that extends from the link road between Barrack Street and the Inner Relief Road and in this respect concerns have been raised as regards the potential impact of the proposal on the surrounding road

network in reference to the increased traffic volumes consequent on the additional floorspace proposed and the inadequacy of the on-site car parking arrangements.

7.5.2. In terms of trip generation, I would refer the Board to Section 6: '*Traffic Generation and Impact*' of the Engineering Report provided with the initial application which details that the proposed development (through its demolition of an existing two-storey retail / commercial building and the subsequent construction of a replacement two-storey retail unit) will provide for an additional 2,846m² of gross retail floorspace and that this will equate to an 11.9% increase in the overall size of the Fairgreen shopping centre (whilst the 'new-build' floorspace stated in this report differs marginally from that set out in the public notices, the difference of 12m² is not of such significance as to give rise to any concerns as regards the assessment of the wider traffic impact of the proposal). This report proceeds to reference the Carlow Traffic Model Junction Assessment Report (compiled by Carlow County Council) which states that the peak Ratio of Flow to Capacity (RFC) at the junction of the link road with Barrack Street (based on 2018 base year figures) is 0.46. Accordingly, on the basis that a non-signalised junction is typically considered to be operating satisfactorily if all arms of the junction have an RFC value of less than 0.85, the applicant has sought to emphasise that the Local Authority's own 'Junction Assessment Report' concluded that '*the existing junction will operate within its operational capacity with no significant queueing or delay in the AM or PM peak hours*'. It has also been stressed that the Carlow Traffic Model Junction Assessment Report contains an analysis of the Barrack Street entrance based 2028 predicted traffic flows under the 'Do Nothing' scenario (i.e. no changes are made to the road network) which determined that '*The results of the assessment show that the existing junction will operate within its operational capacity with no significant queueing or delay in the 2028 AM or PM peak hours*'.

7.5.3. On the basis of the foregoing, the case has been put forward that there is considerable scope for the existing junction of Barrack Street with the link road to accommodate additional traffic flows before reaching capacity. It has also been submitted that traffic generation attributable to the proposed development is unlikely to increase in line with the additional floorspace proposed on the basis that the new retail unit will not be visited in isolation and will instead function in tandem with the existing shopping centre complex. Nevertheless, if it is assumed that traffic flows will

increase proportionately with the new floorspace proposed, the applicant has sought to reiterate that the Carlow Traffic Model Junction Assessment Report has established that there is sufficient capacity available at the junction with Barrack Street to accommodate the anticipated 11.9% increase in traffic flows. In summation, it has been submitted that the proposed development is not expected to have an adverse impact on the traffic flows entering and exiting the Fairgreen Shopping Centre.

- 7.5.4. In contrast to the applicant's claims, it has been asserted in the grounds of appeal that there are on-going problems with regard to traffic congestion in the vicinity of the site as a result of a lack of capacity at the existing entrance points serving the Fairgreen Shopping Centre to cater for the current traffic flows. These difficulties are seemingly further exacerbated by a lack of on-site parking provision within the wider shopping complex which gives rise to tailbacks along the link road and onto Barrack Street.
- 7.5.5. Following a review of the available information, and having conducted a site inspection during a busy weekday in the build-up to Christmas, it is clear that whilst the Fairgreen Shopping Centre serves to attract a considerable volume of car-borne traffic into Carlow town centre, it would appear that the Local Authority's Carlow Traffic Model Junction Assessment Report has established that the junction of the link road serving the shopping centre with Barrack Street has adequate capacity to accommodate the possible increase in traffic flows attributable to the proposed development. Whilst it is regrettable that Section 6: '*Traffic Generation and Impact*' of the Engineering Report does not include any further analysis of the likely trip generation consequent on the additional retail floorspace or the impact (if any) on the junction of the link road with the Inner Relief Road, I am cognisant that the Transportation Dept. of the Local Authority has not objected to the proposal and would seem to be of the opinion that the existing road network has sufficient capacity to accommodate the development. Furthermore, it is notable that the appellant's assertions with regard to incidences of queuing and delays along the surrounding road network have not been substantiated by any supporting evidential basis.
- 7.5.6. On balance, I would suggest that the information available provides a reasonable basis on which to conclude that the existing junction with Barrack Street can cater for any increase in traffic flows consequent on the proposed development.

Consideration should also be given to the possible distribution of trips to / from the proposed development on the assumption that some aspect of the additional traffic flow will avail of access / egress via the Inner Relief Road as opposed to Barrack Street. In addition, I am satisfied that there is a strong likelihood of shared / linked trips given the site location within the town centre and the potential for commercial synergy with the existing shopping centre and other retail outlets in the wider area.

7.5.7. With respect to the adequacy of the on-site car parking arrangements, the '*Planning and Design Statement*' submitted with the original application provides a breakdown of the car parking spaces provided and required as a result of the proposed development. This states that the additional gross retail floor area (i.e. the floor area of the new construction minus the existing building for demolition: 2,858m²) would generate a demand for 47 No. car parking spaces (at a rate of 1 No. parking space per 80m² of non-food retail floorspace on lands zoned as 'town centre' as per the requirements of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018). It is also stated that the 26 No. new parking spaces to be provided alongside the proposed unit, in addition to the creation of 66 No. extra spaces arising from the opening up of the service yard to the rear of Phase 1 of the Fairgreen Shopping Centre with a reconfigured parking area, will provide for a total of 92 No. car parking spaces that will help to compensate for the loss existing parking displaced by the new construction. The applicant subsequently asserts that there is already a surplus of car parking serving the Fairgreen Shopping Centre and thus the existing parking arrangements within the wider complex can accommodate the additional demands of the proposed development.

7.5.8. In response to the request for further information issued by the Planning Authority, on 30th August, 2019 a more detailed breakdown of the car parking requirements of the existing shopping centre and the proposed development was provided as follows:

- *Phase 1 (the construction of 16,643m² of shopping centre):*

Requirement: 278 No. spaces

Provided: 412 No. spaces

Surplus: 134 No. spaces

- *Phase 2 & 2a (the development of 3,187m² of shopping centre and a multi-screen cinema):*

Requirement: 130 No. spaces

Provided: 161 No. spaces

Surplus: 31 No. spaces

- *Phase 3 (the proposed development):*

Requirement: 47 No. spaces

Provided: 96 No. spaces

Surplus: 49 No. spaces

7.5.9. Therefore, on the basis of the foregoing figures, it has been submitted that there will be an overall surplus of 214 No. car parking spaces available within the wider Fairgreen shopping centre complex upon completion of the proposed development. In further support of the proposal, reference has also been made to the site location within Carlow town centre, the potential for commercial synergy with neighbouring land uses, and the likelihood that patrons of the shopping centre may also choose to walk to the site or to avail to public transport.

7.5.10. At this point, I would advise the Board that although there are presently 175 No. parking spaces within the confines of the application site as outlined in red (please refer to Figure No. 5 of the response to the request for further information), a total of 54 No. of these spaces are reserved for staff parking. The remaining 121 No. are available for use by patrons of Unit No. 27 (the building proposed for demolition as part of the subject proposal) despite it only seemingly necessitating the provision of 15 No. parking spaces. Accordingly, whilst the proposed construction will result in the loss of an area of existing customer car parking, this will be compensated somewhat through the opening up and reconfiguration of the existing staff parking area.

7.5.11. In light of the apparent surplus in customer car parking available within the wider confines of the Fairgreen shopping centre, and notwithstanding the loss of some parking areas consequent on the new construction, it would therefore appear that the proposed development will be adequately provided for in terms of car parking provision.

- 7.5.12. It is of further relevance to note that in order to encourage sustainable transport (i.e. to minimise additional car travel, reduce trip lengths, and encourage the use of sustainable means of travel), and in recognition of the importance of economic development and regeneration of Carlow Town Centre, the Development Plan allows for a relaxation of car parking standards with the town centre. It is also the policy of the Planning Authority to discourage the provision of extensive surface-based car parking within the town centre so as to free up such town centre sites for re-development.
- 7.5.13. Accordingly, given the site location within Carlow town centre, the potential for commercial synergy and shared / linked trips, the accessibility of the site by means of transport other than the private car (noting the bus stops located alongside the link road), the overall availability of car parking within the wider Fairgreen Shopping Centre, and the relaxation in parking requirements permissible within such town centre locations, it is my opinion that the proposed development is acceptable both in terms of its potential impact on the surrounding road network and as regards the adequacy of the parking arrangements.

7.6. Impact on Residential Amenity:

- 7.6.1. Concerns have been raised in the grounds of appeal that the proposed development will have a detrimental impact on the amenity and development potential of nearby property (with particular reference to overlooking and overshadowing) as a result of the overall scale, height and proximity of the new construction.
- 7.6.2. Having regard to the design, nature and scale of the development proposed, the positioning and proximity of the new construction relative to neighbouring properties, the site context within a built-up town centre location where some degree of overlooking or overshadowing would not be unexpected, and following a review of the submitted details, including the 'Shadow Casting Study', it is my opinion that any such loss of amenity attributable to the proposed development will be within tolerable limits and would not warrant a refusal of permission.
- 7.6.3. With regard to the potential constructional impacts of the proposed development, including the temporary loss of car parking, whilst I would acknowledge that the subject site is located in a busy town centre and that some level of disturbance / disruption is perhaps unavoidable, given the scale of the development proposed, the

extent of the site area / landholding available, and as any impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.7. Infrastructural / Servicing Arrangements:

- 7.7.1. With respect to the concerns raised in the grounds of appeal that the existing water services infrastructure in the area has inadequate capacity to accommodate the additional demands consequent on the proposed development, in the absence of any clear evidence to support such an assertion, and noting that neither Irish Water nor the Carlow Municipal District Engineer have objected to the proposal, I am unconvinced of the veracity of the appellant's claims and have no reason to question the position adopted by the Local Authority that the proposed development can be adequately serviced by the existing mains services.

7.8. Appropriate Assessment:

- 7.8.1. From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that whilst the proposed development site is not located within any Natura 2000 designation, it is situated approximately 800m east of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). In this respect it is of relevance to note that it is an objective of the Planning Authority, as set out in Section 9 of Part 3 of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018, to seek to realise the conservation objectives of the River Barrow and River Nore candidate Special Area of Conservation. By way of further clarity, Policy HER P01 of the Plan aims to ensure that all planning applications are screened to determine whether a full Appropriate Assessment is necessary in accordance with the '*Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2010)*' whilst Policy HER P03 restricts development that would be likely, either individually or in combination with other plans or projects, to give rise to significant adverse effects on Natura 2000 sites having regard to their conservation objectives.
- 7.8.2. In effect, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6

of the Habitats Directive. Accordingly, it is necessary to screen the subject proposal for the purposes of 'appropriate assessment'.

- 7.8.3. Having reviewed the available information, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any protected site, the limited ecological value of the lands in question, the availability of public services, and the separation distances involved between the subject site and nearby Natura 2000 designations, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of any Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.
- 7.8.4. Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the central and accessible location of the site within the retail core of Carlow town centre, the policies of the planning authority as set out in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 and the Carlow County Development Plan, 2015-2021 for the area generally, the planning history and existing use of the site, the pattern of development in the area, and the

nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development at this location, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not have significant adverse effects on the environment and would, therefore, be in accordance with 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 30th day of August 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the unit shall be restricted to the sale of comparison goods, as defined in Annex 1 Glossary of Terms attached to the Retail Planning Guidelines for Planning Authorities (2012).

Reason: To regulate the use of the development in the interest of protecting the vitality and viability of the town centre and the proper planning and sustainable development of the area.

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

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, communal television, telecommunications and public lighting cables) shall be run underground within the site. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

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

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

8. Site development and building works shall be carried only out between the hours of 0800 to 1800 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 amenities of property in the vicinity.

9. 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.

10. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials and for the on-going operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

11. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- c) 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.

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

Reason: In the interest of visual amenity.

12. Prior to commencement of development the developer shall submit to the planning authority, for written agreement, a coordinated scheme, including associated drawings and detailing, for the provision of signage. Following the receipt of the written agreement, the proposed development shall be completed in accordance with the approved drawings. No other signage or advertisements shall be erected or displayed on the proposed development site or on any structures within same so as to be visible from public areas without the prior written agreement of the planning authority.

Reason: In the interest of visual amenity of the area.

13. Details of all lighting or illumination of any part of the building or site, including direction of illumination and intensity, shall be submitted to and agreed in writing with the planning authority. All external lighting shall be cowled and directed away from the roadway and surrounding properties.

Reason: In the interest of visual amenity.

14. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity

15. 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 visual amenities of the area, and to allow the planning authority to assess any such development through the statutory planning process.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Robert Speer
Planning Inspector

6th February, 2020