



An  
Bord  
Pleanála

## Inspector's Report ABP-306560 - 20

### Development

The construction of a single-storey supermarket including off-licence area, coffee-shop, plaza, enhanced public realm area and landscaping. New vehicular entrance to/ from the Royal Oak Road, electricity sub-station, bin storage area, signage car and bicycle parking and all associated site works.

### Location

Royal Oak Road, Moneybeg,  
Bagnelstown, Co. Carlow.

### Planning Authority

Carlow County Council

### Planning Authority Reg. Ref.

1936

### Applicant(s)

Lidl Ireland Gmbh Head Office

### Type of Application

Permission

### Planning Authority Decision

Grant Permission.

### Type of Appeal

Third Party

**Appellants**

Patrick Dillon  
Tom Connolly

**Observers**

James Bolger  
Dave Fisher

**Date of Site Inspection**

26<sup>th</sup> March 2020

**Inspector**

Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site contains a greenfield site located to the south of the R724 – Royal Oak Road, on the western side of Bagenalstown/ Muine Bheag, Co.Carlow. The site is rectangular in shape and is bound by the Royal Oak Road to the north, Hurley's Lane to the east and houses/ open space forming part of the Conway Park residential development to the south. To the west is a detached house and its associated grounds. The site boundary consists of a mix of timber fencing, concrete post and wire fencing and some hedgerow. The site is relatively flat with a gentle rise from north to south.
- 1.2. The site is located to the west of the town centre and is surrounded by residential development consisting of detached and semi-detached houses. Commercial development is located to the north east of the site, closer to the town centre. A SuperValu supermarket is located in the town centre and an Aldi supermarket is located to the north east of the urbanised part of the town. The town centre is small but is notable for the grid layout of the streets.
- 1.3. The River Barrow is located approximately 310 m to the north of the subject site. Muine Bheag is served by the Dublin to Kilkenny/ Waterford train service with the station located to the east of the town.

Note: I will be referring to the town as Muine Bheag, it's official name, rather than Bagenalstown.

## 2.0 Proposed Development

- 2.1. The development consists of:
  - A single supermarket including off-licence area with a stated floor area of 2,268 sq m.
  - A coffee shop with a stated floor area of 210 sq m.
  - Plaza, enhanced public realm and landscaping.
  - New access for vehicles from the Royal Oak Road.
  - Electricity substation with a stated area of 23 sq m.

- Bin storage area with a stated area of 6 sq m.
- Car and bicycle parking areas, a total of 107 carparking spaces. Two electric vehicle charging points to be provided.
- Trolley bay area.
- All signage
- Associated site works.

Following the receipt of further information, the red line boundary of the site was revised and the following alterations to the layout/ design were proposed:

- The supermarket reduced in floor area to 1,530 sq m. Net sales area is proposed to be 1,020 sq m. The unit is set back further from the Hurley's Lane side of the site.
- Coffee shop increased in floor area to 250 sq m.
- Total of 97 car parking spaces.
- Revisions to the boundary treatment and associated public realm/ site landscaping.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following the receipt of further information, the Planning Authority decided to grant permission subject to conditions. These conditions were generally standard. Condition no.2 refers to material details/ external finishes to the proposed buildings, Condition 3 and 4 refer to signage and Condition 5 prevents the placing of structures/ equipment above roof level. Condition 6 refers to landscaping, Condition 7 refers to boundary treatments and Condition 27 requires the employment of a suitably qualified archaeologist during the excavation/ groundwork phase of the development.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

The Planning report reflects the decision to grant permission subject to conditions, following the receipt of further information. Further information was requested in relation to the building design, need for a masterplan for the development of the site/ adjoining lands, retention of existing trees along Hurley's Lane, provision of a detailed landscaping plan, revisions to the Traffic Impact Assessment and request that the applicant comment on received third party submissions. The proposed development was considered to be acceptable in terms of the zoning/ location and the development is acceptable in terms of the sequential test.

### 3.2.2. Other Technical Reports

**Transportation Planning:** No objection subject to conditions. These refer to the need for all public areas to demonstrate compliance with DMURS, drainage provision, protection of footpaths, storage of materials away from public locations and the need for a road opening licence. Following the receipt of further information, no objection subject to conditions.

**Muine Bheag Municipal District:** No objection subject to conditions, however on receipt of further information, clarification was received in relation to the revised entrance arrangement, road lining, ramps on the public road and surface water drainage.

I note that Transportation Planning have identified a suitable surface water drainage system in the area and that alterations to the road network are outside of the control of the applicant; these points are made in relation to the Municipal District report.

**Environment:** No objection subject to conditions. These refer to surface water drainage, the need for a Construction Environmental Management Plan (CEMP) and control of evasive species. Similar conditions recommended following the receipt of further information.

**Water Services:** No objection subject to conditions.

**Chief Fire Officer:** Commented only on the further information response and reported no objection subject to conditions.

### 3.2.3. Prescribed Bodies Reports

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

**Department of Culture, Heritage and the Gaeltacht (DCHG):** Recommend that an appropriate assessment screening be undertaken considering the proximity of the development to the River Barrow and River Nore, both of which are SACs. In addition, full consideration to be given to control of alien species on site, provision for a construction management plan, any necessary licences and the Planning Authority to determine if Environmental Impact Assessment is required.

**Health Service Executive (HSE):** A Construction Management Plan (CMP) should be submitted as part of the application which should include using BATNEC. A range of environmental issues (noise, light, ventilation etc.) that may impact on human health are listed and are to be considered by the Planning Authority in their assessment of the proposed development. The report is worded such that all these issues can be addressed by way of suitable conditions.

### 3.2.4. Objections/ Comments:

A significant number of objections to the proposed development were received. In summary the comments included the following:

- The development will have a negative impact on Muine Bheag town centre and existing retail provision. The existing retail provision is vulnerable to competition and there are already high levels of vacancy in the town centre. Income from the business will not be spent locally.
- The 2016 indicates a population decline compared to the 2011 census. Retail spend has also declined.
- The development is contrary to the local area plan.
- Potential traffic hazard especially in the context of the entrance opposite an existing residential area (Eastwood) and in close proximity to large schools.
- Concern also that the Traffic Impact Report is not suitably comprehensive. A number of specific traffic movements that are of concern are noted.
- Previous refusals on site issued by An Bord Pleanála.
- Delivery areas are in close proximity to houses, issue of noise and nuisance.

- Boundary treatment is not suitable in all locations.
- The 2 m wide footpath along Hurley's Lane will be used as a car parking area giving rise to additional traffic chaos on this road.
- Loss of daylight, through the height of the building.
- The proposed building is considered to be out of character with the existing area.
- Loss of trees and the character of the area will be eroded. Important entrance point to the town centre.
- Loss of privacy with the introduction of CCTV cameras around the site.

Braniff Associates prepared a detailed objection on behalf of Mr Tom Connolly who is the owner of the Supervalu store in Muine Bheag. The following points are noted:

- The proposed development is larger than would be expected for a neighbourhood centre. The provision of a supermarket and a coffee outlet does not constitute what would be expected in a neighbourhood centre.
- The site is outside of the core retail area of Muine Bheag.
- The development would provide for 41% of the total retail convenience floor area for the town.
- High levels of vacancy exist in Muine Bheag at present.
- The retail impact assessment has not been fully undertaken in accordance with Annex 5 of the Retail Planning Guidelines (2012).
- Contrary to the Retail Planning Guidelines and the Local Area Plan.
- The design is not appropriate for this location.
- Concern raised about the Traffic Impact Assessment.
- Also notes the impact on residential amenity and the planning history of the site.

The proposed development was supported in two of the received letters, with concerns outlined with respect to traffic safety issues.

Further comments were made by Braniff Associates and P. Dillon on receipt of the further information response.

## 4.0 Planning History

**P.A. Ref. 08/635 / ABP Ref. PL01.233257** refers to a November 2009 decision to refuse permission for a licensed discount foodstore of 1,383 sq m gross floor area and five smaller retail units, on the subject site. A single reason for refusal as follows was issued:

'It is considered that, by reason of its design, form and layout, the inappropriate architectural approach proposed and its general layout in respect of the proposed car parking, the proposed development would be visually intrusive and inappropriate in the context of its prominent location on one of the main approach roads to the town centre of Bagenalstown. The proposed development would conflict with the provisions of the Muinebheag/Royal Oak Local Area Plan, in terms of its objectives for retail development to promote good urban design (which objectives are considered reasonable) and, particularly, where such design would contribute to the sense of arrival appropriate to this historic, planned town. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

**P.A. Ref. 06/640/ ABP Ref. PL01.224586** refers to a March 2008 decision to refuse permission for a licensed discount foodstore of 1,296 sq m gross floor area on the subject site. Two reasons for refusal were issued as follows:

'It is considered that, by reason of its design, form and layout, the inappropriate architectural approach proposed and its general layout in respect of the proposed car parking, the proposed development would be visually intrusive and inappropriate in the context of its prominent location on one of the main approach roads to the town centre of Bagenalstown. The proposed development would conflict with the provisions of the Muinebheag/Royal Oak Local Area Plan, in terms of its objectives for retail development to promote good urban design (which objectives are considered reasonable) and, particularly, where such design would contribute to the sense of arrival appropriate to this historic, planned town. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.



'The Board is not satisfied that, by reason of its location outside of the designated town centre of Bagenalstown, the proposed development would not have an adverse impact on the vitality and viability of the existing town centre of Bagenalstown, and it is considered that the proposed development would be contrary to the overall objectives of the Carlow County Retail Strategy and to the objectives of the current Carlow County Development Plan and the Muinebheag/Royal Oak Local Area Plan. Furthermore, it is considered that the sequential assessment provided with the planning application and the appeal does not comply with the provisions of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in January, 2005 as it does not establish that there are not more suitable and available sites within the town centre for additional retailing development, which would not have such an adverse impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

**P.A. Ref. 19/75** refers to a January 2020 decision to grant permission for seven houses to the west of the subject site.

**P.A. Ref. 18/342** refers to a June 2019 decision to grant permission for the demolition of an existing house and for the construction of six houses and all associated site works. This is located west of the subject site.

## 5.0 Policy and Context

### 5.1. Carlow County Development Plan 2015 - 2021

- 5.1.1. Muine Bheag is listed as a District Town in the County Settlement Hierarchy and is listed as a Level 2 Sub County Town Centres in Section 2.6 Retail Strategy.

POLICY CS 1 seeks 'To implement the provisions of the Regional Planning Guidelines and to target the growth of Carlow Town, the District Towns of Tullow and Muinebheag/Bagenalstown, the other settlements in the hierarchy and rural areas to advance sustainable development'.

- 5.1.2. Chapter 5 refers to the 'Muinebheag Relief Road (linking New Ross Port to the Midlands'.

## 5.2. Muine Bheag / Royal Oak Local Area Plan 2017 - 2023

The Local Area Plan for Muine Bheag was adopted in January 2017. I note Section 2.3.6 Town Centre of the Local Area Plan and which states the following:

‘Muine Bheag has a distinctive grid pattern, which provides for a hierarchy of streets and good levels of permeability. The area surrounding the Market Square and running along Main Street and Kilree Street is characterised by traditional town centre uses. The town has an attractive streetscape and accommodates a number of historic attractions and buildings of historical merit. Opportunities to improve the vitality and vibrancy of the town centre should be promoted together with the tourism role of the town. There are clear opportunities to upgrade the public realm, develop further niche retail, and service facilities within the town. These issues are considered in further detail in Chapter 6’.

Section 4.4.4 refers to Retail. The settlement is considered an important market town serving a large rural hinterland and ‘There is a noticeable lack of comparison goods provision within the town. Accordingly, there is opportunity to expand both comparison retailing and the neighbourhood convenience role of the town’. Map 3: Muine Bheag Core Retail Area indicates the core retail area; this does not extend to the subject site.

The following retail policies are listed, where relevant:

‘EC 14: To protect and strengthen the retail primacy of Muine Bheag within the County and more specifically within Southern Carlow.

EC 15: To encourage the development of the retail and service role of Muine Bheag / Royal Oak as a self-sustaining centre in accordance with the policies contained in the Carlow County Development Plan 2015-2021 and the Retail Planning Guidelines 2012.

EC 16: To protect the retail function of the Core Shopping Area.

EC 17: To sustain the vitality and viability of the main shopping area and to encourage measures to improve its attractiveness.

EC 18: To adhere to the provisions of the Sequential Approach in the consideration of retail applications located outside of the Core Retail Area.

EC 19: To promote and facilitate the development of local markets devoted to the

EC 20: To ensure that best quality of design is achieved for all proposed retail developments and that design respects and enhances the specific characteristics of the town.

EC 24: To secure the continued consolidation of Muine Bheag Town Centre through progressing the regeneration of backland and brown field areas in the town centre’.

‘It is an objective of the Council to’:

‘ECO 3: To maintain the role of Muine Bheag’s town core area as the primary retail centre for convenience and local comparison shopping through continuing to develop the retail environment, the quality of the public realm, the range of retail uses and to facilitate complementary uses to retail’.

The site is zoned ‘A’ – Town Centre Activities with the objective ‘To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial, office and civic use’. Restaurant, Shop (Convenience), Shop (Comparison) and Neighbourhood Centre are listed as ‘Permitted in Principle’ in ‘Table 13: Land Use Zoning Matrix’.

The subject lands are ‘Opportunity Site 3’, within an area identified on Map 5:

Opportunity Sites Town Centre. This is described as:

‘Greenfield Site Royal Oak Road’

‘This comprises a greenfield site of 1.02 hectares on the Royal Oak Road. The site is currently undeveloped but is located in close proximity to a number of residential estates. Given the proximity of the site to the town centre and its proximity to a large residential community within walking distance, the site would be suited to an appropriately scaled neighbourhood convenience development’.

### 5.3. National Guidance

Retail Planning Guidelines for Planning Authorities – Department of Environment, Community and Local Government (April, 2012). These guidelines are supported by the Retail Design Manual.

The Retail Planning Guidelines seek to ensure:

- Supporting competitiveness and choice in the retail sector, whilst using the sequential approach for retail development.
- Promote the vitality and viability of city and town centres.
- Recognise the importance of the sector for employment, economic activity and the vitality of Ireland's cities and towns.
- Promote the use of sustainable forms of transport.

### 5.4. Natural Heritage Designations

None on site.

The River Barrow And River Nore SAC (site code 002162) are located approximately 338 m to the north of the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Mr Tom Connolly has engaged the services of Braniff Associates to appeal the decision of Carlow County Council to grant permission for this retail development.

Issues raised in the appeal include:

- The development will be a significant threat to the viability and vitality of Muine Bheag core retail area which already experiences high levels of vacancy.
- The design is out of character in the context of this historic, planned town.
- The access arrangements to this site could give rise to a traffic hazard. DBFL Consulting Engineers have been engaged to further comment on this aspect of the development.

Mr Patrick Dillon has appealed the decision of Carlow County Council to grant permission for this retail development. Issues raised in the appeal included:

- Impact on residential amenity through visual intrusion, noise, loss of privacy, nuisance and health concerns.
- Traffic safety concerns and also concern about the regulation of car parking in the area.
- Impact on the visual amenity of the area. The proposed design is out of character with the existing form of development in Muine Bheag.
- Impact on existing retail provision in the area and loss of smaller independent shops. In turn there will be a loss of jobs in the local area.
- Contrary to the local area plan.

Mr Dillon has supported his appeal with a number of newspaper cuttings, relevant reports and a significant number of photographs.

## **6.2. Planning Authority Response**

- 6.2.1. The grounds of appeal are noted by the Planning Authority and further comments are made and are noted. The site is suitably zoned for the development of 'appropriately scaled neighbouring convenience development'. There is capacity for additional convenience retail provision. The design of the development was revised, and it is now considered to be acceptable as well as appropriate in this location in Muine Bheag. No issues of concern were raised by the Carlow County Council Transportation Department regarding the proposed road/ junction layout following the receipt of further information.

## **6.3. Comment by the Applicant**

TBP have made the following additional comments in response to the appeal, on behalf of the applicant:

- Following the further information request, the design of the proposed development was significantly revised resulting in a reduced floor area (gross and net floor areas) and it is considered that the revisions provide for a suitable urban design in this location.

- The development is in accordance with National, Regional and Local Planning guidance/ requirements.
- The sequential test demonstrates the suitability of this site.
- The site has been zoned for town centre uses for some time.
- Traffic concerns have been addressed.

#### 6.4. **Observations**

- Mr J Bolger supports the appeal against the decision of Carlow County Council to grant permission for this development. He has commented on the impact on the core town centre, traffic hazard and the inappropriate scale of the development, referring here to the Local Area Plan.
- Mr D Fisher has offered his support for this development. He lives opposite the site on Royal Oak Road, in Eastwood. He notes the potential impact of the development on one of the appellants and that of the six houses facing the development, most are in support of it. He notes the issue of traffic, which is best addressed by a by-pass and that there is a need for additional retail/ jobs in the area. A petition is attached to Mr Fisher's letter and this appears to include over 1100 names in support of this development.

#### 6.5. **Further Comments**

Mr Dillon has submitted a response to the appeal by Mr Connolly and the following points are made:

- Little comment has been made about the amount of pollution along this busy road – Royal Oak Road.
- Mix of vehicle types and potential for traffic safety issues.
- Proposed coffee shop will reduce the number of people visiting the town centre.
- Traffic hazard due to the proposed junction layout to serve the development and additional proposed entrance further to the west.

- Existing vacancy in Muine Bheag rate is high, and this development may add to this problem.
- The development will create jobs, but jobs will be lost in the town centre.
- Regulation of car parking outside the site is raised as an issue.
- The development will have a negative impact on the distinctive character of Muine Bheag.

## 7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Retail Impact Considerations
- Impact on the Visual Amenity of the Area
- Impact on Residential Amenity
- Traffic and Car Parking
- Other Issues
- Appropriate Assessment Screening

### 7.2. Principle of Development

- 7.2.1. The subject site is zoned 'A', Town Centre Activities and is identified in the Muine Bheag Local Area Plan 2017 – 2023 as an opportunity site. The provision of retail uses is acceptable within such town centre zoned lands. I note the local area plan seeks to provide 'an appropriately scaled neighbourhood convenience development' on this site. This is not clearly defined as such a development could consist of a number of small retail units and a larger supermarket facility. The overall floor area of this development is circa 1,800 sq m; I do not consider such a development floor area to be disproportionate to the site area.
- 7.2.2. The revised layout which includes a reduction in floor area of the retail unit and an overall reduction in car parking provision received by the Planning Authority on the

10<sup>th</sup> of December 2019, is considered to be a more acceptable layout and design than that originally submitted. I consider that the elevations onto Royal Oak Road and Hurley's Lane are significantly improved from what was originally submitted. The Planning Authority were also considering two small residential developments to the west of the site and whilst these were all separate applications, the Planning Authority would have been considering the development of the area in an integrated manner, which design/ urban form would have been a consideration.

7.2.3. I will therefore consider the appeal in the context of the information submitted by way of further information to the Planning Authority, unless otherwise stated in this report.

### **7.3. Retail Impact Considerations**

7.3.1. I note the Planning Report and Retail Assessment prepared by TBP submitted with the application and the subsequent reports submitted by way of further information and in response to the appeal. I also note the planning history of the site. The most recent, relevant application under P.A. Ref. 08/635 / ABP Ref. PL01.233257 noted the submitted sequential test and agreed with the applicant that the site complied. Only one reason for refusal was issued under ABP Ref. PL01.233257 and primarily referred to the design of the development, which would not be appropriate in this location on a main entrance to Muine Bheag.

7.3.2. Muine Bheag as a market town serves a large rural hinterland. The submitted retail assessment refers to the County Retail Strategy 2015 and indicates that there is capacity in Muine Bheag for additional convenience retail floor space/ unit. The applicant reports from the submitted figures, that the existing Supervalu and Aldi stores are either overtrading or else there is significant retail sales leakage to other towns. The proximity of Carlow and Kilkenny to Muine Bheag, would suggest that retail trade is lost to these larger centres. The location of Muine Bheag in close proximity to the M9 motorway has improved its accessibility but also allows for expenditure outside of the immediate area.

7.3.3. I note the comments regarding vacancy in the town centre. Vacancy can occur due to a range of factors, lack of demand, oversupply, insufficient range of retail choice, lack of parking etc. However, a common factor is that Irish town centres are not always able to accommodate larger retail units. Whilst vacancy may be prevalent,



derelict buildings/ cleared sites are not common sites in Irish towns. The Muine Bheag Local Area Plan appropriately identified sites for development, and which includes this site with a suitable zoning for a retail and coffee shop development.

7.3.4. The applicant has identified that there is no requirement for a sequential test as the site is located on lands zoned for town centre use and allows for retail use. The applicant has considered that other opportunity sites indicated in the Muine Bheag Local Area Plan and has found that they are either not suitable or available for development of the proposed nature.

7.3.5. I therefore consider that the development is acceptable in terms of the Retail Planning Guidelines (2012) and the Carlow Retail Strategy 2015. The site is suitably zoned and allows for retail development of the scale proposed.

#### **7.4. Impact on the Visual Amenity of the Area**

7.4.1. The issue of design is a key consideration in the planning history of this site. The revised layout in response to the further information request, resulted in the retail unit being located to the north east corner of the site but 14.85 m south of the roadside edge – Royal Oak Road and over 15 m from the roadside edge to the east – Hurley’s Lane. These elevations addressing the public roads have been improved in quality and present a suitably high design standard. A mix of random rubble stone and render will be utilised in the exterior treatment. The proposed coffee shop will be similarly finished with additional timber cladding; this ensures variety in the finishes but also an integrated design approach.

7.4.2. The relocation/ revision of the retail unit will ensure the protection of the existing trees along Hurley’s Lane. The proposed development provides for a linear park along this elevation and whilst I may question its usability as open space, it will provide for high quality visual amenity in addition to potential biodiversity benefits. A large area under grass, is located to the south west corner, which again has a visual benefit to the area. In addition to the retention of the trees to the east of the site, tree planting is proposed throughout the site.

7.4.3. The car parking layout has been revised such that it does not dominate the visual amenity of the area. The proposed tree planting will further soften the car parking

layout. Low random rubble stone walls are proposed to the northern and eastern boundaries. An existing wall and hedgerow are to be retained along the southern boundary. The Planning Authority conditioned that the boundary along the southern and western sides also be random rubble stone walls and this is considered to be appropriate.

7.4.4. An extensive paved/ plaza area is proposed to the front and side of the retail unit. A feature pergola between the retail unit and coffee shop acts as a link between the two proposed buildings. In the event that permission is granted, it is recommended that the final decision of this be addressed by way of condition.

7.4.5. The applicant provided revised photomontages in response to the further information request. The use of random rubble stone walls in the boundary treatment reflects the use of similar materials for boundary treatments in the immediate area. The extensive use of glass in the buildings will lighten their visual impact, compared to the use of the random rubble stone.

7.4.6. I have noted the comments made regarding the historical importance and design characteristics of Muine Bheag in addition to the prominence of the site location. I am satisfied that the proposed design and layout has addressed the previous reasons for refusal and that the development will be a suitable addition to Muine Bheag. Lidl have been able to introduce a variety in their store types and the proposed development is suitably designed to provide for good integration with its surroundings.

## **7.5. Impact on Residential Amenity**

7.5.1. Mr Fisher has outlined in his observation that not everyone is against the development of this site and has included a substantial petition in support of the development. I appreciate that development of the nature proposed on such a prominent site can give rise to mixed emotions in the local community. It is also fair to state that not all of the people who put their name to this petition would be as impacted upon by the development as perhaps the appellants are.

7.5.2. As noted by the applicant, this site has been zoned for Town Centre uses for some time. The zoning matrix indicates a wide range of uses that can be permitted on these lands. The provision of a supermarket and a coffee shop are suitable uses for such zoned lands. I note that previous applications proposed a number of small

shops in addition to a supermarket. Nothing the reported vacancy levels in Muine Bheag, the provision of a number of small shops with a large supermarket may not be appropriate or commercially sensible.

- 7.5.3. The provision of a new retail unit with coffee shop would increase activity in any area; this would include vehicular as well as pedestrian traffic. I note from the appellants, that the area is already busy in terms of traffic movement, so the proposed development is not therefore going to transform a tranquil residential area.
- 7.5.4. The proposed coffee shop will be separated by circa 29 m from the houses to the north and the shop will be circa 33 m from these houses. These are adequate separations. I do not foresee any issues of loss of privacy considering the location of these houses on a busy road. I note that a number of these houses to the north of the site, have almost entirely paved their front garden, turning this space into a car parking only area, suggesting that the front gardens have very little amenity value.
- 7.5.5. In the event that permission was to be granted, it would be appropriate that all illumination of signage be in accordance with the trading hours of the retail unit/ coffee shop, this will reduce the potential for light pollution.

## **7.6. Traffic and Car Parking**

- 7.6.1. The Carlow County Council Transportation Department did not raise any concerns regarding the proposed road/ access junction layout. I note the requested proposals for a roundabout at the entrance, however, I would have concerns regarding the appropriateness of such an arrangement and which may give rise to congestion in the area. The site is located within one of the more urbanised areas of Muine Bheag and there must be an expectation that a significant number of shoppers will walk to and from this store. Although it has been described as an edge of town site, I note that it is surrounded by existing housing on all sides. It therefore encourages the use of sustainable forms of transport in accordance with the Retail Planning Guidelines (2012).
- 7.6.2. Adequate car parking is proposed on site. I note that bicycle is proposed, though this does not appear to be covered. The location of the electric vehicle charging space are somewhat remote from the two units. I would suggest that they should be relocated adjacent to the plaza area.

7.6.3. The delivery area is proposed in an acceptable location. There is ample separation between this delivery area and the existing single storey houses to the south east of the site.

#### **7.7. Other Issues**

7.7.1. Water supply and foul drainage are available to serve this site, Irish Water have reported no concerns in relation to these. The Transportation Department have identified that surface water drainage can be accommodated. I do not foresee any issues regarding flooding.

7.7.2. The proposed signage is acceptable subject to the comments already made regarding its illumination.

7.7.3. It is considered that opening hours should be limited to 9.00 hours to 21.00 hours, seven days a week. Any alteration to these can be assessed by way of a new application to the Planning Authority.

#### **7.8. Appropriate Assessment Screening**

7.8.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

8.1. I recommend that permission be granted in accordance with the following conditions and reasons.

### **9.0 Reasons and Considerations**

9.1. Having regard to the provisions of the Retail Planning Guidelines 2012, the Carlow County Development Plan 2015 – 2021, the Muine Bheag Local Area Plan 2016 – 2022 and the 'A' Town Centre zoning that applies to the site, to the location of the site within an established retail/ urban development and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with

the conditions set out below, the proposed development would not seriously injure the existing retail, residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 8<sup>th</sup> of February 2019 and as amended by the further plans and particulars submitted on the 10<sup>th</sup> of December 2019, except as may otherwise be required in order to comply with the following conditions.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> <li>(a) The boundary walls on the western and southern boundaries shall consist of random rubble stone walls of 2 m in height.</li> <li>(b) Full details of the pergola feature to be provided.</li> <li>(c) The two EV Parking spaces to be located adjacent to the plaza area, replacing proposed parking spaces.</li> <li>(d) Suitably covered bicycle parking spaces to be provided.</li> </ul> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual amenity and in the interest of sustainable transport provision.</p>
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes of the two units in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.</p>

	<b>Reason:</b> In the interest of visual amenity.
4.	<p>a) Full details of all shopfront/ coffee shop signage shall be submitted for the written agreement of the Planning Authority prior to the operation of these units.</p> <p>b) Signage shall only be illuminated during the hours of operation of these units.</p> <p><b>Reason:</b> In the interest of visual and residential amenity.</p>
5.	<p>No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>No external security shutters shall be erected on the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
7.	<p>No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8.	<p>The trading hours of the supermarket and the coffee shop shall be between Monday - Sunday: 9.00 hours (9 am) to 21.00 hours (9 pm). There shall be no alterations to these times unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interests of clarity and in order to protect the residential amenities of the area.</p>

9.	<p>No deliveries shall be taken at or dispatched from the premises outside the hours of 9.00 to 20.00, Monday to Sunday.</p> <p><b>Reason:</b> To protect the residential amenities of the area.</p>
10.	<p>a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the junction with the public road to the north of the site, shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>b) A Stage 3 Road Safety Audit in relation to all road works including the junction with the public road, shall be prepared and submitted for the written agreement of the Planning Authority prior to the commencement of development. Any necessary revisions and/ or additions shall be agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
11.	<p>Footpaths shall be dished at road junctions in accordance with the requirements of the Planning Authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of pedestrian safety.</p>
12.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
13.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>

14.	<p>All service cables associated with the proposed development (such as electrical, telephone and public lighting cables) shall be run underground within the site.</p> <p><b>Reason:</b> In the interest of orderly development and to protect the visual amenities of the area.</p>
15.	<p>Measures shall be implemented to prevent the spread of Alien Invasive Species during the construction phase of development. These shall be agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of the protection of biodiversity.</p>
16.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate is to be signed off by the Landscape consultant when all works are completed and in line with the submitted landscape drawings and shall be in accordance with the Arboricultural Assessment Report in relation to tree/ hedgerow retention, protection and monitoring. This completion certificate shall be submitted to the Planning Authority for written agreement upon completion of works.</p> <p><b>Reason:</b> In the interest of amenity.</p>
17.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p>



	<p>c) shall carry out licenced metal detection surveys (including the field boundaries to be removed), develop an archaeological and artefact strategy on the basis of the results and in consultation with the Department of Culture, Heritage and the Gaeltacht and the National Museum of Ireland, agree protective measures in advance of site preparation and construction works to ensure the preservation/ protection of archaeological features (burnt mound material) and archaeological monitoring of topsoil stripping (licenced under the National Monuments Acts 1930 to present).</p> <p>d) A detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
18.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>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</p>

	<p>practice for the development, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
20.	<p>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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
21.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
22.	<p>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</p>

<p>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.</p> <p><b>Reason:</b> 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.</p>
--

---

Paul O'Brien

Planning Inspector

15<sup>th</sup> April 2020