



An
Bord
Pleanála

Inspector's Report

ABP-308582-20

Development	Construction of a single storey discount food store and off licence.
Location	Jervis Street, Ardee, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	19/699
Applicant(s)	Aldi Stores Ireland.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	First Party & Third Party
Appellant(s)	Aldi Stores Ireland. Mr. Patrick Lynch. Escadia Ltd.
Observer(s)	Transport Infrastructure Ireland
Date of Site Inspection	24 th February 2021.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.75ha and is located to the west of Ardee town centre. The site is bound to the north and east by Ash Walk and to the south by the N52 / Jervis Street. The site previously accommodated a building supply business and there are a number of large sheds currently in place around the perimeter of the site with a showroom building fronting onto Jervis St.
- 1.2. Ash Walk is a single lane carriageway that provides vehicular access from Castle Street to the site. It extends along the northern boundary of the site and also connects with Jervis Street to the south. Further to the north of the site is a surface car park associated with the Supervalu / Ardee Shopping Centre development.
- 1.3. Along the eastern boundary, and on the opposite side of the road is a three-storey mixed-use development comprising commercial units at ground floor with residential units above. Further to the south of this development, is a large two storey building called the Bohemian Centre, which forms the corner of Ash Walk and Jervis St. A two-storey building accommodating a dental surgery directly adjoins the site at the opposite corner of this junction. This building does not form part of the development site.
- 1.4. To the south, the site is bounded by the N52, which is a national distributor road that provides a local connection between the towns of Kells and Ardee. The section of the N52 directly adjoining the site is also known as Jervis Street. On the opposite side of the road is the Garda Station, which has some informal car parking to the front, with the Riverbank residential development to the west and some detached residential dwellings facing onto the road to the west of that again.
- 1.5. The western boundary of the site is formed by the attendant grounds of a 1930's house, Santa Barbara, which is listed on the RPS, (Ref. LHS017-074). These lands comprise green open space with some overgrown planting throughout and along the boundaries.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following development;

- The demolition of all structures (2,732sqm) on a site of 0.75ha and the construction of a single storey Aldi discount food store with a gross floor area of 1,760sqm (net retail floor area of 1,315sqm).
- The creation of a new vehicular access to the south of the site and opening onto the the N52 / Jervis Street, which would involve the removal of 13m of a stone boundary wall. The new internal access road would have a 1.5m wide cycle lane and a 2m wide footpath. A future connection to the lands to the west would be incorporated into the layout of the access road.
- Surface car parking for 87 cars and covered bicycle stands for to accommodate 12 bicycles. Landscaping and public realm improvements to be carried out along the north, east and southern boundaries.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of Further Information the Planning Authority decided to grant planning permission subject to 13 conditions, many of which are standard in nature.

- Condition No. 2 – requires some revisions to the internal floor plan, external elevations and landscaping plan.
- Condition No. 8 – sets out the requirements of the PA with regard to the layout of the access road and parking area and requires the extension of the internal access road by 7.465m to meet the northern site boundary.
- Condition No. 11 – requires that all parking spaces be provided with electrical connections to allow for the future provision of charging points and that 10% of these spaces shall be provided with charging points.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two reports are on file from the Planning Officer. The first report of the 17th October 2019 recommended that further information be requested, and the second report assessed the information submitted.

First report (17th of October 2019), contained the following;

- Under the Ardee LAP, the site is zoned as Town Centre. Convenience retail use is deemed to be a compatible use within the TC zoning.
- The subject site would be considered an 'edge of centre' site in the context of the Retail Planning Guidelines. It adjoins the existing retail core and will form an extension of the existing retail core.
- To demonstrate suitability of the site a sequential analysis was submitted. For reasons primarily relating to the size of the alternative sites, the requirement to maintain the traditional layout and streetscape in Ardee and issues relating to profile and accessibility, no alternative suitable, available and viable sites have been identified. Therefore, the subject site was deemed to be the most suitable, available and viable site for the proposed development.
- The Ardee LAP notes that Ardee has capacity for an additional 2,500sqm of convenience floor space.
- The proposed development by reason of its generic design and positioning on the site does not address the area to the north, the existing retail outlets or Ash Walk.
- The Architectural Heritage Impact Statement does not address the impact of the proposed development on the historic and mature landscape setting of the adjoining site or on the ACA. Nor does it address the architectural/archaeological significance of the site and its industrial heritage.
- The visual connection to the site via the medieval laneway and character of Ash Walk has not been adequately considered.
- The removal of 13m of stone boundary wall represents the significant fragmentation and loss of the integrity of the original boundary to the former lands associated with Sant Barbara House.

- The encroachment of the retail outlet to the historic site boundaries and routes of the former castle are regarded as detrimental and may impinge on masonry structures such as the fortifications, Ash Walk gate and the Blind Gate where they survive.
- The design of the proposal diminishes the architectural character and urban form of the town. The scale, character and linkage of the development to the rear of the historic streetscape, where there are a number of vacant commercial units, undermines the vitality of the urban core and is not fulfilling the sustainability objectives of Project 2040.
- The Planning Authority concurs with the conclusion of the AA Screening Report that no significant effects are likely to arise.
- Further information is requested with regard to the following;
 - Revised plans to address the area to the north and to establish more connectivity, access and linkages with existing development.
 - Information to address the deficiencies in the Architectural Heritage Assessment. Design information that indicates the interface between the proposed development with surviving historic features such as mature planting, boundaries, street and pavement pattern is also requested.
 - Revised plans to include the implementation of the new access road to the north of the subject site. The applicant shall extend the length of the internal access road to intersect with the new access road, and if works are required to third party lands, evidence of a right to carry out such works should be sought from the applicant.
 - Revisions to boundary treatments along the south and east of the site.
 - The removal of 50m of the stone wall / curtilage of the protected structure is unacceptable. The proposed entrance should be relocated to prevent this and a sightline of 49m in each direction should be provided.
 - The Road Safety Audit and the TIA should be revised and updated with relevant information.

- Additional information is requested with regard to the proposed on-site drainage and connection to Irish Water.

The second report of the Planning Officer dated the 8th day of October 2020 contains the following;

- With regard to the revisions to the overall design, the applicant has failed to adequately address the concerns of the Planning Authority with regard to the overall quality of the design and the creation of an attractive streetscape.
- It is recommended that conditions be attached to revise the internal layout and external elevations at the north-eastern corner to create more active frontage and aesthetically pleasing elevation.
- The southern elevation to Jervis Street is essentially a blank gable. High level windows and stone detailing to the elevations should be provided to reduce the massing.
- Regarding the potential impact of the proposal on the adjoining protected structures and ACA, the Planning Officer is satisfied that there are no surviving structures of architectural or historic significance on the site.
- The stone boundary wall has a historic significance. However, in order to facilitate the continued evolution of town centres and streetscapes, a balance must be struck between retaining historic features and allowing streetscapes to adapt. The importance of achieving adequate access and safe visibility onto Jervis Street cannot be understated. The loss of the stone wall at this location will not detract or significantly impact on the historical architectural setting at this location.
- The proposal would not detract or unduly prejudice the setting and/or character of the protected structures, mainly Santa Barbara House or the Tower House.
- The development will assist in delivering a connection from Jervis Street to the future link road to the north of the site.
- The Planning Officer accepts that the applicant is not the legal owner of the lands immediately to the north of the site and as such the delivery of the internal access road to that location is not within their remit. However, the

proposed new access road should be completed to the northernmost boundary of the site, which is indicated within the blue line boundary rather than the red line. As the land is within the blue line, this can be conditioned.

In response to third party submissions;

- The proposed development does not represent a material contravention of the Development Plan or the Ardee LAP as the application site is zoned for 'Town Centre' uses and will not compromise the residential amenity of neighbouring properties.
- The proposal will allow for a safer egress of vehicles than currently existing on Ash Walk and, in time, it is anticipated that the access to the north will be provided. Pedestrian facilities along Jervis Street will also be improved.
- The proposed sign is 1.5m above the height of the observer's property and as such will not create any undue light spill into his property.
- Under Section 6.2 of the Development Contributions Scheme, the proposed development is exempt from contributions. Under this section, the floor area of any structures on site to be demolished can be off set against the floor area of the new building. In this instance the floor area to be demolished is 2,732m² and the new floor area would be 1,760m².

3.2.2. Other Technical Reports

- Infrastructure – Report of the 15th October 2019 recommended that Further Information be requested with regard to the integrating the proposal with the new link road to the north and revising layout details to the access, site boundaries and TIA / Road Safety Audit. In response to the Further Information submitted, the report of the 8th October 2020 stated that there was no objection to the proposal subject to planning conditions.

3.3. Prescribed Bodies

- Irish Water – No objection.
- Department of Culture Heritage and the Gaeltacht – The Department issued comments under the following headings;

Architectural Heritage –

The Architectural Heritage Impact Statement, (AHIS), does not address the impact of the development on the historical and mature setting of the adjoining site or on the ACA. It does not address the architectural/archaeological significance of the subject site, which may retain industrial heritage from former uses. The loss of 13m of stone boundary wall represents the significant fragmentation and loss of the integrity of the original boundary to the former lands associated with the Santa Barbara House. Previous development has impacted on the coherence of the medieval Ash Walk, which was the axial route from the castle to the main street. There is an opportunity to address this in the proposal with landscaping. The encroachment and alignment of the industrial retail outlet to the historic castle and routes of the former castle site are considered to be detrimental. It is recommended that Further Information to address these issues is requested.

Archaeology –

The Department notes that the proposed development is contiguous with and partially within the Zone of Archaeological Potential established around the medieval town of Ardee, Recorded Monument LH017-101, which is subject to statutory protection. Should permission be granted, it is recommended that a condition pertaining to pre-development testing be attached.

Nature Conservation –

By virtue of the demolition of existing buildings and the landscaping and boundary treatments, the development has the potential to disturb the roosting habitat of a significant population of bat species listed under Annex IV of the EU Habitats Directive and has the potential to disturb breeding birds during the nesting season. In order to mitigate these impacts, it is recommended that specific conditions be attached to any grant of permission.

3.4. Third Party Observations

Two third party observations were received;

Third party observations were received within the initial public consultation stage of the application and also following receipt of the further information. The following includes a summary of the points raised;

- Admin - Public notices did not mention works to the protected structure – this is not the case as works will be carried out to the boundary wall within the curtilage of the protected structure.
- Zoning – the western boundary of the site is located within lands zoned for Institutional Use. Retail use is not permitted in this zoning objective.
- Architectural Heritage – The site is within the proximity of two protected structures and is located in proximity to the ACA and the historic town walls. The importance of the location requires a bespoke design solution. The generic design does not contribute to the surrounding historic context. Interventions to remove the historic boundary wall are unsympathetic.
- Archaeology – the site contains a / is located within a Zone of Archaeological Potential
- Link Road – the development is premature pending the delivery of the east-west link road to the north of the site.
- Access – there are a number of deficiencies in the layout with regard to pedestrian and vehicular access both within the site and providing connections to the wider area.
- Traffic – the development will increase traffic on the busy N52, which is narrow and substandard and will result in a danger to public safety. It will also impede access to and egress to the existing residential properties to the south of the site.

On foot of the receipt of FI:

- It would be safer to access the site from the car park to the north, where there is also an objective to provide an inner relief road.
- The lands to the east are in the ownership of the applicant with only a small strip to the north in HSE ownership. Therefore, a connection can be facilitated.

- The relocation of the loading bay means that it is now much closer to the dwellings on the south of Jervis St and will cause a nuisance in terms of noise and disturbance.

4.0 Planning History

There is no recent planning history for the subject site;

07/1619 – Retention permission granted by the Planning Authority in December 2007 for changes to the building facing onto Jervis Street.

In proximity to the site;

PA Ref. 1882 – Part 8 approved by the Planning Authority on the 5th of April 2018 for lands to the west of the subject site. Approval was given for the construction of a single storey primary school building with associated car and bicycle parking along with the provision of a new public access road in a north-south alignment from Jervis Street along with works to the existing stone boundary wall to Jervis Street.

5.0 Policy Context

5.1. Louth County Development Plan 2015 - 2021.

- The subject site is located within the town of Ardee, which is categorised as a Level 2 Town in the Settlement Strategy as set out in the CDP.
- Under the Ardee Local Area Plan 2010-2016, the subject site is zoned 'Town Centre', with a small section along the western boundary zoned as 'Institutional'.
- The eastern portion of the site, adjacent to Ash Walk, is located within the boundary of the Ardee Architectural Conservation Area, (ACA), and is also within the Zone of Archaeological Potential for the Historic Town of Ardee, (RMP LH017-101).
- There are no Protected Structures on the site but there are two located to the west of the site; Santa Barbara – a 1930's house, (Ref. LHS017-074) and a fifteenth century Tower House to the north-west of Santa Barbara, (Ref.

LHS017-037). The Tower House is also a Recorded Monument, (RMP LH017-009).

Section 5.9 – The Built Environment

5.9.1 – Archaeology

5.9.2 – Walled Towns – As a walled town, Ardee is regarded as a single recorded monument and is listed as an Area of Special Archaeological Interest. A Conservation Plan was prepared for Ardee; *The Walled Town of Ardee Conservation and Management Plan 2010*.

Relevant Policies:

HER 21 - To ensure that any development, both above and below ground, adjacent to or in the immediate vicinity of a recorded monument or an area of special archaeological interest (including formerly walled towns) shall not be detrimental to the character of the archaeological site or its setting and be sited and designed with care to protect the monument and its setting. Where upstanding remains exist, a visual impact assessment may be required.

HER 22 - Within areas of special archaeological Interest and other sites of archaeological potential (including formerly walled towns), as listed in the RMP, the Council will require applicants to include an assessment of the likely archaeological potential as part of the planning application and may require that an on-site assessment is carried out by trial work prior to a decision on a planning application being taken.

5.11 - Architectural Conservation Areas (ACA's)

The Historic Core of Ardee has been designated as an ACA.

Relevant Policies:

HER 45 - To require that any development within or affecting an ACA preserves or enhances the character and appearance of the architectural conservation area. Any development should respect the character of the historic and traditional architecture in scale, design and materials. Regard should be had to the character appraisal where available/ applicable.

HER 46 - To ensure that the redevelopment of the towns of historic interest includes the retention of existing street layout, historic building lines and traditional plot widths where these derive from medieval or earlier origins.

HER 49 - To require that any new development on the periphery of an ACA does not detract from the existing character of the designated ACA.

6.7 – Retail

Relevant Policies:

EDE 32 - To ensure that applications for retail development comply with the provisions of Retail Planning: Guidelines for Planning Authorities 2012, Retail Design Manual 2012 and with the provisions and policies of the Louth Retail Strategy 2014.

EDE 33 - To promote a healthy competitive retail environment within County Louth and to maintain the vitality and viability of the town and village centres and their role as primary retail core areas.

EDE 38 - To encourage and support the re-use and revitalisation of vacant (and derelict) shops and properties within town and village centres.

Chapter 7 - Transport

7.2.8 - Design Manual for Urban Roads and Streets (2013) Department of Transport, Tourism and Sport (DTTS) / Department of the Environment, Community and Local Government (DECLG) – All proposals for development in urban areas will be subject to the provisions contained in this document.

7.3.6 – Entrances - Visibility standards in respect of new entrances and existing entrances where there is an intensification of use, onto all categories of roads and vehicle dwell areas are set out in Table 7.4 and 7.5.

Table 7.6 – Car Parking Requirements - Retail – Area 2 – 1 per 20m².

Louth Retail Strategy 2014

- Ardee is identified as Level 3 in the Retail Planning Guidelines Hierarchy for Louth. This relates to ‘Town and/or district centres and sub county town centres in the Retail Hierarchy’.

- Ardee is considered to form a sub-regional retailing function and as such falls within Level 3 of the retailing hierarchy.
- The subject site is located to the west of the Core Shopping Area in Ardee as identified in the Retail Strategy, Appendix 12, Map 12.7 of the Development Plan.
- In accordance with the Retail Planning Guidelines, the preferred location for all new retail development is the core shopping area.

8.5.1 – Policies – Retail Hierarchy

- Support shall be provided to planning applications which will maintain and enhance the supremacy of the core shopping areas as identified in Chapter 5 of the Retail Strategy, subject to compliance with the criteria for proper planning and sustainable development,
- To apply the sequential approach when considering any significant new retail development outside of the core retail area,

Section 8.5.2 – General Measures to Promote Town Centres

- Provide a variety of different uses within the town centre
- Improvements to the public realm
- Revitalise vacant properties and shops.

9.2 – Criteria for Assessing Future Retail Development, (greater than 1,000m² net retail floor area).

- Applications for retail developments in edge or out of centre locations in excess of 1,000m² net retail floor area should be subject to the sequential test.

Section 9.5.1 – Large Convenience Stores

- Should be located in town centres or district centres or on edge of centres,
- Should be of a size that accords with the general floor space requirements in the Retail Strategy/ Development Plan/LAP,
- Should provide vitality to existing shopping area & be supported by public transport,

- If it is not possible to bring forward suitable sites in or on the edge of the town, the sequential approach should apply to identify most preferable sites,
- Where a proposal for a large convenience store involves sale of comparison goods then the floorspace for convenience goods sales should be clearly delineated on floor plans.

Ardee Local Area Plan 2010-2016

The site is zoned 'Town Centre' in the LAP, the objective of which is *'To provide, protect and enhance town centre facilities and consolidate and strengthen the existing role of the town centre and continue to protect and enhance the built environment, particularly views, the architectural conservation area, the historic town core and protected structures'*.

A portion of the site to the west is located within lands that are zoned 'Institutional'.

It is an objective of the LAP to provide a new access road, including a cycle lane and provision for pedestrians, from Ash Walk and St. Brigid's complex to the N52.

6.8 – Historic Town Centre

Policy NBE 16 – To protect and retain the historic integrity of the medieval town and support its integration and preservation in future development.

6.9 – Architectural Conservation Area (ACA)

Policies NBE, 18, 19, 20 & 21 relate to the preservation and enhancement of the ACA.

6.10 – Protected Structures – Unless stated otherwise in the RPS, a protected structure includes the exterior and interior of the structure and the land lying within its curtilage.

6.13 – Archaeology,

Policy NBE 29, 30 and 31 relate to the archaeological heritage of Ardee.

7. Ardee Town Centre –

Policy ATC 1 – To preserve and strengthen the town centre as the main focus for retail and commercial development to serve the needs of the town's people and wider hinterlands.

9.5 – Town Centre

9.5.5 – Signage – Signage should be kept to a minimum and should be of a size, design, scale and degree of illumination which is compatible with the surrounding area.

9.5.6 – Site Coverage – shall not exceed 80%.

National Guidance.

Retail Planning: Guidelines for Planning Authorities (2012)

The Guidelines advise that there should be a general presumption against large out-of-town retail centres which could impact on the viability and vitality of city and town centres and also generate significant traffic.

The Sequential Development Approach is promoted by the Guidelines and sets out the order of priority for the location of new retail developments as follows;

1. City and Town Centre
2. Edge of Centre Sites
3. Out of Centre Sites

Under the RPG's the subject site would be considered an 'Edge of Centre' site as it is adjacent to the boundary of the central retail area as defined in the Development Plan / LAP. It is also within walking distance to the main street and is not further than 300-400m. (its approximately 140m to the main street from the Ash Walk corner).

Considerations relating to the development of edge-of-centre sites include;

- Function & character of the site in relation to the town centre,
- Ease of movement & physical linkages to the town centre,
- Appearance and perceived safety of linkages
- Ability to provide parking facilities that serve the site and the town centre to facilitate linked trips.

Retail Design Manual 2012

The guidance contained in the Retail Design Manual is based around 10 key urban principles and how the proposed development responds to these principles.

5.2. Natural Heritage Designations

5.3. The subject site is not located within or adjacent to any designated European Site.

5.4. EIA Screening

5.5. Having regard to the nature and scale of the proposed development it is considered that 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

First Party Appeal

The first party appeal relates to Condition No's 2, (i), (ii) and (iii), Condition No. 8 (vi) and Condition No. 11 of the notification of decision to grant permission for the proposed development. The grounds of appeal are summarised as follows;

- Condition No. 2 requires some re-configuration of the internal floor area in the south-eastern corner along with changes to the elevations in order to enhance the public realm. Appeal requests the removal of parts i, ii and iii of Condition 2 as it will result in the loss of 50sqm of floor space which is critical to the operation of the store. An amended store design is submitted with the appeal to demonstrate how an alternative response can be achieved.
- Condition No. 8 requires that the access road as shown on Drawing 14.71.103 be extended to terminate at the northern boundary of the applicant's land boundary. Appeal requests the removal of this condition as the delivery of the road extension to the north would be premature as the road alignment of the further east-west link road is unknown. The application was

lodged for development of the site within the red line boundary on the site location plan. The adjoining lands will not be within the ownership of the applicant and therefore the extension of the road cannot be delivered.

- Condition No. 11 requires that all car parking spaces be future proofed to provide electric vehicle (EV) charging points, with charging points provided at 10% of spaces permitted. Appeal requests that this condition be revised. The appellant is happy to provide EV charging points for 10% of the parking spaces but the provision of servicing and ducting to all spaces is premature in terms of the evolving nature of the sector. The infrastructure required would also have a direct impact on the parking provision throughout the site.

Third Party Appeals

2 no. third-party appeals have been received in response to the notification of decision of Louth County Council to grant permission for the proposed development from;

- Escadia Ltd., Market Street, Ardee, Co. Louth,
- Mr. Pdraig Lynch, Jervis Street, Ardee, Co. Louth.

The following is a summary of the issues raised;

- Access & Traffic – It is an objective of the County Council to provide a link road connecting Ash Walk to Jervis Street and there is a Part 8 approval in place for the road. There is a potential for conflict with the layout of the proposed development and the proposed link road. The Road Safety Audit does not address the safety of pedestrians from the development crossing the link road or Ash Walk. vehicular access to the development is from the heavily trafficked N52, which is substandard in width with only a single footpath. Traffic volumes generated from the development will impede the free flow of traffic on the N52 and cause a hazard. It will also impede access and egress from the residential dwellings across the road from the entrance. Access should be from the north of the site where the new relief road is planned. This is the only logical access as it would connect the new store to the existing substantial commercial car park and shopping centre adjacent.

- Residential amenity – The proposed development would materially contravene the residential zoning objective that relates to the housing on the south of Jervis Street as the traffic, the noise generated and the lighting from signage would impact on the amenities of these properties.
- Architectural Heritage – The subject site is in close proximity to the town walls, which are within the Ardee ACA and is within a Zone of Archaeological Potential and incorporates the curtilage of a protected structure. The development detracts materially from the setting and character of the ACA and the changes put forward at FI stage increase the negative impact to Jervis Street. To the west of the site are two Protected Structures and a Recorded Monument. The generic design does not respond well to the historic context. The proposal requires the removal of a substantial section of the historic wall along Jervis Street, which encloses an area with a Protected Structure and National Monument. The public notices state that there are no works to the Protected Structure. However, the wall and proposed new access road is within the curtilage of the Protected Structure. Therefore, the notices were misleading.
- Zoning – Whilst the majority of the site is located on ‘Town Centre’ lands, the access road would be constructed on lands to the west which are zoned as ‘Institutional Lands’ to the west. Retail use is not permitted under this zoning and the access road specifically facilitates a retail development rather than a general improvement to the roads infrastructure in the area. The site is also within a ‘green lungs’ zone as per the LAP and the proposal would result in the loss of several mature trees.
- Appropriate Assessment – The AA screening report submitted with the application is flawed. The report fails to mention the Stabannan / Braganstown SPA which is located approximately 6km to the north-east of the site and is closer in proximity than the Dundalk Bay SPA and SAC, which was included in the sphere of influence.
- Discrepancies / Administrative issues– the northern boundary of the development was altered during FI. The applicant states that they do not know who owns the lands to the north but yet the red line boundary extends

into them. No letter of consent was supplied. No development contributions were included in the conditions and there is nothing in the planning reports to justify this. The red line area has changed since the applicants response to the FI request.

6.2. Applicant Response

The Applicants response to the third-party appeals was received on the 3rd of December 2020 and includes the following;

- The site notice noted that a portion of the site was within the overall curtilage of a protected structure and that works would be carried out to the boundary wall to Jervis Street. There are no works proposed to the protected structure or to any of the features that are referenced as features of note.
- A detailed Traffic Impact Assessment was submitted with the application, which was based on survey data and provides a full technical appraisal of the proposed development. It is concluded that the proposed Aldi store will have no material impact on the operational capacity of the local road network. The assertion that it will is unfounded.
- The appeal suggests that the vehicular access should be provided from the future LAP link road. It is the applicant's view that the proposed frontage to Ashwalk to the north of the site will activate the street and encourage pedestrian connectivity between the site and the town centre. It will also address the future link road. The accompanying traffic response demonstrates that the surrounding road network is capable of accommodating the proposed development.
- The adjoining lands to the north of the access road will not be in the control of the applicant and therefore, as set out in the first party appeal, the road extension could not be delivered by the applicant and is not required to serve the development.
- The access road will provide a connection to the lands to the west.

- A north-south connection has been approved under a recent Part 8, Ref. 1882, which will provide access from Jervis Street to the LAP link road in tandem with the new school to the west of the site.
- The third-party appeal by Escadia Ltd. queries the extension of the red line boundary shown to the north of the site in the response to Further Information. The FI response included the provision of a footpath to the north of the site which was proposed to be delivered on behalf of the Council. A revised layout plan accompanies this response which shows the red line boundary consistent with the application as originally lodged, (Drawing 16.71.103 Rev. 2b).
- A revised version of the site layout submitted with the first party appeal is also included, (Drawing 16.71.103 Rev. 2c). Should the Board be minded to grant permission for the amended layout as submitted in the first party appeal, it is requested that a condition be included referencing the relevant site plan (Drawing 16.71.103 Rev. 2c), and that development should be undertaken in accordance with these plans in addition to those submitted to the Council and the Board with the first party appeal in November 2020.
- The proposed store would not cause a 'conflict' with the future LAP link road. The application proposes to upgrade the existing footpath along the northern edge of the site and the store is designed with a glazed frontage to overlook the public realm. With regard to the safety of the footpath, as per Section 3.41 – 3.43 of the Traffic Response (dated November 2020), a Stage 3 and Stage 4 road safety audit will be undertaken by an independent advisor.
- It is not accepted that the proposal will detract materially from the character of the ACA. The layout has been designed having regard to the existing context and materials, such as stone, have been chosen to reference the location and history of the site.
- A small section of the site which accommodates the access road is on lands that are zoned as 'Institutional'. The road access has been designed to accommodate access to the adjoining lands to the west should this be required in the future. Therefore, the access road would not only facilitate the proposed Aldi but also future uses on the institutional zoned lands.

- It is noted that the removal of the trees along the western boundary of the site will need to be removed. The existing trees to be removed will be replaced by semi-mature trees and additional landscaping is also proposed along the road.
- A revised AA screening report has been submitted in response to the point raised in the third-party appeal regarding the omission of the Stabannan-Braganstown SPA.

6.3. Planning Authority Response

A response from the Planning Authority was received on the 26th November 2020 and includes the following;

With regard to the First Party Appeal;

- Condition 2 (i)-(iii) relates to design changes which would help to create strong passive surveillance and desire lines at the northern and eastern boundaries of the site. The applicant was advised that significant visual improvements were required to ensure a high quality streetscape at this pivotal location in Ardee and failed to adequately address these concerns. The PA has long-term plans to improve the connections and permeability of the town centre lands to the west. Therefore, it is critical that any new development is built to ensure a coherent and logical expansion of the town centre ensuring maximum permeability, legibility and passive surveillance. The Manager's Office would provide little or no passive surveillance and could have been located on the western elevation facing onto the car park.
- Regarding Condition No. 8, the PA understand that the lands are being purchased subject to planning permission. The strip referred to in the grounds of appeal is within the vendor's ownership. In the absence of this strip of land, there is effectively a ransom strip between the site and the location of the proposed inner link road which will fall to the PA to acquire to ensure delivery of the road. The absence of this connection will result in a stand-alone development that is only accessible from Jervis Street and reduces future permeability. It is requested that the Board endorse this condition in their decision.

- Condition No. 11 has been attached to address the concerns of climate change as it is acknowledged that the car is the primary mode of transport to service discount stores. If the Board remove this condition, then consideration should be given to providing at least 20% of the proposed parking spaces with electric charging points.

With regard to the Third Party appeals;

- The PA acknowledge that Jervis Street is a heavily trafficked road which results in congestion. As set out in the Ardee LAP, the Council is committed to delivering the inner relief road and considers that the access road should be provided as conditioned in the notification to grant permission. In the interim, the redevelopment of the subject site is welcomed as it represents a visual improvement of the existing streetscape.
- The location of the entrance point opposite the appellants house is not considered to interfere with the safety and free flow of traffic.
- The development will require the removal and/or set-back of the historic wall to provide adequate sightlines and/or improved pedestrian facilities. On balance, it was considered that the removal of the section of the wall would have a greater community gain in terms of facilitating the regeneration of a long-standing vacant site in the centre of Ardee.
- An administrative matter is raised in the grounds of appeal with regard to the public notices, which states that there are no works to the protected structures although works are proposed within the curtilage. The PA is satisfied that there are no works to the protected structure. Works are required to remove a section of the boundary wall, but this is made clear in all the documentation on file.
- The PA has control of the lands to the north of the site and improvement works can be carried out at this location. It does not control lands to the west of this area. With regard to the access road highlighted in yellow, it is anticipated that in time this road would be taken in charge by the PA and would become a public road. This would facilitate cycle and pedestrian connections within the town centre and help to disperse traffic.

- The PA is satisfied that the proposal does not have an undue negative effect on the ACA.
- With regard to the AA Screening Report, the PA undertook a screening assessment whereby the Stabannnon / Braganstown SPA was considered. The site is in an urban area and does not contain any habitats or water bodies that would have a significant effect on the conservation objectives of this European site.
- The PA request that permission be granted subject to all of the conditions outlined in the notification of the grant of permission.

A second response was received from the Planning Authority on the 8th day of January 2021 on foot of the Applicants response submitted on the 3rd day of December 2020. It includes the following;

- The Planning Authority re-iterate the importance of including all aspects of the conditions in the notification of the grant of permission.
- Figure 5 in the submission from the First Party refers to the direct interaction and the line of sight of the building. A Manager's office at the proposed location is not the best solution as there is no control over the use of blinds or other internal screening. The First Party failed to even consider the re-location of the office. Furthermore, there is no line of sight to the check-out areas as the they are recessed behind the corner office area.
- The First Party has not substantiated in the appeal documents why the road cannot be delivered to the north. These lands are outlined in blue and as such should be included in the site to ensure a connection with the link road. The current situation provides a ransom strip and effectively undermines the overall objectives of increased permeability and connectivity within Ardee.

6.4. Observations

- TII – Having regard to the nature of the works and the urban location, TII have no specific observations to make on the proposed development.

6.5. Further Responses

Further responses were received by Mr. Padraig Lynch, Third Party Appellant on the 11th January 2021 in response to the First Party submission and on the 25th February 2021 in response to the submission by the Planning Authority and include the following;

- Neither the Planning Authority or the applicant have given any consideration to the serious environmental and residential amenity damage which the proposed access road junction, located immediately opposite Mr. Lynch's house will cause.
- No mitigation measures have been proposed to reduce the impact of the store and no reference is made to vehicular noise or pollution.
- An alternative access to the north would avoid the necessity to remove the historic wall. The original wall continued to the corner of Ash Walk and the more recent factory building was constructed on top of the original wall.

A submission was received from the applicant on the 8th March 2021 in response to the submission from the PA, which was received on the 8th January 2021. It contains the following comments;

- The proposed design comprises high quality finishes and landscaping.
- The meeting room was specifically relocated to the north-eastern corner to create a glazed corner and it would be an active space that is used often.
- A direct line of sight has been provided from Ash Walk although it may not be visible from all angles.
- A second level at the corner was considered to be too imposing and would impact on the functional operation of the store by restricting movement between the storage area.
- The adjoining lands within the blue line are not within the control of the applicant and therefore the road extension required by condition is undeliverable.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of development
- Architectural & Archaeological Heritage
- Layout and Design
- Access and Traffic
- Other issues
- Appropriate Assessment.

7.2. Principle of development

The Ardee LAP 2010-2016 sets out the zoning objectives within the town boundary. Within the LAP, the majority of the subject site is zoned for 'Town Centre', (TC), use with a small portion of the site along its western boundary located within lands zoned 'Institutional'. The objective of the TC zoning is to 'provide, protect and enhance town centre facilities and enable town centre strengthening'. Within this zoning a Shop (convenience of up to 100m²) is open for consideration'. The LAP also contains an objective to 'provide for the development of a single modern format supermarket up to 2,500m² of net retail floorspace (including food and non-food floorspace)'.

The zoning objective for the institutional lands to the west is 'To conserve and protect the setting of institutional buildings'. Section 8.7.1 of the LAP states that 'Uses other than the primary use for which an area is zoned may be permitted in certain circumstances provided that they are not in conflict with the primary zoning objective'.

In the case of the subject site, the nearest institutional buildings are St. Joseph's Hospital to the north and St. Brigid's Hospital to the west. The section of the site within institutional lands is approximately 1,054m², (13.310m x 79.237m), and would accommodate the access road for the development. I note that retail use is listed as

'not permitted' within the institutional zoning and whilst the access road is not physically 'retail' use, it does facilitate the use and is intrinsically linked.

However, given the nature and scale of the land required for the access road, which would be 13m in width along the western boundary of the town centre lands, it is my view that the use of the land for an access road would not result in a conflict with the primary zoning objective as it would not result in any undue negative impact on the setting of institutional buildings, which are at some remove from the site. I note that the Planning Authority are generally supportive of the access road as it may have a future role in improving permeability in the town. Therefore, it is my opinion that the provision of the access road within 'Institutional' zoning objective would not materially contravene the zoning for the site.

Under the Retail Planning Guidelines, the subject site is considered to be an edge-of-centre site, which is not the preferred location for new retail development. In order to address the context of the site a Retail Impact Assessment, (RIA), was prepared and submitted with the application. A sequential test was carried out as part of the RIA to present a comprehensive assessment.

A Quantitative Assessment was also carried out in order to assess the capacity for additional retail floorspace within the catchment area with regard to its population, the expenditure available and the capacity for the Aldi store to be accommodated. The catchment area was defined as the area within a 10-15 minute drive from Ardee and the population projections were extrapolated using the most recent population statistics, extant permissions and population projections.

The assessment found that the proposed development would account for 14.13% of the total available convenience expenditure in the catchment area in 2022, (which was defined as the design year). The capacity for additional convenience floorspace was calculated by subtracting the total turnover of existing convenience floorspace within the catchment area from available convenience expenditure. The calculations concluded that even with the new Aldi store, there would be a surplus of expenditure in the area for convenience shopping.

I have reviewed the RIA and it is my view that the assessment carried out is robust and was based on the best information at hand at the time of writing. I note that the

projected growth rate for convenience expenditure per capita to 2022, (design year), was a conservative growth rate.

In accordance with the provisions of the Retail Planning Guidelines, a Sequential Test was carried out for the development. A total of 7 sites were examined for the purposes of the sequential test, all of which were located in, and adjacent to the main retail area of Market Street and Irish Street. 4 of the sites were listed in Section 7.4 of the Ardee LAP which relates to Future Town Centre Development. All of the sites were discounted for reasons that include restricted or insufficient size, insufficient space for car parking, existing urban fabric & requirements of the ACA, difficulties of vehicular access to the sites.

Having reviewed the information available, I agree with the conclusions of the sequential test. Whilst it is regrettable that the existing vacant units on the main shopping streets cannot be used, their restrictions with regard to the requirements of the Aldi store are acknowledged. The sites facing onto the main shopping street of the town may better serve uses that would contribute to more footfall on the main thoroughfare rather than reliance on vehicular access, which is a feature of the Aldi shopping model.

I am satisfied that the RIA and the Sequential Test have been carried out in accordance with the requirements of the Retail Planning Guidelines 2012 and it is my view that the 'edge of centre' site can be considered as a location for the convenience retail store. The site is within easy walking distance to the main retail core, it has potential for vehicular access and parking area and is directly adjacent to the location of a new east-west link road that would connect to Castle Street. The location of the store directly adjacent to the town centre and to the SuperValu store to the north of the site, will allow shoppers to link trips with other businesses in the town and would provide an alternative convenience retail offer to SuperValu.

Concerns were raised in the grounds of appeal that the site notice did not adequately describe as works were proposed to the boundary wall which forms part of the curtilage of the protected structure. I note that no works were proposed to the protected structure and the site notice mentioned that a portion of the site is within the curtilage of the protected structure. In my opinion, the public notices contained

sufficient information to adequately inform third parties of the proposed development and as such third party rights were not affected.

7.3. **Architectural & Archaeological Heritage**

The subject site is located within a particularly sensitive location in terms of its archaeological importance and its connection to the historic evolution of Ardee. Historic maps of the site and the surrounding area, (Ref. OSI Historic Map 25 inch (1888-1913)), indicate that the eastern boundary of the site follows the alignment of the medieval town wall and that the sites of Ash Walk Gate and Blind Gate are located at (or just outside) its north-eastern and south-eastern corners respectively. The layout of the streets around the site, namely Ash Walk to the north and east, have been in place since medieval times with references made to Ash Walk dating back to 1540.

In response to its historical importance, the most easterly portion of the site is located within the Zone of Archaeological Potential for the Historic Town, (RMP LH017-101), and medieval town defences, (LH017-101001), which are recorded monuments. The eastern portion of the site is also located within the Ardee Architectural Conservation Area, (ACA).

There are no protected structures on the site itself. However, a portion of the site along its western boundary is located within the curtilage of two protected structures; a 1930's house called Santa Barbara, (Ref. LHS017-074) and a fifteenth century tower house to the north west of Santa Barbara, (Ref. LHS017-037). The upstanding tower house is also a Recorded Monument, (RMP LH017-101).

An Archaeological Assessment report and an Architectural Heritage Assessment were submitted by the applicant in response to a request for further information from the PA as concerns were raised regarding the potential impact of the development on the character and setting of the protected structures within the vicinity of the site and the recorded monuments.

The architectural heritage assessment found no structures or artefacts of significance to the industrial heritage of the site and the site itself does not contain any protected structures. Therefore, the main concern is the potential impact of the

proposal on any significant features within the curtilage of the protected structures; namely the stone boundary walls that face onto Jervis Street and Ash Walk, and the historic landscape adjoining Santa Barbara. These concerns will be addressed under separate headings.

Architectural Heritage

The development site extends westward into the adjoining lands associated with the protected structure of Santa Barbara. A stone wall of approximately 1.6m in height forms the southern boundary of these lands. In the Architectural Assessment submitted to the PA on the 16th September 2019, this wall is described as comprising 'squared limestone blocks set randomly and brought to courses of approximately 300mm and capped with a soldier course of thin limestone blocks of irregular shape'. As this construction method came into use in the 1930's, the report concludes that the wall dates back to the construction of Santa Barbara in the 1930's.

In order to provide an access road from Jervis Street to the development, the removal of approximately 13m of the original stone wall, would be required. The Assessment concludes that, as the wall is more than 100m long and, it is proposed to remove only 13 metres of it at a point furthest from the protected structure, that the works would have little impact on the character of Santa Barbara or its curtilage.

Whilst I acknowledge that the removal of a small section of the historic wall is required to provide a development that would benefit the wider area, it is my view that historic features such as the 100 year old boundary wall contribute to the overall character and sense of place in the town. The historic importance of the medieval town of Ardee and the importance of retaining the markers of its architectural evolution is acknowledged.

Information was submitted on by a third party appellant on the 12th of January 2021 which states that the stone wall does not terminate at the modern industrial building facing onto Jervis Street, but was incorporated into the structure that formed part of the Ardee Chair Factory. If this is correct, then the proposed development would result in the removal of 73m of the stone wall rather than the 13m required for the access. The Architectural Heritage Assessment does not include any reference to the historical evolution of the stone boundary wall along the full length of the site, and no investigative works were carried out on the factory structures.

The footpath along the southern boundary of the site, adjoining Jervis Street is very narrow and, as measured from the drawings, is little more than 1m in width in parts. Given the brownfield character of the site, and its town centre zoning, it presents a prime development opportunity. Therefore, it would be reasonable to expect that any development to be carried out on the site would result in some improvement to the public realm and pedestrian safety. The proposed development would provide a footpath of 4m in width directly adjacent to the southern boundary of the site, which would greatly improve pedestrian safety at this location. I note that this width is also required to provide adequate sightlines for vehicles exiting the development.

Additional works to the stone boundary wall to the west of the site are required as part of the conditions attached to the PA's decision to grant permission. Condition No. 8 (i) requires that a sightline of 49m be provided to the west of the proposed junction and that a 2m wide footpath be provided for the length of the sightline. This would result in the relocation of 49m of the stone wall further to the north.

Although adequate sightlines and pedestrian facilities can be accommodated to the west of the junction, it would require the relocation of an additional 49m of the historic stone boundary wall to the protected structure of Santa Barbara. Whilst I am of the opinion that the removal of 13m of the wall at its furthest remove from the protected structure would not result in any undue impact on the character and setting of the protected structure, it is my view that the removal of the additional 49m, which would terminate approximately 7m from the original entrance to Santa Barbara has the potential to significantly impact on the character and setting of the protected structure. The detail of the works should be carefully considered as they have the potential to impact on the setting and symmetry of the original access gate and how it aligns with the remainder of the original wall further to the west of the gate.

Therefore, if the Board were minded to grant permission for the development, I would recommend that a condition be attached to the grant of permission stating that the wall shall be relocated as required to provide sufficient sightlines to the west of the junction and to provide a 2m wide footpath for the full length of the sightline and that stone wall shall be reinstated to retain the same form and appearance as it currently has.

Whilst the removal of the historic wall is regrettable, its removal will facilitate an enhanced public realm and a safer space for pedestrian movement.

Concern was also raised in the grounds of appeal regarding the impact of the proposal on the historic landscape of the protected structures. Historic maps reviewed for the Architectural Assessment and the Archaeological Assessment indicate that the lands comprising the subject site were in agricultural use in 1835. Subsequent maps do not indicate any formal setting out or landscaping of the lands and show only boundary planting to Jervis Street. Landscaping associated with Santa Barbara show the lands set out in a cruciform or T-shaped arrangement of paths, of which the only surviving feature is the access path from Jervis Street. At present the grounds are overgrown with a belt of trees of mixed size and condition along the boundary with the application site.

The trees within and adjoining the site boundaries were assessed in the Arboricultural Report and the accompanying Tree Survey. Apart from one young Ash tree adjacent to the southern boundary of the site, all trees surveyed within the red line are categorised as 'C' or 'U' trees, which means that they are defined as either 'generally poor quality trees' or typically 'trees that are dead, dying or dangerous'

Remnants of some historic landscaping elements were found in the lands adjoining the protected structure. The report notes that to the east and west of the protected structure, there is evidence of what appears to be a lawn-defining Cherry Laurel hedge, which has become hugely outgrown and is subject to mechanical failure in many instances. The western Cherry Laurel hedge is within the red line boundary of the site and as such would be removed. With regard to the Cherry Laurel on the eastern boundary, the report notes that there is some potential for management, which would effectively mean the substantive removal of the existing plants to allow them to regrow and re-sucker.

An alignment of Laurel trees is evident within the site and shows the position of an original hedge boundary demarcation. This alignment is most distinct towards the northern section of the site and becomes particularly intermittent and in 4 sections, non-existent, towards the south of the site. The alignment of Cherry Laurel trees is regarded as being of poor quality and dubious sustainability. At certain points the

presence of orchard species including Apple Pear and Purple Leaf Plum suggest deliberate garden planting although none of these elements show evidence of recent management and are heavily overgrown. Though the landscape illustrates a deliberate intent and intended garden design, species choice, proximity to existing structures and lack of management has created a scenario whereby little material exists that offers any reasonable sustainability or that could not be replaced with new planting.

I note that the NIAH has listed St. Brigid's Complex as heritage garden and designed landscapes, (the site is listed under Ardee District Hospital – Garden ID LH002). Policy Policy NBE 27 of the LAP seeks 'To ensure that new development will not adversely affect the site, setting or views to and from Red House and St. Brigid's Complex heritage gardens and landscapes'.

Whilst there may be evidence of some landscaping planting within the site and adjacent to the western site boundary, I am satisfied that the removal of existing trees and vegetation along the western site boundary would not result in any undue negative impact on the historical landscape associated with the protected structure of Santa Barbara. The works to be carried out are sufficiently removed from the grounds associated with St. Brigid's complex, and would not result in any impact on the landscape setting of the complex. Furthermore, I note that the planting plan for the development includes a row of 12 trees directly adjacent to the western boundary and along the western and eastern side of the access road to replace the trees to be removed. Additional planting would be provided along Ash Walk and to the northern and southern boundaries. This planting would contribute to the quality of the public realm.

The eastern portion of the site is located within the Ardee ACA and there are also a number of protected structures to the east of the site and facing onto the main street. However, these are at some physical remove from the site and would not be suffer from any adverse impact on their character and setting as a result of the proposed development. Therefore, I am satisfied that the proposed development would not result in any undue negative impact on the character and setting of the ACA or the protected structures in the vicinity.

Archaeology:

The archaeological significance of the site is noted in the Archaeological Assessment submitted to the Planning Authority on the 16th September 2020. The assessment acknowledges that the site is one of significant archaeological potential as it is located just outside the medieval town defences, which run along the eastern site boundary with the site of the Ash Walk gate and the Blind Gate to the north-east and south-east respectively. Nothing survives above ground of the town wall or the gates at the location of the subject site. However, to the north of the site and to the west of the Supervalu car park, is a significant surviving section of the town wall, incorporating possibly three phases of structure, preserved in situ beneath a grassed earthen bank.

The historic street pattern adjoining the site is also of significance. An upstanding Tower House, which is also a recorded monument, (LH017-009), is located approximately 45m to the west of the site. By at least the late 17th century, the tower house was connected to the town via Ash Walk and Ash Walk Gate, with the lane continuing along the northern boundary of the site. Historic maps show that the layout of Ash Walk has remained broadly intact apart from the connection to the Tower House which no longer exists above ground.

No previous archaeological investigations have been undertaken with the subject site although some testing has occurred along Ash Walk from 2003 – 2005.

To the east of the site, the boundary is formed by a low-level wall with wire fencing above. The Archaeological Assessment notes that the render to this wall has spalled in places and squared rubble stone masonry can be seen underneath. The internal face of the wall, facing into the development site, has been left exposed and reveals a coursed rubble-stone masonry construction to a height of 1.25m with a modern breeze block construction above. Under the proposed development, this wall would be removed in its entirety. However, the Architectural Heritage Assessment makes no reference to this boundary wall, or includes any assessment of its provenance or historical importance, even though it is located within the boundary of the ACA.

The Archaeological Assessment further notes that as the boundary wall runs along the historic alignment of the town wall it may potentially incorporate it in its lower

courses. It is also possible that some of the wall construction may be medieval or that it may preserve part of the 17th century defences. Alternatively, if the town wall was no longer upstanding by the 18th century, a new wall may have been constructed along the alignment for the demesne of Ardee House, which also followed this line.

There is currently no footpath in place on either side of the Ash Walk connection to Jervis Street. Given the narrow width of the southern section of the road, this is not an inviting or safe environment for pedestrians. Therefore, as with the southern boundary, it is reasonable to assume that any development on the site would require some level of improvement of the public realm in terms of pedestrian safety, which in turn would require the removal of the wall. In my opinion, the proposed development would deliver a much-improved public realm along Ash Walk, which would benefit the wider area. The historic environment could be acknowledged and referenced in a different manner which is discussed below.

The decision of the Planning Authority included a condition that requires the applicant to engage a suitable qualified archaeologist to undertake pre-development testing on the site and to report on any findings to the Department of Culture Heritage and the Gaeltacht and the Planning Authority. Given the importance of the site, I would support the inclusion of this condition and recommend that it be attached to any decision should the Board be minded to grant permission for the development.

I would further recommend that, should significant archaeological features be uncovered, such as the original town defences or features related to same, that the applicant engage with the Planning Authority to determine how the features can be incorporated into the development to illustrate the importance of the site. For example, if the line of the town walls is uncovered then it may be possible to incorporate the alignment into the hard landscaping for the development within the public realm.

The layout of the development does not interrupt or impinge on the historic morphology of the town centre and the medieval access road of Ash Walk.

In my opinion,, should the recommendations outlined above be incorporated into the development to reference the historical importance of the site, then it would not

result in any undue negative impact on the character and setting of the protected structures or on the archaeologically sensitive site.

7.4. Layout and Design

One of the grounds of the first party appeal relates to Condition No. 2, which requires the removal of the manager's office and toilets in the north-eastern corner in order to create a better public realm and to achieve a better response to the receiving environment along the northern and eastern boundaries. The appellant argues that the condition would result in the loss of 50sqm of floor space which is critical to the operation of the store and has put forward an amended store design to demonstrate how an alternative response can be achieved.

The revised site plan submitted with the appeal, (Drawing 16.71.103 P Rev. 2), shows amendments to the north-eastern corner whereby the manager's office is set back from the northern boundary by approximately 2.4m. The corner elevation facing east is shown with large scale glazing that wraps around the corner to match that on the northern elevation. The remainder of the eastern elevation remains the same with large scale translucent glass shown to the meeting room and staff room.

The overall layout of the building within the site follows the standard corporate form and layout for the Aldi stores. The main entrance to the shop is from the car park at the north-eastern corner of the site and it is this corner and the northern elevation that provides the most animation and active frontage to the public realm due to the large sections of glazing and sightlines into the checkout areas. Additional activity is encouraged along the northern elevation where there are pedestrian links and cycle parking stands. As is common with retail developments of this nature, the remaining elevations are mainly featureless and functional. The proposed development has sought to address this issue by providing wide footpaths and landscaping along the southern and eastern boundaries. Stone detailing is also used on corners to provide features and texture.

Whilst I appreciate the difficulty in amending a standard format and layout that is 'tried and tested', I acknowledge the sensitive location of the site, to the rear of the main shopping street and also abutting the future east-west link road. This would result in the site becoming an extension of the town centre and presents an

opportunity to provide a high-quality connection and public realm. I would agree with the Planning Authority that the north-eastern corner provides an opportunity to physically and visually connect with the existing and proposed town centre. In my opinion, the amended proposal to set back the corner by 2.4m does not provide sufficient animation of this corner.

I agree that setting back the structure by 2.4m will not provide a line of sight into the main checkout area and would share the concerns that the staff room and office area would not contribute to the animation and passive surveillance of the public realm.

The corner of the manager's office would align with the inside corner of the planting area to the north of the development on the opposite corner of Ash Walk. This would only allow for a limited visual connection of 2.4m of glazing on the approach from the town centre with limited internal animation due to the use of the space. In my opinion, there is an opportunity to present a more attractive connection to the main approach from the town centre. For that reason, I would recommend an additional setting back of the structure at this corner by approximately 3m, which would result in the removal of the meeting room at this location. The full-level glazing shown on the northern elevation should be continued along the eastern elevation at this point in order to provide direct views into the store, which would help to animate the space and provide passive surveillance. Careful consideration should also be given to how the area outside the window should be landscaped in order to prevent it becoming an uninviting space.

I note that the Planning Authority in their response suggested that an additional floor could be considered at the north-eastern corner in order to accommodate the back-of-house facilities. Whilst the Planning Authority may be amenable to this proposal, it would represent a material change in the proposal and would have to be resolved through an additional planning application.

Additional issues raised in Condition No. 2 relate to the external finishes of the building such as the provision of translucent, high-level windows on the southern and eastern boundary, the provision of stone detailing to sections of the eastern elevation and the omission of the pedestrian access to the warehouse on the eastern elevation and the associated stepped access. In my opinion, these requirements are reasonable and would be of benefit to the overall appearance of the development. I

note that they have been included in the drawings submitted by the applicant on the 4th November 2020 as part of the first party appeal.

In consideration of the foregoing, I recommend that Condition No. 2, parts (i) – (iii) be retained and amended.

7.5. Access and Traffic

The issues of vehicular access to the site and the traffic implications of the development form the grounds of appeal for both the first, and third party appeals. Third party appeals raised concerns regarding the proposed access arrangement onto Jervis Street and the traffic implications and the first party is appealing Condition No. 8, (vi), and Condition No. 11, which require the access road to be extended to the northern boundary of the blue-line boundary and also that all parking spaces be fitted to accommodate electric vehicle charging points at a future date.

The proposed access road would be located along the western side of the site, with the car park along the eastern side of the road. It would have pedestrian and cycle facilities along both sides and would terminate approximately 7.4m to the south of the blue-line boundary to the north. A new junction to Jervis Street is proposed to the south-west corner of the site. This junction would be approximately 13m wide and would be offset slightly from the access to the residential dwelling of the appellant on the opposite side of Jervis Street. As this access road could connect with the planned link road to the north, its layout has been assessed against the Design Manual for Urban Roads and Streets, 2019, (DMURS). The overall layout and allocation of space was found to be in accordance with DMURS in terms of pedestrian facilities, carriageway widths, radii and junction layout. The issue of sightlines on to Jervis Street is addressed in further detail below. I note that detailed design of the road will be subject to the requirements of the Planning Authority should planning permission be granted.

A Traffic Impact Assessment, (TIA) was prepared and submitted with the application. It concluded that the traffic associated with the proposed development can be accommodated within the road network and that the proposed junction arrangements can operate satisfactorily in accommodating the levels and types of traffic anticipated in terms of traffic capacity.

Under the third-party appeals the methodology and conclusions of the TIA were queried. In particular, concerns were raised regarding the robustness of the data assessed, why weekend trips were not included, why the traffic impact was only projected to 2022 and not beyond and whether the most recent guidance was used in the assessment. The safety of the junction and the internal and external pedestrian facilities was also raised. A response to the issues raised was received from the applicant on the 3rd December 2020 and outlined the reasoning behind the methodology used to reach the conclusions in the TIA.

The response stated that the worst-case scenario was assessed and as the data was reviewed, this related to the weekday traffic figures rather than the weekend figures. The source information used was supported by data from a permanent traffic counter on the N52, to the south-west of Ardee, traffic surveys undertaken from Monday the 20th May 2019 to Sunday the 26th May 2019, and the TRICS database. It is argued by the applicant that the year of opening, (projected to be 2022 in the TIA), is an acceptable modelling scenario for retail developments as the retail use is not a trip-generator with many of the traffic movements to and from the site comprising linked trips and food retail developments will experience competition which reduces its catchment and customer base.

Having reviewed the information submitted, I am satisfied that the applicant has provided a robust assessment of the projected traffic impact of the development on the surrounding road network and that the surrounding road network would have the capacity to accommodate the development. Furthermore, the proposed Ardee Bypass would be located to the west of the site and would connect the N52 with the N2 to the north. This connection will reduce traffic levels on the N52 and through Ardee town centre. The project has approval under a Part 8 and is at an advanced stage, with the 2nd public consultation completed in October 2020.

I note that details of the junction arrangement and access road were not fully resolved during the application stage with the PA. The drawings submitted with the response to FI on the 16th September 2020, and also with the Applicant's response to the appeal received on the 3rd December 2020, show a sightline looking west from the access road behind the stone boundary wall adjoining the site and outside of the redline boundary. Condition No. 8 (i) of the notification to grant permission requires that that this sightline be implemented and that a 2m wide footpath be installed for

the full length of the sightline. The existing stone wall must be relocated to facilitate this sightline.

The applicant has confirmed that the sightlines can be provided in cooperation with the landowner. Drawing 16.71.103, (dated November 2020), and submitted by the applicant on the 3rd December 2020 shows that a 2m wide footpath can be provided to the western side of the junction, which was previously a pinch point. I am satisfied that the applicant can provide adequate sightlines to allow for safe vehicular movements and also provide a footpath of sufficient width to provide safe pedestrian movements around the junction. Having reviewed the drawing, I am satisfied that safe facilities for pedestrians can be accommodated at this junction. The applicant has stated that the design of all off-site proposals, internal access routes and parking areas will be subject to an independent road safety audit to be carried out by independent road safety experts prior to opening.

With regard to the internal arrangements of the site, the first party is appealing Condition No. 8, (vi), and Condition No. 11, which require that the access road is to be finished to the northern extent of the blue-line boundary and also that all parking spaces be fitted to accommodate electric vehicle charging points at a future date.

The ground of appeal state that the delivery of the road extension would be premature as the road alignment of the east-west link road is unknown and also because the application was lodged for development of the site within the red line and the adjoining lands, within the blue line, will not be in the control of the applicant and the road extension cannot be delivered.

I note that the applicant has committed to providing adequate sightlines for the junction in cooperation with the landowner, (Traffic and Transport Response to Third Party Appeal Submissions, November 2020, Para 3.5 – 3.7). The delivery of adequate sightlines and a pedestrian footpath of 2m in width for the length of the sightline would require works to the lands within the blue line boundary to the west of the site. Indeed, the provision of the footpath may require lands to be ceded to the Planning Authority. Therefore, in my opinion, the applicant has demonstrated that it is possible to carry out works within the blue line boundary subject to cooperation with the adjoining landowner.

The delivery of the east-west link road to the north of the site is a long-term objective of the Planning Authority and would help to improve the connections to and from the town centre. Under a recent Part 8, a new Educate Together school has been approved to the west of the site. The future link road would provide a direct connection to the school from the town centre. It would also comprise pedestrian and cycling facilities, which would offer a safe alternative to car-based travel to and from the school along the route. The delivery of the link road would allow for enhanced permeability in the town centre and provide an important connection to the future school. Therefore, it is my view, that the proposed development should be constructed to accommodate a connection to the link road where possible.

Whilst the applicant has stated that they have no control over the lands outside of the red line, they have demonstrated that the lands to the south of the site within the blue line can be accessed to facilitate the new junction to Jervis Street. If these lands outside the blue line to the west of the site can be facilitated to deliver the development and to improve the public realm, it can be argued that the lands to the north of the site can also be accessed to provide a long-term strategic objective to benefit the development of the wider town centre.

Although the extension of the access road to the northern boundary will not fully facilitate a connection to the future east-west link road, it will make the delivery of a connection easier. Without this extension, this portion of land could become an impediment to site assembly for a future connection to the link road. Therefore, I recommend that the condition be retained as is, and that the applicant is required to provide an extension to the internal access road to the northern boundary of the blue line.

Condition No. 11 requires that all parking spaces be provided with electrical connections to allow for the provision of future charging points and that 10% of each of the spaces shall be provided with charging points by the developer. Government policy seeks to reduce the reliance on carbon fuels and the National Climate Action Plan 2019 contains targets to increase the number of passenger EV's on the road to 840,000 in 2030. I would agree with the PA that the provision of EV charging points would help to future-proof the development to cater for a future increase in such vehicles. However, in my opinion, the provision of future charging points to all spaces within the development would be onerous and unnecessary.

The applicant has argued that the cable size, type and infrastructure required will depend on the final selection of EV charging points available at the time of future installation and that this will be driven by the most efficient and economically viable units available at the time of selection. It is also argued that it would not be possible to facilitate the future installation of EV charging to the middle of the car park as a clearance of c1200mm would be required, which would have a significant impact on the overall layout and quantity of car parking spaces that could be provided.

It is my view that the delivery of charging points to 10% of the car spaces within the development would be sufficient and should additional points be required in the future they can be installed using the most up to date and efficient technology.

7.6. Other Issues

Residential Amenity

Impact on existing residential amenity was raised under the grounds for appeal. The closest residential development to the site is on the southern side of Jervis Street, facing onto the road with appellants house located almost directly opposite the new junction. In my opinion, the greatest potential for impact on residential amenity would be from additional vehicular movements on the road and increased traffic. This issue has been addressed in full above.

In my opinion, the development itself is at a sufficient remove from the residential development so as not to have any significant impact on their amenity. The illuminated sign to the east of the junction is oriented to face oncoming traffic and is approximately 15m from the nearest house. I am satisfied that this would not result in any undue impact on the existing residential amenity with regard to light spillage.

Development Contributions

Development contributions were not attached to the PA's decision. Section 6.2 of the Louth County Council Development Contribution Scheme 2016-2021 sets out the Reductions in Development Contributions that can be applied and sets out the circumstances under which reductions can be applied. No. 11 states that; Where demolition is necessary to facilitate a proposed new development, the floor area of the structure to be demolished will be off set against contributions for new

development. – the reduction to be applied is as per the floor area of the structure minus the floor area of the structure to be demolished. In this instance the floor area of the buildings to be demolished (2,732m²) was greater than the floor area of the new buildings (1,760m²) and no contributions were applied. In my opinion, the contributions were calculated in accordance with the approved Contribution Scheme.

Bat Study

A bat survey was carried out in July 2019 and was submitted as part of the application. No bats were found to be roosting on the site. However, a bat roost was found in a stable block behind the site, which forms part of the out-buildings attached to the protected structures. Some bats were observed feeding around and over the site. I note the requirements of Condition No. 7 of the notification of decision of the PA to grant permission, which requires additional surveys to be carried out prior to the commencement of development and sets out mitigation measures to be carried out. I consider such conditions to be appropriate in the instance that planning permission is granted for the development.

Green Lung

The site is identified as a 'Green Lung' area in Section 6.5 of the Ardee LAP and concerns were raised regarding the removal of trees within this designated area. The majority of the site is a brownfield site with only a small section to the west comprising green space. It is my opinion that the impact the development would have on the Green Lung area would be minimal given the scale of the lands to be developed and the overall context of the site. Furthermore, I note that the planting plan for the development includes a row of 12 trees directly adjacent to the western boundary and along the western and eastern side of the access road to replace the trees to be removed. Additional planting would be provided along Ash Walk and to the northern and southern boundaries which would serve to replace the trees to be removed.

7.7. Appropriate Assessment.

The grounds of the third party appeal questions the accuracy of the AA Screening submitted with the application as it did not include the site of Stabannan-Braganstown SPA in the assessment.

The subject site is not a designated European site and there are no Natura 2000 sites within the Ardee town boundary. The nearest designated sites include Stabannon and Braganstown Special Protection Area (site 004091) which is situated 4.2km to the north east of Ardee, and Dundalk Bay Special Protection Area (site 004026) and Dundalk Bay Special Area of Conservation (000455) some 13km away and to the west.

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

8.0 Recommendation

8.1. I recommend that planning permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the Town Centre zoning objective for the site, its proximity to the town centre of Ardee, and the nature and scale of the proposed retail development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed development would not result in a traffic hazard or undue negative impact on the amenity of adjoining properties and would be in accordance with the provisions of the Louth County Development Plan 2015-2021, and in particular with the Louth Retail Strategy 2014, and the Retail Planning Guidelines 2012. It would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 16 th day of September 2020 as amended by further plans and particulars received on
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	<p>the 4th day of November 2020 and the 3rd day of December 2020 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Prior to commencement of development the applicant shall submit for the written agreement of the planning authority revised plans indicating the following:</p> <p>a) The removal of the meeting room to the north-eastern corner of the development. The window detailing to the northern elevation shall be continued to wrap around the eastern corner of the building at this location to provide visibility from Ash Walk.</p> <p>b) Revised landscaping proposals which provide details of surface materials and street furniture to the public realm, and details of the planting plan and species to be used throughout the site. Native trees and shrubs shall be used in the development. Where other planting is proposed, they should be taken from the approved list from the All-Ireland Pollinator Plan.</p> <p>c) Details of the covered bicycle stand along the northern boundary of the site.</p> <p>d) The remainder of the external finishes and elevations shall be implemented as shown on Drawing 16.71.300, Rev. P2, Dated November 2020.</p> <p>e) The landscaping plan shall be implemented within the first planting season following completion of construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within</p>

	<p>the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interests of visual amenity.</p>
3.	<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>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
4.	<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 practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

	<p>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
5.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
6.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of amenity and public safety.</p>
7.	<p>The developer shall ensure that all recommendations identified in the Bat Survey shall be implemented in full, including the following;</p> <ul style="list-style-type: none"> a. A full bat survey shall be carried out across the full development site by a suitably qualified ecologist during the active season prior to the demolition of any structures. b. No landscaping or removal of vegetation to be carried out during the bird nesting season, (1st March to 31st August). c. Any destruction of bat roosting site(s) must be done by a suitably qualified bat ecologist and under licence granted by the Minister of Culture Heritage and the Gaeltacht. <p>Reason: To protect the biodiversity of the area.</p>

8.	<p>The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre-development testing at the site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.</p> <ul style="list-style-type: none">a) The archaeologist is required to notify the Department of Culture, Heritage and the Gaeltacht, in writing, at least four weeks prior to commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.b) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-1994), having consulted the site drawings and relevant development plans.c) Having completed the work, the archaeologist should submit a written report to the Department of Culture, Heritage and the Gaeltacht and the Planning Authority.d) Where archaeological material/features are shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Culture, Heritage and the Gaeltacht will advise the developer/applicant with regard to these matters.e) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Culture, Heritage and the Gaeltacht.f) Should features of significance be uncovered, the applicant shall engage with the Planning Authority to determine whether the historical features should be incorporated into the development.
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	Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
9.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
11.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, no additional advertising signs, flags, emblems or other advertising devices shall be erected externally on the building or anywhere on the site unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: In the interests of orderly development and visual amenity.</p>
12.	The following requirements of the
13.	<p>The developer shall comply with the following transportation requirements:</p> <ul style="list-style-type: none"> a) Adequate visibility shall be made available and maintained as indicated on submitted Drawing No. 16.71.103, dated July 2019, for a minimum of 49metres on either side of the proposed Access Road/Jervis Street junction from a point 2.40 metres back in from the edge of the carriageway over aheight of 1.05 metres to 0.60 metres above road level. b) A 2.0 metre wide footpath for the full length of the visibility splay i.e. 49 metres shall be provided to the west of the proposed Access Road/Jervis Street junction.

- c) The relocation and reinstatement of the existing stone wall to the west of the proposed access must be completed prior to commencement of construction. The wall must be reinstated to the same form and visual appearance as it currently has.
- d) No demolition work can commence on site until the visibility splays have been provided.
- e) The proposed kerbline shall be constructed along the line of the existing kerbline to the north of the site, to ensure that the proposed access road cross section (linking Ash Walk to the N52 as per the Ardee Local Area Plan) is not compromised.
- f) The applicant shall note that the roadside kerbing and footpath sections at crossover points shall be suitably lowered and dished as per the requirements of the Planning Authority.
- g) The proposed Access Road, shown coloured yellow on Drawing No. 16.71.103, dated July 2019, shall be extended a distance of 7.465 metres in a northern direction and terminate at the blue line boundary as shown.
- h) The details of the construction of the proposed access road shall be agreed in writing with the Planning Authority prior to the commencement of development.
- i) Maintenance of the proposed footway along the north, east and south of the proposed development site shall be the responsibility of the applicant.
- j) Proposed boundary treatments, including retaining walls shall be designed and their construction supervised and signed off by a chartered structural engineer.
- k) The proposed development shall make provision for the charging of electric vehicles to 10% of the car parking spaces permitted. Details of how it is proposed to comply with the this requirement, shall be

	<p>submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interests of public safety and orderly development.</p>
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Elaine Sullivan
Planning Inspector

13th April 2021