



An
Bord
Pleanála

Inspector's Report PL17.247835

Development

Demolition of building and construction of a single storey discount foodstore to include off licence use, car parking and all associated site works.

Location

Strand Road (R150), Laytown, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

LB/160330

Applicant(s)

Aldi Stores (Ireland) Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellants

Roger and Liz Pickett and Others

Keith McEvoy

An Taisce

RGDATA Limited

Elaine Keegan

Laytown Village Enhancement

Committee

Eoin Kelly

Nuala O'Reilly
Tesco Ireland Limited

Observers

James Gilna
Geraldine Prendiville
Cllr Sharon Keogan
Thomas Behan
Julianstown and District Community
Association
Eleanor McDonald
Ben Bailey
Patrick Coyle

Date of Site Inspection

15th March 2017

Inspector

Patricia Calleary

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
4.0 Planning Authority Reports	5
5.0 Planning History.....	7
6.0 Policy Context.....	7
7.0 The Appeal	10
8.0 Assessment.....	15
9.0 Recommendation.....	23
10.0 Reasons and Considerations.....	23
11.0 Conditions.....	24

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.78 hectares, is located facing the seafront along Strand Road (R150) in Laytown, County Meath. The site is relatively flat. It contains a disused nursing home, which is stated to have closed in 2011. There are established residential developments located to the north, south and west and there is a small open space bounding the site to the north east.
- 1.2. Access to the site is currently from Strand Road to the east and the road operates at an urban speed limit of 50kph at the site and through the village. The carriageway in front of the site is 6.5m wide and a broken-white line marks the centre line. There are footpaths on each side of the road. The site is serviced by public water and drainage infrastructure.
- 1.3. There is a mix of retail provision c.100m to the south of the site including a general goods store/comparison supermarket, a take-away and a pharmacy. The second area of retail provision in Laytown is at Alverno Terrace adjacent to the train station. Bettystown is located c.1.5km to the north.

2.0 Proposed Development

- 2.1. The proposed development would comprise the demolition of the existing single storey building on site (former nursing home) with a gross floor area of 1,115.4 sq. metres and the construction of a single storey discount foodstore to include off-licence use with a gross floor area of 1,729 sq. m (net retail area 1.254 sq. m.). As applied for, the proposed development also includes the erection of 1 no. free standing double-sided internally illuminated sign (totem pole), 1 no. internally illuminated gable sign on the east elevation, 1 no. poster sign at entrance and entrance glass sign on south elevation. The proposed development would be served by 104 car parking spaces. Access to the site is proposed off Strand Road (R150).
- 2.2. The proposed development would also include all engineering works, landscaping works including revisions to bus lay-by, bicycle parking, boundary treatments and site development works.
- 2.3. In addition to the planning drawings and documents, the **planning application** was accompanied by a retail impact statement, a retail design statement, a landscape

masterplan and planting details, a traffic impact assessment report, an appropriate assessment screening report, an archaeological assessment and a noise report.

Significant further information was submitted during the consideration of the planning application and this included revised architectural drawings, a traffic report, revised landscape drawings, a revised sequential test as part of the retail impact statement and responses to the third-party submissions.

3.0 Planning Authority Decision

3.1. The Planning Authority (PA) issued a decision to **grant permission** subject to 21 conditions, the following which are of note:

- C2: Design amendments to Northern elevation and agreement of proposed materials;
- C3: One pole sign permitted;
- C4: Details of bus bays and bus shelters;
- C5: Archaeological monitoring;
- C10: Noise limits;
- C13: Cycle parking facilities.

4.0 Planning Authority Reports

4.1. Planning Report – Initial Assessment

4.1.1. The main issues put forward in the Planning Officer's initial assessment can be summarised as follows:

- The Retail Strategy recognises Bettystown as the prime retail service centre for the settlement, although there is an acknowledgement of the need to support the provision of **small-to-medium scale convenience retail** development in Laytown to serve the needs of the local community;
- **Principle of the development is acceptable** in the context of the zoning objective and matrix for the site and its location along a public transport corridor;

- **Retail:** The retail expenditure leakage from the settlement is high and the settlement is under-performing. The PA supports the provision of the development which would serve to reverse this trend. The site is 'edge of town' and a sequential test is required and has been undertaken but further information is required;
- **Design:** Applicant should be requested to examine the design solution;
- **Layout and Amenity:** Noting the public plaza proposed along the site, proposal would be consistent with TVC OBJ 4, i.e. to encourage improvements to the public realm;
- **Car parking:** Requires further information;
- **Archaeology:** Archaeological assessment recommends a programme of testing. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (DAHRRG) have no objection, subject to condition;
- **Services:** Site is serviced with wastewater and water and Irish Water expressed no objection subject to conditions;
- **Appropriate Assessment:** Development would not have any adverse impact on the qualifying interests of the Natura 2000 network;
- **Noise:** Delivery should take place before 7 am.

4.2. **Planning Report – Final Assessment**

- 4.2.1. Following a request for further information and consideration of the applicant's response, the planning officer concluded that the development represents a logical development on a disused derelict site, on lands which have been identified as suitable for town centre retail purposes and that the development accords with the Retail Planning Guidelines 2012. It was considered that all matters raised in the further information request were addressed. A recommendation to **grant permission** was put forward.

4.3. **Other Technical Reports**

- Road Design: No objection, some matters require clarification;
- Public lighting: No objection subject to conditions;

- Heritage Officer: No response;
- Water Services: No response;
- Environment Section: No response;
- Environment (Flooding): No objection subject to conditions;
- Chief Fire Office: No objection subject to conditions.

4.4. **Prescribed Bodies**

- Irish Water: No objection subject to conditions;
- An Taisce: Issues raised around traffic impact and suitability of location;
- DAHRRG: No objection subject to an archaeology condition (monitoring).

4.5. **Third Party Observations**

- 4.5.1. A total of 165 submissions were received by the Planning Authority stating their objection to the development. The concerns raised were considered by the Planning Authority in their assessment and I have also considered these in my assessment of the application and appeal.

5.0 **Planning History**

5.1. **Appeal site**

- 5.1.1. No recent planning history applies to the appeal site.

6.0 **Policy Context**

6.1. **Retail Planning Guidelines 2012**

- Laytown/Bettystown would fit a Level 4 tier within the national retail hierarchy (in the 1,500 to 5,000 population category). This tier is one in which it is stated that retail provision is likely to be mainly in the convenience category, either in small supermarkets or convenience shops and in some cases, would provide comparison shopping;

- The guidelines require retail development to be appropriate to the scale and function of the settlement within which it is located. It also requires development to promote city/town centre viability through a sequential approach to development, with the overall preferred location for new retail development within city and town centres. Unlike earlier guidelines, the current guidelines do not differentiate between 'discount stores' and other 'convenience' good stores.

6.2. The Retail Design Manual 2012

- The guidelines require that the form, scale and mass of the development should have regard for integrating the scheme into its urban context but recognises that this does not mean that the design has to replicate existing built traditions.

6.3. Meath Development Plan 2013-2019

- Bettystown/Laytown/Mornington East is designated a 'small town' – Table 2.1.
- Within the retail hierarchy for the county, Bettystown/Laytown is designated a Level 3 – Town and / or District Centre and Sub-County Town Centre;
- S 3.4.5 (small towns including Bettystown/Laytown/Mornington East) - Retail is likely to be mainly in the convenience category, with a small supermarket and possible local centres serving only the town and its local catchment area;
- Table 11.9 – Car parking standards: Food Retail (greater than 1,000 sq.m). 1 space per 14 sq.m. Gross Floor Area (GFA), Non-Food - 1 space per 20 sq.m. GFA.

6.4. **Meath Retail Strategy 2013-2019 (Appendix 5 of the Meath County Development Plan)**

- Laytown/Bettystown is designated a Level 3 centre. These towns perform an important sub county retail role / function and generally include a good range of convenience provision and a modest provision of comparison offer;
- S.8.4.7 - Key objectives in respect of Laytown include: Recognise the association of Laytown with Bettystown, which is the primary retail service centre in the Laytown- Bettystown-Mornington cluster and support the provision of small to medium scale convenience retail development in Laytown to support the needs of the local community;
- Section 5.6.32 - The location of the town on the Strand means that there is limited opportunity for the expansion of the town centre. It is expected that retail growth will be primarily directed towards Bettystown. In the event that retail development is pursued in Laytown, the following should be investigated:
 - (i) Infill developments along Alverno Terrace and Strand Road;
 - (ii) Potential development at the surface car park and adjoining greenfield site opposite Alverno Terrace.
- Bettystown is performing relatively poorly in terms of its role as a Level 3 Sub-County town in conjunction with Laytown. In order for Bettystown to function in accordance with its role, there will need to be a considerable strengthening of the town's retail offer, particularly its comparison offer.

6.5. **East Meath Local Area Plan 2014-2022**

- Site is zoned B1, 'to protect, provide for and/or improve town and village centre facilities and uses'. In respect of B1 zoned lands, the plan states: 'It is intended to accommodate the majority of new commercial and retail uses in towns and villages within B1 lands' and 'There shall be no restriction to the definition of B1 land use zones';

- TVC POL 3: To encourage the development of the retail and service role of Laytown/Bettystown as a Level 3 Sub County Town Centre in accordance with the County Retail Strategy;
- Objective TVC OBJ 4: to encourage the measures for improvement to the public realm in Laytown;
- Section 4.3 has an aim to support proposals to create and sustain appropriately scaled top-up shopping and local service provision;
- Key Aims (Urban Form): The Planning Authority will encourage the appropriate redevelopment of vacant and underutilised sites within the Bettystown Town centre site and centrally located sites in Laytown, Mornington East and Donacarney which are appropriate to the rank, role and function of each centre;
- SE POL 2: To strengthen the role of Laytown/Bettystown as a Level 3 retail centre thereby sustaining its ability to attract new businesses and meeting the retail and service needs of the area (etc.).

6.6. Natural Heritage Designations

- 6.6.1. The River Nanny Estuary and Shore SPA (Site Code 004158) is located c.30m away to the east and south. The Boyne Estuary SPA (Site code 004080) and Boyne Coast and Estuary SAC (Site code 001957) are located 4km north of the site. The River Boyne & River Blackwater SAC (Site code 002299) and River Boyne & River Blackwater SPA (Site Code 004232) lie c.12km east/north east of the site.

7.0 The Appeal

7.1. Introduction

- 7.1.1. A total of **nine third-party appeals** were received from Roger and Liz Pickett and Others, Keith McEvoy, An Taisce, RGDATA Limited, Elaine Keegan, Laytown Village Enhancement Committee, Eoin Kelly, Nuala O'Reilly and Tesco Ireland Limited.

7.2. Grounds of Third Party Appeals

- 7.2.1. The collective grounds raised by the appellants broadly centre around planning policy, retail impact, traffic, design and residential amenity. It is contended that a

foodstore is too large in scale for the appropriate development of Laytown, which is a seaside town and it would impact on existing family-run smaller scale retail premises. It is stated that the type of development proposed should be integrated into Bettystown. Specific issues raised in the appeals are outlined below.

7.2.2. Policy

- Would be contrary to local and national planning policy. I have highlighted a number of local policies referenced.
 - Contrary to Section 4.8 and TVC POL 8 of the East Meath LAP and Section 5.6.32 of the Retail Strategy for Meath in which it is expected that retail growth for Laytown-Bettystown-Mornington East would be primarily directed towards Bettystown;
 - Contrary to SE POL 2 of the LAP which aims to strengthen the role of Laytown/Bettystown as a Level 3 retail centre. Existing scale of shops in Laytown are appropriate for its size and function as a 'small town';
 - Conflict with HER POL 15 of the LAP (protected scenic values of coastal area);
 - Contrary to HER POL 5, 15,17,18 and 19 of the LAP (Design, amenity value, landscape character, scenic values of coastal areas);
 - Contrary to TD POL 5 and TD POL 14 of the LAP (conserve natural, built and cultural heritage that forms the basis for tourism);
 - Contrary to ED POL 41 of the Meath CDP (Reinstate, replace disused buildings) and TVC OBJ 5 of the East Meath LAP (implement village design plans).

7.2.3. Retail Impact

- Notwithstanding the suitable land-use zoning, it is clear that a supermarket of such a scale would be inappropriate. 'Shop-Local' is defined in the zoning matrix of the Meath CDP as a convenience retail unit of not more than 200 sq.m;

- The 'out of town centre' is too large for Laytown where retail policy seeks to create and sustain appropriately scaled top-up shopping and support small to medium scale convenience retail development to support local communities;
- Laytown is well served with village scale shops and businesses and development would have detrimental effect on existing local shops and result in job losses;
- Vacancy space available in Bettystown is high (c.10,000 sq.m of vacant and under-construction retail space) and there is ample space therefore available to accommodate such a development and to delivery on policy to strengthen the town's retail offer. Sequential test submitted by applicant was inadequate and did not demonstrate flexibility in appraising sites in Bettystown as required under the Retail Planning Guidelines. Proposal should be integrated in Bettystown. Further town centre health checks should be carried out in Laytown and Bettystown before any new proposed retail development is considered.

7.2.4. Design and Visual Amenity

- Design is an inappropriate generic response, is incongruous and would detract from the public realm along the seafront and would be at variance with the vernacular character of the seaside village location;
- Proposal would result in adverse impacts on the identity of Laytown as a seaside resort;
- Would impact on Laytown Strand (protected view);
- Development would diminish the village ambiance experience;
- Car parking proposed to the front which would result in an inactive frontage, contrary to the advice in the Retail Planning Guidelines 2012.

7.2.5. Traffic

- Traffic congestion would arise and there are inadequate sightlines available;
- Would diminish road safety;
- HGV deliveries concerns;

- Car parking under provided;

7.2.6. Residential Amenity

- Inappropriate location given current use of neighbouring sites, predominately for residential use;
- Would result in negative impact on adjoining residential amenity;
- Anti-social behaviour would result;
- Noise from mechanical plant and light pollution from car park would result;
- Would have a negative impact on property values in the area.

7.2.7. Other

- Would impact on tourism. Located in the heart of Ireland's Ancient East and the Boyne Valley;
- Appeal site has been identified as a potential location for the provision of a community centre under the Laytown Community Plan 2012 prepared under the Village renaissance initiative;
- Removal of existing building on site would result in loss of architectural heritage;
- Sewerage system would not cope;
- Would detract from the beach and cultural heritage.

7.3. Planning Authority Response

7.3.1. The Planning Authority response requests An Bord Pleanála to uphold its decision to grant permission. The following points are put forward.

- Site is zoned 'B1' which includes supermarket/superstore and shop uses;
- County retail strategy identifies areas as having potential in Laytown for retail include infill development along Alverno Terrace & Strand Road and greenfield site opposite Alverno Terrace;
- Public Plaza proposed along site frontage which is desirable;
- PA satisfied that alternative retail sites were considered and appropriately ruled out;

- Adequate capacity in the existing sewer;
- Car parking provision is acceptable;
- Road Design section satisfied.

7.4. **First Party Response**

7.4.1. The First Party response contends that the development would be plan led, it would serve to rejuvenate a substantial obsolete site and that it would claw back retail expenditure leakage. The following is a summary of their responses on the main planning concerns.

- Design is contemporary, visually attractive and would improve the existing urban environment;
- Would not impact on tourism but would provide a much-needed convenience retail facility for holiday-makers;
- Adequate capacity exists on local road to accommodate traffic. HGV deliveries will be c.1 HGV per day, adequate parking provided to accommodate the needs of the store and adequate sightlines available;
- Site is within an area zoned 'Commercial/town centre' in the East Meath Local Area Plan 2014-2022. Site would be classified as 'edge of centre site';
- No suitable sites available in Bettystown retail core. The site satisfies the sequential test approach and is supported by local and national retail planning policies;
- Given the separation distance of the appeal site, development would not have an adverse impact on residential amenity;
- Significant effects to the integrity of the Natura 2000 network would not arise.

7.5. **Observers**

7.5.1. Ten observations on the appeal were received by the Board from James Gilna, Geraldine Prendiville, Cllr Sharon Keogan, Thomas Behan, Julianstown & District Community Association, Eamon Fergus and Others, Meath East Community Association, Elanor McDonald, Ben Bailey and Patrick Coyle. The majority of the

issues raised by observers were also raised by the third party appellants and are not repeated below. Additional issues are summarised as follows:

- Site is located on a dangerous stretch of the R150 with poor sightlines;
- Would lead to unacceptable increase in HGVs and car trips travelling on Jullianstown main street;
- Development of East Meath over the past 15 years has not been successful. Tesco (in Bettystown) is in a semi-completed development adjacent to a now abandoned hotel. An opportunity exists to not repeat the same mistakes that were made in the past;
- Opinion on conflict of interest as same practice who wrote the LAP for East Meath are now acting for the Aldi development;
- Foul Sewer risks becoming overwhelmed if development goes ahead;
- Contrary to multiple policies around tourism, town and village centre, cultural heritage & natural assets;
- Impact on Victoria & Netterville ACA and the amenity of the village;

8.0 **Assessment**

8.1. **Introduction**

8.1.1. I have read and considered the contents of the planning application, grounds of appeal, observations, responses and relevant planning policy. I have also attended the site and environs. I consider the key issues in determining the application and appeal before the Board are as follows:

- Retail Impact
- Design and Visual Amenity
- Traffic and Car Parking
- Residential Amenity
- Appropriate Assessment

8.1.2. I outline my considerations of the principal planning issues raised in the following sections of my assessment. At the outset, I note that the development is described in the public notice as 'a discount foodstore'. The current Retail Planning Guidelines no longer differentiate between 'discount foodstores' and other 'convenience goods' stores. I have considered the development in my assessment accordingly.

8.2. Retail Impact

8.2.1. The main argument around retail impact in this appeal is that the development is inappropriate in terms of size and scale for Laytown and it should instead be directed to Bettystown, which it is stated is intended to act as the primary retail service area for the settlement of Bettystown/Laytown. It is also contended that permitting the development would be detrimental to the existing smaller-scale local shops in Laytown and that the development is not supported by retail or planning policy. In relation to the sequential test submitted with the retail impact assessment, the appellants consider that this did not allow for flexibility and that there are suitable alternative sites in Bettystown. In response, the first party contends that the development would be plan led, would serve to rejuvenate a substantial obsolete site and that it would claw back retail expenditure leakage out of the local area. It is argued by the applicant that the development proposal is fully supported by retail policy, that the sequential test was accurately applied for the 'edge of town centre' and that the development would offer complementary retail provision and improve choice for customers in Laytown.

8.2.2. The Retail Strategy for Meath identifies Laytown/Bettystown as a level 3 centre and the retail policy objectives for such centres is stated as '**incorporating a range of convenience and comparison retail facilities adequate to serve the everyday needs of the catchment population**'. The Strategy also re-affirms the guidance set out in the Retail Planning Guidelines 2012 around the sequential approach and the requirement and enhancement of the vitality and viability of town centres. Under Section 5.6.6 it is stated that Bettystown performs the retail function for the Laytown-Bettystown-Mornington cluster. Section 5.6.32 states that '**It is expected that retail growth will be primarily directed towards Bettystown**'. I interpret this to mean that while the growth is expected to be primarily in Bettystown, retail growth in Laytown is not precluded. Section 5.6.23 refers to the limited opportunity for the expansion of the town centre of Laytown. Infill development along Alverno Terrace

and Strand road are identified as having retail development potential. Section 8.4.7 outlines the key objectives in respect of Laytown which include:

- Recognise the association of Laytown with Bettystown, which is the primary retail service centre in the Laytown- Bettystown-Mornington cluster;
- Support the provision of small to medium scale convenience retail development in Laytown to support the needs of the local community.

8.2.3. Under the East Meath Local Area Plan 2014-2020, the site is zoned '**B1 Commercial / Town or Village Centre**' with an objective to '**protect, provide for and / or improve town and village centre facilities and uses**'. Uses which would normally be acceptable under the zoning include '**shop-local**' and '**shop-major**'. The Plan is supportive of development of the retail and service role of Laytown/Bettystown as a level 3 Sub County Town and recognises that there is a need to address retail expenditure leakage from the settlement which is performing poorly.

8.2.4. The planning application was accompanied by a retail impact assessment (RIA) which included an assessment of the capacity for additional convenience retail floorspace within the catchment area. Referring to the Meath Retail Strategy which identifies significant leakage of expenditure from the settlement cluster, the Health Check conclusion of the RIA submits that there is adequate capacity for retail spend in the local catchment which is based on a 10-minute drive time from Laytown, with a population of 12,500 persons based on the 2011 census (Ref: Figure 5 of P.29 of the RIA). It is also stated that the population of the catchment increased by 21% since the 2006 census figures. A population growth estimate of 1% per year is applied in the RIA up to year 2019 which I consider is a reasonable assumption. Based on a review of the more recent CSO preliminary results 2016, I note that the population in Meath grew by 5.9% from 2011 to 2016 and there was a similar growth (6%) in the Electoral Division of Julianstown in the same period. The RIA recognises the presence of Tesco as an anchor store in Bettystown. It is concluded that the development would strengthen retail offer and enhance vitality and viability of Laytown and would improve consumer choice.

- 8.2.5. I would agree that the appeal site can be categorised as an 'edge of town' site. It is c.150 m north of established retail provision on Strand road and c.350 m south west of retail provision in the vicinity of the train station, which are the two retail areas in Laytown. Further information was sought by the Planning Authority around the flexibility of alternative sites in Bettystown. While the retail strategy recognised that Bettystown is currently the prime retail service centre for the settlement, it supports the provision of small to medium scale convenience retail development to serve the needs of the community in Laytown. In relation to the sequential test, 3 sites were selected in Bettystown, including vacant units in an incomplete development. I am satisfied that it has been demonstrated through the sequential test (as revised at further information stage) that these alternative sites can be discounted as they are not suitable, available or viable for the proposed retail development.
- 8.2.6. I consider the retail convenience foodstore with a net retail floor space of 1,254 sq.m fits a 'medium scale' convenience retail development which would support the local community and is supported by policy set out in the retail strategy for Laytown. There is no requirement under planning policy to limit the scale of a 'shop-local' of 200 sq.m as is put forward in the appeals. The store would be located on an underutilised infill site which is zoned 'B1', where the zoning category clearly allows for a medium sized primarily convenience retail store as is now proposed.
- 8.2.7. In conclusion, I am satisfied that, if permitted, the development would be consistent with the retail policies set out in the East Meath LAP 2014 and the Retail Strategy for County Meath which is appended to the current County Development Plan for Meath. It would also be consistent with national and regional retail planning policy. The proposal clearly accords with the local 'B1' zoning objective for the site. I am satisfied that the development is acceptable in terms of the quantum of convenience floorspace proposed and the capacity of Laytown to absorb that floorspace having regard to the RIA and that alternatives sites have been considered appropriately in the justification test. It has been demonstrated that the development would contribute to addressing expenditure leakage from the local area which the PA have stated is currently well in excess of norms. Overall, I am satisfied that the development would contribute to the orderly planning for Laytown/Bettystown role as a Level 3 sub-county town. I recommend that the development should not be refused on the basis of retail impact.

8.3. Design and Visual Impact

- 8.3.1. The appellants submit that the development is incongruous and out of character with the village setting and that the design is inappropriate and would detract from the public realm along the seafront. It is argued that it would be at variance with the established vernacular character of the area and impact negatively on tourism. The applicant submits that the design is appropriate and accords with the principles of good design including design quality, context, built form and character. It is submitted that the design is contemporary and of high quality with an active shop front and would serve to define the retail boundary of the village. In response to the appeal grounds around the loss of the building on site, the applicant states that the building is not a protected structure and is of poor visual quality and the development would not interfere with protected views.
- 8.3.2. A revised design was submitted to the Planning Authority at further information stage. It included revisions to the east elevation which presents onto the streetscape and the seafront. This elevation would be predominately glazed and aesthetically acceptable. A small public space is proposed with landscaping and planting available which I agree would contribute to Objective TVC OBJ 4 which seeks to encourage improvements to the public realm in Laytown. The northern elevation is presented as a largely blank façade. As it would be visible from the public streetscape in part and adjacent to residential properties, I recommend that a requirement for a revised elevational treatment be sought by way of an appropriate planning condition.
- 8.3.3. In relation to the loss of the former nursing home on site, the planning officer, informed by the view of the conservation officer, disagrees that it has architectural merit worthy of retention. Equally, noting it is neither a protected structure and of poor visual appearance, I agree that the retention of the existing building is not required or merited.
- 8.3.4. Overall, I would consider that the proposed building is a generic design but one which, subject to a condition regarding changes to the northern elevation, would constitute an acceptable standard. It is set back from the sea front and would replace a disused building on an inactive site which would present a significant improvement when viewed from Strand Road. The landscaping, paving and lighting scheme proposed would also be a significant improvement on the current situation. It would

be of an appropriate form, scale, massing and density for this centrally located infill site. In that context, I would not recommend a refusal of permission on the basis of design or visual impact

8.4. Traffic and Car Parking

- 8.4.1. Access to the site is proposed via a priority 'T' junction. Concerns are raised by the appellants that the development would give rise to unacceptable traffic hazards caused by inadequate road capacity, poor sightlines, traffic congestion and that there is insufficient car parking proposed. In response to the appeal, the applicant included a report by TPS which provided a detailed response to the traffic issues raised by the appellants. It is suggested that based on the earlier Traffic Impact Assessment submitted, it was demonstrated that the road had sufficient capacity to accommodate all of the traffic associated with the development including during summer peak traffic periods. PICADY 9 traffic modelling identified that, with the development in place, there would be 80% capacity remaining at the junction of the access onto Strand Road. AM traffic surveys were undertaken and these revealed no issues with queues or delays along the R150 or within the junction of the R150 with the adjoining Marian Villas. The development proposes that HGV traffic, which would typically be restricted to one delivery per day before 9.00 am, would approach the site from the North, via the Colpe road. Sightlines of 50m are achievable in either direction when exiting the site which complies with the DMURS and of relevance, the site is within a 50 kph speed limit. I note the Road Design department of Meath County Council did not raise any objection with the principle of the development from a roads and traffic perspective and were satisfied with the additional information furnished.
- 8.4.2. Concerns are also raised around insufficient car parking provision. The applicant submits that there is adequate parking and that their experience is that the requirement of 1 space per 20 sq.m. meets demand rather than 1 space per 14 sq.m as set out in the Meath CDP (Table 11.9). Direct application of the CDP standards would equate to a requirement for 123 car spaces. I note that under Section 11.0 (Car parking standards), Meath CDP states that non-residential standards are set down as 'maxima' standards. A reduction in parking provision below the maximum requirement is therefore acceptable in principle. I note that the Road Design Section of Meath County Council raised no objection to the development from a car parking

and traffic movement perspective. I am satisfied that the proposed development makes an adequate provision for on-site car parking to cater for the development.

- 8.4.3. A 2.0m footpath is proposed along the site frontage and cycle parking would also be provided within the site. I note there is a bus route and a bus stops at the site and while I accept most shoppers would arrive by car, there is likely to be a small percentage who would travel by bus, foot and bicycle given the ongoing emphasis on sustainable transport across national policy. I consider having regard to the flexibility around the car parking requirements set out in the development plan and the technical evidence put forward by the applicant, that a provision of 104 parking spaces is sufficient to serve the proposed development.
- 8.4.4. Having reviewed the technical information on file and attended the site, I would agree that it has been demonstrated that the road network has adequate capacity to accommodate the development. I do not consider the development as described would give rise to an unacceptable traffic hazard and it has been demonstrated that there is adequate car parking available. Accordingly, I recommend that the development should not be refused on traffic grounds or because of insufficient car parking.

8.5. Residential Amenity

- 8.5.1. Issues are raised by the appellants around the potential impact on residential amenities. It is submitted that the development would result in overshadowing on neighbouring properties, would reduce amenity enjoyed because of noise and light pollution from the car park and would cause a reduction in property values. In relation to noise, a noise report was submitted with the application, the contents which I have reviewed. I concur that noise from the retail development is not one which would give rise to unacceptable noise levels during operation. The greatest potential for noise impacts would occur during the construction period and accordingly would be temporary in duration. The hours of construction can be controlled by way of a condition to limit the periods of construction noise. Similarly, a condition should also attach requiring that external lighting should not cause excessive glare or distraction to road users or adjoining property owners.

- 8.5.2. In relation to overlooking and overshadowing issues, having regard to the separation distances involved and the design and use of the building, no such impacts would arise in my view.
- 8.5.3. Concerns around anti-social behaviour have also been raised, however, there is no evidence to suggest that this would in fact occur and the security of the car park after hours is a management issue which lies outside of the planning considerations of this case.
- 8.5.4. I concur with the applicant's case that, having regard to the above and the presence of a disused nursing home on a currently unmaintained site and building, the proposed development would not give rise to any material impact on the residential amenity currently enjoyed by adjoining property or cause property values to decrease. Accordingly, I do not recommend that the development should be refused for reason of impacts on residential amenity.

8.6. Appropriate Assessment

- 8.6.1. I note that a screening report for Appropriate Assessment was submitted with the planning application. This screening report identified designated Natura 2000 sites within the zone of influence of the project. The River Nanny Estuary and Shore SPA (Site Code 004158) is the closest Natura site, located c.30m away to the east and south. The Boyne Estuary SPA (Site code 004080) and Boyne Coast and Estuary SAC (Site code 001957) are located 4km north of the site. The River Boyne & River Blackwater SAC (Site code 002299) and SPA (Site Code 004232) lie c.12km east/north east of the site. All other Natura 2000 sites are located beyond these sites.
- 8.6.2. The screening report assesses the proposed development in the context of the conservation objectives and the potential threats to the qualifying interests.
- 8.6.3. The appeal site is 30m from the boundary of the River Nanny Shore & Estuary SPA and is separated by the public road so it is submitted in the report that no direct interference or loss of habitat would occur as a result of the development. Recognising that there is a pathway from the site via wastewater flows to the Boyne Estuary, it is stated that the volume of wastewater from the operation of a supermarket would be lower than the previous use on site (nursing home) and that the Drogheda WWTP is operating well within its design capacity and compliant with

its licenced treatment standards. Accordingly, it is submitted that there can be no effect to water quality arising from this development and that no significant effects on the status of the SAC or the SPA are likely. During operation, the surface water infrastructure would maintain discharge rates to 'greenfield' levels, incorporating SUDS techniques. Run-off during construction is likely to be absorbed to ground as there is no watercourse on the site which could act as a pathway to any Natura area. Because of the separation distance from the site to the River Boyne & River Blackwater SAC and SPA, significant effects can be discounted. It is concluded that the proposed development, either alone or in combination with other plans or projects would not result in significant effects to the integrity of the Natura 2000 network.

- 8.6.4. I would agree with the conclusions set out in the screening report and I therefore consider that it is reasonable to conclude that on the basis of information on the file, which I consider to be adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any of the European sites listed in the screening report and a Stage 2 Appropriate Assessment (and a submission of an NIS) is not therefore required.

9.0 Recommendation

- 9.1. I recommend that **permission** should be **granted** for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to: -

- (a) The Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012,

- (b) The policies and objectives of the Meath Development Plan 2013-2019 and the East Meath Local Area Plan 2014-2020, including the **'B1 - Commercial / Town or Village Centre'** zoning attributed to the site with a stated objective to **'protect, provide for and / or improve town and village centre facilities and uses'** and the uses normally acceptable under this zoning which include **'shop-local and shop-major'**; and to the action / recommendation set out in the Meath Retail Strategy 2013-2019, **'to support the provision of small to medium scale convenience retail development in Laytown to support the needs of the local community'** and
- (c) the brownfield nature of the site and pattern of development in the area;
- (d) The nature, scale and design of the proposed retail development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would comply with the scale and type of retailing identified for these lands in the applicable planning policy for the area, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the Planning Authority on the 22nd day of December 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed retail unit shall not operate outside the hours of 0800 to 2100 Monday to Saturday inclusive, nor outside the hours of 1030 to 1900 on Sundays or public holidays.

Reason: To protect the residential amenities of the area.

3. No deliveries shall be taken at or dispatched from the premises outside the hours of 0700 to 2100 Mondays to Saturdays, nor outside the hours of 0900 to 1900 on Sundays or public holidays.

Reason: To protect the residential amenities of the area.

4. Details, including samples, of the materials, colours and textures of all the external finishes, including external glass, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, samples shall be erected on site where required by the planning authority.

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

5. The northern elevation as submitted to the Planning Authority on 14th day of November 2016 shall not be permitted. Prior to the commencement of the development, revised design proposals for the northern elevation, which breaks up the repetitive appearance of the elevation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. (a) Advertisement signs shall be as shown on the drawings submitted with the application, save the omission of the totem pole sign from the development and replacement by a low level sign at the entrance adjoining Strand road. Revised

drawings showing compliance with this requirement shall be submitted to the planning authority for written agreement;

(b) No additional advertisement, advertisement structure, freestanding sign, or other projecting elements including flagpoles or banners, shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity

7. Public lighting on site, including light associated with signage, shall not cause excessive glare or distraction to road users or adjoining property owners. The level of illumination shall be reviewed at any time by the planning authority and any adjustments shall be made to the satisfaction of the planning authority at the developer's expense.

Reason: In the interest of residential amenity.

8. The bus bays shall be constructed to NTA standards and shall be operational prior to the first opening of the store. Details for the design and location of the bus shelter and bollards shall be in shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety.

9. No items associated with refrigeration ventilation or air conditioning apart from the low noise fridge condenser units shall be erected or placed on any external surface without the prior written agreement of the planning authority.

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

10. The demolition of the building on site and the construction of the development shall be managed in accordance with a Construction Management Plan, which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

11. 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.

Reason: In order to safeguard the amenities of property in the vicinity.

12. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. The landscaping scheme shown on drawings numbers 16-433-PD-01 (Soft Landscape Plan and Planting Plan) and 18-433-PD-02 (Planting details), as submitted to the planning authority on the 14th day of November, 2016 shall be carried out within the first planting season following substantial completion of external 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 five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

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

Patricia Calleary

Senior Planning Inspector

12th April 2017