



An
Bord
Pleanála

Inspector's Report ABP306186-19

Development

Retention of planning permission for the following: (1) New advertising signage on the existing totem structure in the North-East Corner of the site. (2) The increase in car sales parking spaces within the site. (3) The realigned and altered sections of security fencing along boundaries together with ancillary site works.

Location

Ennis Road, Leagard North, Miltown Malbay, County Clare.

Planning Authority

Clare County Council.

Planning Authority Reg. Ref.

19/510.

Applicant

Derek Considine.

Type of Application

Retention of Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party -v- Conditions.

Appellant

Derek Considine.

Observers

(i) Mary Shannon, (ii) Tony Kerley.

Date of Site Inspection

12th March, 2020.

Inspector

Paul Caprani.

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Development	5
4.0 Planning Authority's Decision	5
4.1. Assessment by Planning Authority	6
4.2. Further Information Submission	7
5.0 Planning History.....	8
6.0 Grounds of Appeal.....	9
7.0 Appeal Responses.....	11
8.0 Observations	11
9.0 Development Plan Provisions.....	12
10.0 EIAR Screening.....	13
11.0 Planning Assessment.....	13
12.0 Appropriate Assessment	17
13.0 Decision	17
14.0 Reasons and Considerations	17
15.0 Conditions	18

1.0 Introduction

ABP306186-19 relates to a first party appeal against two conditions attached to Clare County Council's notification to issue planning permission for new advertising signage on an existing totem pole, to increase car sales parking spaces on site, retention of security fencing on all boundaries and the realignment and altered sections of the security fencing along the front and rear boundaries of the site. Clare County Council granted retention of planning permission but omitted a number of car parking spaces and required the applicant to provide a 2-metre-wide footpath along the front boundary of the site. These two conditions were the subject of a first party appeal. Also submitted are two observations from residents living to the rear of the car sales enterprise. Both these observations object to the fencing along the rear boundary of the site.

2.0 Site Location and Description

2.1. The subject site is located on the south-eastern environs of the town of Miltown Malbay in West Clare. The site is located on the southern side of the R474, Ennis Road approximately 400 metres south-east of Main Street (N67) which runs through the centre of the town. The car sales facility which is the subject of the current application occupies the site of a former petrol station. It accommodates a car sales building (former petrol station shop) and surface car parking which is used for the display of cars for sale. The entire site is surrounded by green metal mesh which is mounted on existing walls and plinths which run around the boundary of the site. The totem pole for which retention of planning permission is sought is located at the north-eastern corner of the site. It is 5.6 m in height and 1.7 m in width. A local access road leading to a residential area runs along the north-western boundary of the site. It serves the Meadowlands Drive residential estate which includes the observers' houses which back onto the rear of the site. A doctor's surgery is located on adjacent land to the south-east of the subject site. There is no development directly opposite the site on the northern side of the Ennis Road. The Ennis Road in the vicinity of the site is a two-lane carriageway approximately 6.5 metres in width.

and does not accommodate any footpaths on either side of the road. There is a footpath adjacent to the north-western boundary of the site serving Meadowlands Drive residential estate. The total height of fencing (fencing plus plinth/boundary walls) ranges between 2.3 and 2.9 metres in height. The totem pole for which retention of planning permission is sought is 5.6 metres in height and 1.7 metres in width.

3.0 Proposed Development

3.1. Planning permission is sought for the following: Retention of planning permission is sought for the following:

- The new advertising signage on the existing totem structure in the north-eastern corner of the site.
- An increase in the car sales parking spaces from 39 to 53.
- Retention of security fencing along all boundaries.
- The realigned and altered sections of security fencing along the front and rear.

4.0 Planning Authority's Decision

Clare County Council decided to grant retention of planning permission on the 20th November, 2019 subject to 7 conditions.

Condition No. 2 required the following:

(a) *The following spaces are not permitted under the terms and conditions of the grant of planning permission.*

Spaces 6 and 7.

Spaces 14 and 15.

Space 44.

Within three months of the date of the final grant of planning permission, the applicant shall provide a formal undertaking to the planning authority that cars will not be parked/advertised for sale on these spaces. A revised site layout

plan shall accompany such an undertaking which clearly shows the omission of spaces as outlined above.

- (b) *No parking of vehicles associated with the operation of the car showroom and sales business shall take place on the public road or any other area outside the boundaries of the site.*

Reason: *To ensure satisfactory parking and landscaping layout in the interest of traffic safety and visual amenity.*

Condition No. 3 stated as follows:

Within six months of the date of the final grant of permission, the applicant shall provide a footpath along the entire length of the subject site 2 metres in width measured from the edge of the public road. Prior to the commencement of construction of same, the applicant shall submit full construction drawings and details regarding the provision of the footpath, the setting back of the existing boundary wall and fence along with a timeframe for the implementation of same to the planning authority for agreement and approval.

Reason: *To ensure the appropriate provision is made for the footpath in the interest of pedestrian and vehicular safety.*

4.1. Assessment by Planning Authority

- 4.1.1. A report from the Road Design Planning Section. It notes that the required 40 metre sightline distance is available to the left and right of the access. It notes that the development plan requires car parking spaces of 4.8 metres by 2.5 metres with 6.1 metre turning aisles. The 6.1 metre turning aisles are not achievable. Parking spaces 6 and 7 are blocking other spaces as are the customer spaces.
- 4.1.2. The planner's report notes that in terms of the land use zoning objective relating to the site, the subject use is open for consideration. In relation to the totem pole signage the report considers that the signage is not detrimental to the urban fabric or streetscape of the town. The report does express some concerns in relation to the layout of parking space and traffic issues associated with the parking layout. In this regard further information was required in relation to the following:

1. Regarding the increased parking spaces shown on the site layout drawing submitted with the application the planning authority has a number of concerns.
 - (i) The parking spaces do not comply with Clare County Council's Development Plan as varied. The development plan requires parking spaces to measure 4.8 by 2.5 with 6.1 turning aisles. The submitted drawings indicate that the 6.1 metre turning aisle is not achievable.
 - (ii) Parking spaces 6 and 7 are blocking other spaces as are the customer spaces.
 - (iii) Spaces 45 to 53 are not considered acceptable in terms of their impact on visual amenities as well as their potential to impede any future footpath provision.
 - (iv) Parking space no. 44 impedes sightline distances from the Meadowlands housing development and should be omitted.
2. The planning authority has concerns in relation to the location of the fence along the northern roadside boundary and this may impede any future proposals to provide a footpath linking the main street of Miltown Malbay with the residentially zoned lands to the south-east of the subject site. In the interest of providing safe pedestrian access from such lands to the town centre, it is considered that such a footpath would be necessary. In this regard the applicant is requested to submit revised drawings to the planning authority which shows adequate space be made for the provision of a footpath of 2 metres in width along the roadside boundary of the site.

4.2. Further Information Submission

- 4.2.1. Further information was submitted on behalf of the applicant on 24th October, 2019.
- 4.2.2. A revised parking layout was submitted reducing the number of car parking spaces from 53 to 50. It is stated that the revised layout addresses the planning authority's concerns as follows:
 - The parking spaces are for the showing of cars for sale and as such the need for a 6.1 metre turning circle is not required. When customers come to view

the cars and request a test drive, it is arranged so that the car dealer brings the car out of the space allotted for the customer to drive. Space Nos. 14 and 15 are to omitted to accommodate customer turning within the car parking area.

- Likewise, Spaces Nos. 6 and 7 are for showing of cars and the movement of cars in this area can be arranged by the car dealer.
- The applicant is willing to omit Space No. 44 to allow for adequate sight distances at the junction to the north-west.
- Having spoken to the area planner dealing with the application it has been agreed that the fence along the roadside boundary will remain as is until such time as works to provide a footpath along this stretch of road occur in the future.

4.2.3. A further planning report notes the following:

A condition shall be attached requesting the removal of spaces 14 and 15.

In respect of car parking spaces nos. 6 and 7 it is not considered that the response on behalf of the applicant is acceptable and therefore a condition shall require the applicant to omit spaces 6 and 7 from the development.

It is considered in the interest of orderly development and traffic safety that spaces nos. 44, 14 and 15 and 6 and 7 shall be omitted and a condition will be attached in this regard.

In relation to the footpath along the front boundary of the site the response is noted and in the event of a grant of planning permission the applicant shall be required to enter into a Section 47 agreement regarding same.

The planning report therefore recommended that planning permission be granted subject to 7 conditions.

5.0 Planning History

5.1. Under P98/173 planning permission was granted for the construction of a petrol filling station, shop and oil tanks on the subject site subject to 21 conditions. The decision was dated 14th May, 1999.

- 5.2. Under P04/2402 planning permission was granted to retain private entrance and revised boundaries and retain shop and store areas on the subject site subject to 23 conditions. This decision is dated 18th January 2005.
- 5.3. Under P18/158 planning permission was granted for a change of use of shop/yard to car showroom and car parking area and permission was refused to retain the boundary fence at the subject site subject to 8 conditions. This decision is dated 27th July, 2018. Permission was granted to provide for a car parking sales area of 39 cars only. Planning permission was refused for retention of the boundary fencing. Permission was refused on the basis that its location on the existing boundary wall would constitute an unacceptable and unsatisfactory form of development in the context of surrounding residential properties and would have an overbearing effect on residential properties. The second reason stated that the fence by reason of its form and height and proximity to the adjoining road network represents a prominent and obtrusive feature that would impact on the visual amenities of the area. And thirdly that the positioning of the fence on the boundary of the R474 obstructs sight distances at the access.

6.0 Grounds of Appeal

- 6.1. The decision of Clare County Council was the subject of a first party appeal specifically in relation to Conditions Nos. 2 and 3.
- 6.2. The appeal submitted outlines the planning history associated with the site and notes that under Reg. Ref. 18/158 permission was granted for a change of use from the shop/yard to car showroom and retention of permission was refused for the fence.
- 6.3. It was noted that the fence was the subject of enforcement proceedings. However, the applicant was not aware that he could appeal the original decision (Ref. 18/158) to An Bord Pleanála.
- 6.4. It was noted that prior to Court proceedings regarding the enforcement notice, a number of meetings were held with the Council as to how best to resolve the issue in relation to fencing. At this meet it was agreed that the fence should be realigned to the satisfaction of the Roads and Planning Section to ensure adequate sight distances at the adjacent junction and to reduce the height of the fence along the

front boundary as well. It is stated that the issues for which retention of planning permission was required would be the subject of a new application.

- 6.5. In relation to Condition No. 2 the applicant agreed in response to further information to omit spaces 14, 15 and 44 from the car parking layout and to accommodate a customer turning area within the yard. It was also agreed to omit car parking space 44 in order to improve sightlines. However, spaces 6 and 7 do not interfere with customer parking or sight distances at the junction and these spaces are for the showing of cars and represent no danger in terms of presenting a traffic hazard. These are not public spaces and where appropriate, cars can be manoeuvred by the car dealer where customers want to take cars for a test drive in this part of the forecourt area. It is stated that 50 car parking spaces are the minimum number which is viable for such an operation.
- 6.6. In relation to Condition No. 3 it is noted that the applicant has met with the Council including enforcement officers in order to agree a way to progress the application. At no point in the pre-planning meetings and discussion was the provision of a footpath mentioned by the planning authority nor was it a condition of a grant of planning permission No. 18/158. It is argued that the incorporation of Condition No. 3 is grossly unreasonable.
- 6.7. The incorporation of a path of 2 metres in width will require the further realignment of a fencing to the front of the property and will further reduce the number of car spaces within the yard area.
- 6.8. The attached picture show that there are no paths which are 2 metres in width in the housing estate adjacent.
- 6.9. The requirement for a path at this location is seen as premature given that there is no development to the east of the site. It is suggested that the 2 metre wide footpath is excessive and is a deliberate ploy so as to further encroach on the property reducing the car parking spaces. A reduced footpath width of 1.1 metres can be accommodated outside the already realigned fence.
- 6.10. Drawings and photographs are attached indicating the impact which the proposed 2 metre footpath will have in terms of encroaching on the forecourt area.

7.0 Appeal Responses

- 7.1. It states that the planning authority sought the removal of spaces 6 to 7 so that cars parked in Spaces 1 to 5, 52 to 53 and staff parking space could manoeuvre on-site without necessitating the requirement for cars parked in Spaces 6 to 7 to reverse out of the site first. Also, it was considered that the permanent parking of cars in these spaces would lead to visual clutter and visual disamenity.
- 7.2. In relation to the footpath it is stated that the applicant was advised that a footpath would be required in order to provide safe pedestrian access from the main street of Miltown Malbay to the residentially zoned lands to the north of the subject site by way of the further information request. The original location of the applicant's fence along the Ennis Road would impede such a provision. In the further submission received by the planning authority from the applicant, it is stated that the fence would be left in situ until such time as works commence on the development of the zoned lands to the north. This is not acceptable to the planning authority. It is considered that a footpath should be provided at this juncture to provide safe pedestrian access including access to the doctor's surgery adjacent to the site.

8.0 Observations

8.1. Observation from Mary Shannon

- 8.1.1. This observation objects to the security fence located on the boundary wall to the rear of No. 2 Meadowlands Drive. It is stated that the applicant had no permission nor did he undertake any consultation with neighbours regarding the work carried out. It is noted that Clare County Council refused permission for the fence and then initiated enforcement proceedings.
- 8.1.2. The observer states that she is elderly and cannot leave her house with assistance. The back garden was her only retreat and she cannot use her garden as customers of the car sales area are constantly looking into the observer's garden which results in a total invasion of privacy.

8.2. **Observation from Tony Kerley**

- 8.2.1. Mr. Kerley is the occupier of No. 3 Meadowlands Drive. Again, the main concern relates to the 1.825 metre high security fence erected along the southern boundary. It is noted that the fence was originally positioned flush with the wall thereby totally encroaching on the observer's property.
- 8.2.2. It is stated that the applicant raised the ground level by 300 millimetres and that the common boundary wall was not designed as a retaining wall and concern is expressed that it will not be capable of holding the extra loading caused by the infill. The total height of the fence on top of the wall is 3.625 metres and creates a 'prison like' feeling in the back garden.
- 8.2.3. It is also argued that the applicant has constructed columns in excess of six metres in height which had been fitted with floodlights without the benefit of planning permission.
- 8.2.4. Concerns are expressed that on foot of an enforcement notice served on the applicant, that the boundary fence was not, as required, moved entirely from the site and a comprehensive proposed landscaping scheme was not submitted for written agreement. It is suggested that the requirements of the enforcement notice was totally ignored by the applicant and was not followed up by the Council in any serious manner.
- 8.2.5. It is also suggested that there are some inaccuracies on the drawings submitted particularly in relation to the height of the boundary fence.

9.0 **Development Plan Provisions**

- 9.1. The site is governed by the policies and provisions contained in the Clare County Development Plan 2017-2023. Miltown Malbay is designated as a small town in the county development plan. The subject site is zoned commercial. The plan states that the use of land for commercial purposes shall be taken to include the use of the lands for commercial and business uses including offices, service industries, warehousing and the facilitation of enterprise/retail park/office type uses as appropriate. Retailing is open for consideration on this zoning provided that a

sequential test is carried out and the lands are demonstrably the optimum location for the nature and quantum of retail development proposed.

9.2. Section 3.4 of the County Plan states that in relation to small towns that these towns continue to act as an important local service centres that maintain sustainable communities, help ensure a good quality environment, provide public transport to the main centres ensuring a high quality of life for those who live in the vicinity.

9.3. **Natural Heritage Designations**

The nearest designated European sites are located approximately 2.8 kilometres to the south-west of the subject site the Carrowmore Point to Spanish Point and Island's SAC (Site Code: 001021) and the Mid-Clare Coast SPA (Site Code: 004182).

10.0 **EIAR Screening**

The development is not a class of development for which it is subject to an EIAR.

11.0 **Planning Assessment**

11.1. I have read the entire contents of the file, have had particular regard to the issues raised in the first party appeal and also the third-party observations submitted. The principle of change of use to a car sales enterprise has already been established on site and I consider that the Board can restrict its deliberations to the issues raised in the grounds of appeal namely Condition No. 2 and 3 and the issue raised in the third party observations which primarily express concerns in relation to the height and scale of the proposed rear boundary fencing.

11.2. **Condition No. 2**

11.2.1. In relation to Condition No. 2 which requires the removal of car parking spaces 14,15, 44 and 6 and 7. I would comment as follows:

I would be in full agreement with the planning authority that Spaces Nos. 14 and 15 as laid out impede the circulation of vehicles within the forecourt area. It is therefore appropriate in my opinion that these spaces be omitted.

With regard to Space No. 44, I likewise consider it appropriate that this car parking space should be removed in order to assist unrestricted sightlines towards the direction of Miltown Malbay. While the site layout plan indicates that Space No. 44 is located c.3 metres from the north-western boundary of the site, my site inspection indicated that cars are parked adjacent to the site boundary and therefore restrict sightlines to some extent for cars egressing from the site. It therefore would be appropriate in my opinion that a car would be prohibited from occupying this area.

With regard to car parking spaces 6 and 7 I consider that the Board could permit the applicant to retain these spaces. A key consideration in determining the amount of appropriate spaces is the fact that the forecourt area is not operating as a public car parking space. It is a forecourt area used for the display of cars for sale. In the event that the customers may wish to test drive cars located in spaces 1 to 5 or 51 to 53; as the applicant points out in the grounds of appeal, the sales person would be entrusted with moving the cars in order to allow test drives. As the forecourt area is to be used for the display of cars it is not necessary that access is provided at all times to each of the spaces in question and for this reason I consider it appropriate that the applicant be permitted to retain the two spaces in question.

11.2.2. Finally, in relation to the issue of car parking I would refer the Board to the site layout plan. The site layout plan would indicate that there is insufficient aisle width between car parking spaces 32 to 35 and 19 to 16. However, having inspected the site I am satisfied that there is enough space on the ground to enable cars to manoeuvre in and out of the said spaces unobstructed.

11.3. **Condition No. 3**

11.3.1. Condition No. 3 of Clare County Council's notification to issue planning permission required the applicant to provide a 2 metre footpath along the entire site frontage. I note that there is no footpath along this section of the Ennis Road notwithstanding the fact that there are a number of houses and a doctor's surgery located south-east of the subject site - further away from Miltown Malbay. It would in my view be appropriate in terms of traffic safety that a footpath would be constructed along this section of the Ennis Road to serve the dwellings, commercial premises and community facilities in the vicinity. I note that there is a footpath between the town and the adjacent residential estate Meadowlands Drive adjacent to the subject site. It

would be appropriate that this footpath would be extended to serve the subject site and the houses and doctor's surgery to the immediate south-east of the site. It is further noted that lands to the rear and to the south-east of the subject site are also zoned for residential development under the current plan. It would be appropriate in my view that the footpath be extended in order to cater for pedestrian movement to and from the area surrounding the site including the subject site and the town of Miltown Malbay.

11.3.2. In this regard I do not consider it unreasonable that the applicant would be requested to provide a public footpath or contribute towards the cost of a public footpath outside the curtilage of the subject site. The site has a frontage of approximately 40 metres.

11.3.3. The primary concern of the applicant as set out in the grounds of appeal relates to the contention that the issue of a footpath was not discussed during any of the consultations with the planning authority and that the provision of a 2 metre wide footpath would result in the loss of further forecourt car parking spaces at the south-eastern end of the site in order to cater for the footpath.

11.3.4. In relation to the first matter, the Board cannot adjudicate on any pre-application discussions with the planning authority. The subject matter of any such discussions are a matter for the parties concerned. I would however note that, the fact that such matters were not the subject of discussion during any pre-planning meetings does not legally preclude Clare County Council from attaching such a condition in any subsequent grant of planning permission.

11.3.5. With regard to the width of the footpath and its encroachment on the forecourt sales areas the applicant requests that the Board consider reducing the overall width of the footpath to 1.1 metres instead of 2 metres in order to facilitate extant parking in the forecourt area.

11.3.6. I have argued above that a footpath is both appropriate and necessary along the front of the commercial premises. With regard to the appropriate width of the footpath I am guided by the provisions set out in the Design Manual for Urban Roads and Streets. The subject site is located on the periphery of the town of Miltown Malbay and is in my view located within the confines of the built-up area notwithstanding the fact that there appear to be no speed limit signs on the approach

road serving the site. Section 4.3.1 of the said guidelines relate to footways, verges and strips. In relation to footways it states that the minimum footway width is based on the need to facilitate two wheelchairs to pass each other and this amounts to 1.8 metres. Having regard to the standards set out in the above manual I would recommend that the Board require a minimum width of footpath to the front of the site of 1.8 metres.

11.4. Boundary Fence

- 11.5. The two observations on file express concerns in relation to the rear boundary fence that has been constructed between the subject site and the observer's rear gardens. The boundary fence in question is in my view of excessive height and does impact on the amenity of the observer's rear gardens. The impact of the fence is exacerbated by the fact that the observer's rear gardens are at a lower level than the subject site. I refer the Board to the photographs attached to this report and also the photographs attached to the observations submitted by Mr. Tony Kerley. It indicates that the fencing has a significant and profound impact from a visual perspective. It acts as a cage-like along the rear boundary wall of the gardens concerned. I further note that Clare County Council in its decision under P18/158 refused retention of planning permission for the boundary fence for three separate reasons.
- 11.6. These reasons made reference to the relationship between the fence and the residential properties adjoining the site which would have an overbearing effect on the said properties and would impact on the residential amenities of the area. While the fence may have been repositioned along the boundary wall (from the edge of the boundary wall to the centre of the wall), I do not consider that this has had any material impact in terms of the allaying the visual impact. I fully accept that the appellant in this instance seeks to provide appropriate security for the cars on site. However, I also consider that this impact must be balanced against residential amenity impacts arising from the fence construction.
- 11.6.1. It would be appropriate in my view that a condition be attached requiring the appellant to remove the fencing along the rear boundary of the site while being permitted to maintain the fencing along the side boundary and foot boundaries of the site. I therefore recommend that the Board include a condition requiring the applicant

in this instance to remove the fencing along the rear boundary of the site between the car sales area and rear garden walls of no. 2 and 3 Meadowlands Drive.

12.0 **Appropriate Assessment**

The nearest designated European sites are located approximately 2.8 kilometres to the south-west of the subject site the Carrowmore Point to Spanish Point and Island's SAC (Site Code: 001021) and the Mid-Clare Coast SPA (Site Code: 004182). Having regard to the nature and scale of the proposed development which relates to retention to existing works on site and the nature of the receiving environment together with the proximity 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 on combination with other plans or projects on a European site.

13.0 **Decision**

Grant retention of planning permission for:

- (a) New advertising signage on existing totem structure in the north-eastern corner of the site.
- (b) The increase in car sales parking spaces within the site.
- (c) Security fencing along site boundaries with the exception of the rear south-western boundary of the site.
- (d) The realigned and altered section of the security fencing along the front and side boundaries of the site in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

14.0 **Reasons and Considerations**

It is considered that the retention of planning permission for the works sought, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally 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.

15.0 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 additional information submitted to the planning authority on the 24th day of October, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the 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. (a) Car parking spaces nos. 14, 15 and 44 shall not be permitted to accommodate the parking of vehicles in the forecourt area. Within 3 months of this date the applicant shall provide a formal undertaking to the planning authority that cars will not be parked/advertised for sale on these spaces. A revised site layout plan shall be submitted to and agreed in writing with the planning authority which clearly shows the omission of the said spaces.

(b) No parking of vehicles associated with the operation of the car showroom and sales business shall take place on the public road or any other area outside the boundaries of the site.

Reason: In the interest of traffic safety and visual amenity.

3. Within six months of the date of the final grant of planning permission the applicant shall provide a footpath along the entire length of the front boundary of the site. The footpath shall be 1.8 metres in width measured from the edge of the public road. Prior to the commencement of construction of same the applicant shall submit full details regarding the provision of footpath and the setting back of the existing boundary wall and

fence and such details shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of pedestrian and vehicular safety.

4. The security fence along the rear boundary of the site along the common boundary of No. 2 Meadowlands Drive and No. 3 Meadowlands Drive shall be omitted in its entirety. The said boundary fencing shall be removed within three months of the date of this order.

Reason: To protect the visual amenities of residents in the vicinity of the subject site.

5. All surface water drainage arrangements shall be agreed in writing with the planning authority within three months of the date of this decision. Any soiled surface water run-off arising from the washing of vehicles on the site shall be directed through hydrocarbon interceptors prior to discharge to the main surface water drainage network.

Reason: In the interest of orderly development.

6. The permitted signage including signage on the totem pole shall not be internally illuminated.

Reason: In the interest of visual amenity.

7. The fencing along the roadside boundary shall be reinstated so as to be grey in colour. The applicant shall submit photographic evidence of same to the planning authority for written agreement within six months from the date of this order.

Reason: In the interest of visual amenity.

8. No unloading of cars shall take place on public roads or residential estate roads in the vicinity of the site.

Reason: In the interests of traffic safety, residential amenity and orderly development.

9. The developer shall pay to the planning authority a financial contribution of €305 (three hundred and five euro) 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. The application of any indexation required by this condition 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.

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.

Paul Caprani,
Senior Planning Inspector.

30th March, 2020.