



Board Direction

Ref: 08.246283

The submissions on this file and the Inspector's report were considered at a Board meeting held on 7th, July 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the reasons and considerations and subject to the conditions as set out below.

REASONS AND CONSIDERATIONS

Having regard to the established use on the appeal site and the pattern of development in the area and the extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of the property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by drawings received by the planning authority on the 20th January 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be modified and reduced in scale by the removal of the southern 4.7 m. (measured externally) portion of the proposed retail building as shown on Drawing No. P2245_C004 (Rev: 1) received by the planning authority on 20th, January 2016. Details of this modification shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to prevent overdevelopment of a restricted site and in order to protect the residential amenities of the adjoining dwelling.

3. The area marked in yellow on Drawing No. P2245_C004 (Rev: 1) received by the planning authority on 20th, January 2016 shall be clearly demarcated on site as an area where the parking of vehicles is not permitted.

Reason: In order to protect the amenities of and access to the adjoining dwelling.

4. Details including samples of the materials, colours and textures of all the external finishes to the proposed building and other structures 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.

5. The opening hours of the hereby permitted filling station shall be from 7:30 hours to 21:00 hours Monday to Saturday and 09:00 hours to 20:00 hours on Sundays and Bank Holidays. No operations shall take place outside these times.

Reason: In the interest of protecting adjoining residential amenities.

6. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for agreement before development commences.

Reason: In the interest of visual amenity.

7. Details of site boundary treatment shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the amenities of adjoining properties.

8. The vehicular access arrangements, internal road network, car parking layout, to service the proposed development shall comply with the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development.

9. Lighting shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

11. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

12. The proposed totem sign shall not exceed 5.8m in height in accordance with the revised plans and particulars received by the planning authority on 20th, January 2016 in response to their request for further information.

Reason: In the interest of visual amenity.

13. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs other than those hereby permitted, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

14. 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 hours of working, noise management measures.

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

15. Std. Const Dem Waste and Reason

16. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the upgrading of footpath network on Muckross Road. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

17. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Board Member: _____ Date: 12th, July 2016
Paddy Keogh

