



An
Bord
Pleanála

**Board Direction
PL08. 247486**

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 9th 2017.

The Board decided to make a split decision, to

(1) grant permission, for the following reasons and considerations and subject to the following conditions for 4) Change use of existing shop units in Countess Shopping Centre as follows a) Unit nr 1 from financial services to retail; b) Unit nr 4 from financial services to restaurant 5) Alter layout of units 2 and 3, as detailed on plans; 6) Construct car parking, traffic control measures, drainage and all ancillary works, for the reasons and considerations, and subject to the conditions, marked (1) hereunder.

and

(2) refuse permission to 1) Demolish existing office building and construct a drive through restaurant; 2) Construct service station and canopy to front of existing supermarket; and 3) Construct building containing 4 nr shop units and 12 nr 2 bedroom apartments; based on the reasons and considerations marked (2) hereunder.

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations (1):

Having regard to the established use of the site for retail / commercial purposes, to the zoning objectives for the site as set out in the current Development Plan for the area, and to the nature and limited scale 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 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 and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 7th day of September, 2016 and by the further plans and particulars received by An Bord Pleanála on the 27th day of October, 2017, 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 change of use of Unit No. 4 from financial services to restaurant shall operate predominantly as a restaurant, and any associated take-away facility shall remain ancillary to the main restaurant use. Details of the occupancy and operation of the unit, including detailed floor plans indicating the layout of the proposed development, public seating areas, service areas and any external plants/vents/machinery and food preparation areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of the area.

3. Prior to the commencement of development, a scheme for the effective control of fumes and odours generated by the proposed restaurant shall be submitted to the planning authority for written approval. Furthermore, the developer shall submit details regarding ventilation systems, ducting and route of pipework to discharge point for written agreement with the planning authority.

Reason: In the interest of public health and in order to safeguard the residential amenities of properties in the vicinity.

4. Litter in the vicinity of the restaurant premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

5. A plan containing details for the management of waste (and, in particular, recyclable materials) 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.

6. Water supply and drainage arrangements, including the [attenuation and] 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.

7. The internal road network serving the proposed development [including turning bays, junctions, parking areas, footpaths and kerbs] shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety

8. 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 and off-site disposal of construction/demolition waste.

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

Reasons and Considerations (2):

1. Having regard to the site location alongside the heavily trafficked R876 Regional Road and its proximity to a roundabout and to the entrance to a shopping centre, the nature and scale of the proposed service station, to the limited area and restricted access and manoeuvring arrangements (particularly for fuel delivery vehicles) associated with the site, the Board is not satisfied that the proposed service station would not interfere with the safety and free flow of traffic on the public road and, thereby, endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proximity of the proposed apartment units to the adjoining western site boundary, it is considered that the proposed development would adversely affect the development potential of adjoining lands, which are zoned for town centre uses in the current Development Plan for the area, and would thereby seriously injure the amenities, and depreciate the value, of property in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed drive-through restaurant, by reason of its siting, nature and the noise and general disturbance which would be generated, would seriously injure the residential amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member:

Date: 09.03.17

Paul Hyde