



An
Bord
Pleanála

Board Direction
PL09.247561

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 22nd, 2017.

The Board decided to grant permission (by a 2:1 majority) generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and extent of the proposed development, the planning history of the site and the larger site of which the subject site forms part, the pattern of development in the area, the provisions of the Celbridge Local Area Plan 2010 including the 'R' zoning of the site which seeks 'to provide for retailing, commercial, office, cultural and other uses appropriate to the town' and to the relevant objectives in the Kildare County Council Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be in accordance with the provisions of the relevant development plans and the local area plan, 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 to the Board appeal on the 15th day of November, 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 hours of operation, including service deliveries, shall be between 0800 hours and 2300 hours on any day.

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

3.
 - a) The proposed freestanding sign proposed for the north-eastern extremity of the site, shall not exceed 6 metres in height.
 - b) The proposed servicing of the site by HGVs shall generally be as indicated in the documentation submitted to the planning authority on August 26th, 2016. No permission is granted for the revised servicing arrangements involving the loss of landscaped area to provide a loading bay as set out in the appeal documentation submitted on November 15th, 2016.

Reason: In the interests of clarity and visual and residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development, including the windows, canopies and doors, 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. No advertisement or advertisement structure other than those shown on the drawings submitted with the appeal shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to protect the residential amenities of the area.

6. Litter in the vicinity of the 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.

7. 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 interest of public safety and residential amenity.

8. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing -

(i) intermittent screen planting (shrubbery and trees) along the western and northern elevations. As much of this area is located within a way leave of a watermain, any trees will need to be placed within a contained root system such as raised planters or tree pits, and

(ii) the species, variety, number size and locations of all proposed trees and shrubs.

(b) External fencing, other than that around the rear yard, shall be omitted.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased 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.

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

Reason: To ensure the proper drainage of the proposed development.

10. 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 and for the ongoing operation of these facilities 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.

11. All waste oil shall be stored in an approved area while awaiting disposal. All waste oil shall be disposed on to the satisfaction of the planning authority. Records shall be kept of volumes of waste oil produced and disposed of and the names of persons to whom such waste is transferred. The register shall be available for inspection by the planning authority at all reasonable times.

Reason: To protect the adjacent watercourses from potential water pollution.

12. The developer shall control odour emissions from the premises in accordance with measures including extract duct. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

13. Section 48 Development Contribution Scheme – unspecified.

Note: Save for the proposed modified servicing and loading bay arrangements, which the Board decided to omit by condition, the Board concurred with the Inspector that the modified scheme submitted at appeal stage provided a preferable design solution to the original scheme. The Board did not consider that the changes to the amended scheme were of such significance to warrant revised public notices.

Board Member

Date: March 28th, 2017

Nicholas Mulcahy

Please issue copy of the direction when issuing the order.