



An
Bord
Pleanála

Board Direction
PL17.247835

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 19th 2017.

The Board decided to grant permission 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: -

- (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.

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 Add standard noise condition.

- 6 Details of mitigation measures to soften the visual appearance of the northern 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.

- 7 (a) Advertisement signs shall be as shown on the drawings submitted with the application,
(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

8. 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.

9. 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 submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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) Testing shall be carried out in advance of commencement of work, a schedule shall be submitted to and agreed in writing with the Planning authority
- (b) 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,
- (c) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (d) 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.

16. 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.

Board Member

Date: 19.09.17

Paul Hyde