



An
Bord
Pleanála

Board Direction
PL15.248148

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31st August 2017.

The Board decided, by a majority of 5:2, 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

It is considered that the proposed development, having regard to the pattern of development in the area, the Retail Planning Guidelines for Planning Authorities issued by the Department of Environment, the established convenience retail use on site and the Louth County Retail Strategy 2015 to 2021 that, subject to compliance with conditions set out below, the proposed development would be an appropriate form of development at this location, 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 proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on

the 23rd 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 the commencement of the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The net retail sales area for the proposed development shall not exceed 1,690 square meters.

Reason: In the interest of clarity.

3. The external wall finishes of the development shall be in accordance with plans and elevation drawings submitted, unless as otherwise agreed in writing with the planning authority. Roofs shall be blue black/dark grey in colour.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

4. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The agreed lighting system shall be fully implemented and operational, prior to the opening of the commercial development.

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

5. No advertisement or advertisement structure, other than those shown

on the drawings submitted with the application, 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. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs other than those authorized by this grant of permission, advertisement structures, banners, awnings, canopies, flags, or other projecting elements shall be displayed on the building or erected within the curtilage of the site, without a prior grant of planning permission.

Reason: To protect the visual amenities of the area

6. (a) Landscaping shall be carried out in accordance with the landscape plan indicated in Drawing 036716-LP-01 Revision B submitted to the planning authority on 23rd December, 2016. The soft landscaping shall be completed prior to the opening of the commercial development.
- (b) 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 of 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.

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. Details of all cycle parking to be provided on site shall be agreed in writing with the planning authority prior to the commencement of development and shall be incorporated in the form of a “Sheffield stand” cycle parking bay as indicated on Drawing No. 1400PL1 submitted to the planning authority on the 23rd December, 2016.

Reason: To ensure that adequate bicycle parking provision is available to serve the development in the interest of sustainable transportation.

9. Site development and construction works shall be carried out only between the hours of 0800 hours to 2000 hours Monday to Friday and 0800 to 1600 hours on Saturday and not at all on Sundays or Bank 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.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”,

published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

12. 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 and to ensure a proper standard of development.

13. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

14. The proposed store shall not operate outside the hours of 08.00 and 22.00 Monday to Saturday inclusive and 09.00 and 21.00 hours on Sundays.

Reason: In the interest of residential amenity.

15. 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 traffic management measures.

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

16. Details of all boundary treatment along the perimeter of the site and along all boundaries shall be submitted to and agreed with the planning authority in writing prior to the commencement of development.

Reason: In the interest of orderly development.

17. No outdoor storage whether temporary or permanent shall take place without a further grant of planning permission.

Reason: In the interest of orderly development and to prevent unauthorised development.

18. 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.

Note: The Board noted the applicants request that the case be dismissed under S 138 (1)(a)(ii). However, it decided not to dismiss the appeal as it was considered that valid planning issues have been raised.

Board Member

Date:

Eugene Nixon