



An
Bord
Pleanála

**Board Direction
PL 04 248281**

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 29th and August 31st 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 the scale and nature of the existing development on the site and to the scale, nature and limited extent of increased net retail sales area; to the site location within the development area of the town of Kanturk town and within an area subject to the zoning objective "Existing built up area" according to the Kanturk Electoral Area Local Area Plan, 2011, and, to the established pattern and character of existing development in the vicinity it is considered that the proposed development would not adversely affect the vitality and viability of Kanturk Town centre, would not seriously injure the visual amenities of the area, 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 on 21st December, 2016 and 6th February, 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 which shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission hereby authorises an increase of 299m² in net retail area as applied for. Any further increase in net retail area shall be the subject of a separate planning application.

Reason: To confirm the quantum of net retail space within the application.

3. The following requirements shall be provided for in the development:

- (a). The new entrance shall be recessed by a distance of 4.5 metres from the site frontage and the splays shall be at an angle of 45 degrees.
- (b). The front boundary walls shall not exceed a maximum height of one metre above the level of the public road.

Reason: In the interest of orderly development and vehicular and pedestrian safety.

4. The proposed development shall not be open to the public outside the hours of 0900 to 2200 Monday to Saturday inclusive, nor outside the hours of 1000 to 1900 on Sundays or public holidays. Deliveries shall not take place before the hour of 0730, from Monday to Saturday inclusive, nor before the hour of 0800 on Sundays and public holidays, nor after 2200 on any day.

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

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed surface materials, kerbs and markings within the development;
- (b) locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) boundary treatments at the perimeter of the site, including heights, materials and finishes, and,
- (e) details of the finishes to the area between the proposed boundary line and the public road along the R579

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall be landscaped in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

6. Details, including samples, of the materials, colours and textures of all external finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

7. The following requirements shall be provided for and adhered to in the development:

(a) External shutters are not permitted. Internal shutters, if erected, shall be of the perforated type, coloured to match the shopfront colour.

(b) No adhesive material shall be affixed to the windows or the shopfronts.

Reason: In the interest of visual amenity.

8. 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.

9. 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.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a prior grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. All service cables associated with the proposed development shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

12. 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.

Reason: In the interest of visual amenity.

13. A plan containing details for the management of waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, waste shall be managed in accordance with the agreed plan.

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

14. 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 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 interest of sustainable waste management.

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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of work, noise management measures and off-site disposal of construction/demolition waste.

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

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. 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.

17. 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 road marking to provide for a right turning lane at the entrance to the proposed development. 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 An Bord Pleanála for determination. The contribution shall be paid prior to commencement of 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.

18. 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 costs of the Kanturk Relief Road. All contributions previously paid as a special contribution under Section 48 (2) (c) of the Act in respect of the Kanturk Relief Road and which have not refunded to the developer shall deducted from the amount payable. 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 An Bord Pleanála for determination. The contribution shall be paid prior to commencement of 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.

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: 31.08.17

Paul Hyde