



An  
Bord  
Pleanála

**Board Direction**  
**PL17.248301**

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 4th October 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 Dunboyne/Clonee/Pace LAP 2009-2015,
- (c) the existing pattern of development;
- (d) The nature, scale and design of the proposed retail development;
- (e) The extant permission for a mixed-use development on the site which included retail uses (Ref PL17.233530 , Ref DA/802292 and extension of time Reference DA/14033)

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, would be acceptable in terms of traffic safety and convenience and would be compatible with the future development of the remainder of the site for residential purposes. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Paragraph.**

### **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 6<sup>th</sup> February 2017 and on the 14<sup>th</sup> 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed 22 car parking spaces and the laundry unit located along the eastern boundary of the site shall be omitted and this area shall be included as part of the phase 2 residential development. Revised drawings showing this amendment, including boundary treatments, shall be submitted to the Planning Authority for its agreement.

**Reason:** To improve the scope for a high quality residential scheme at this location.

3. The proposed retail units shall not operate outside the hours of 0800 to 2200 Monday to Saturday inclusive, nor outside the hours of 1000 to 2100 on Sundays or public holidays. Deliveries shall not take place outside of the hours of trading and shall take place within the confines of the site only.

**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. 133 no. car parking spaces shall be provided within the site. The layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate off-street parking provision is available to serve the proposed development.

6. 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.

7. Comprehensive details of the proposed external lighting scheme to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. All external lighting shall be directed away from the public road and from residential properties in the vicinity. Lighting shall be minimised outside of business

hours

**Reason:** To protect residential amenities and in the interests of traffic safety.

8. The demolition of the existing 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 hours of working, noise management measures, off-site disposal of construction/demolition waste and location of proposed on-site car parking and site compound arrangements.

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

9. A plan containing details for the management of waste 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.

10. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location (residential properties at St. Mary's Court) between 0800 and 2200 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of

the site.

11. The proposed shopfronts shall be in accordance with the following requirements:-

(a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,

(b) lighting shall be by means of concealed neon tubing or by rear illumination

(c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,

(d) external roller shutters shall not be erected. Any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.

(e) no adhesive material shall be affixed to the windows or the shopfront.

**Reason:** In the interest of visual amenity.

12. Water supply and drainage arrangements, including the disposal of foul and surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, detailed proposals for the disposal of foul and surface water shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

13. The landscaping scheme as submitted to the planning authority on the 6<sup>th</sup> February 2017 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 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.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

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

15. The developer shall ensure that access is made available to the remainder of the landholding identified within the planning application for the construction of residential development.

**Reason:** In the interests of proper planning and sustainable development in the area.

16. **Conditions 3 a and 3c of the Planning Authority's decision.**

**Reasons as per PA's decision.**

17. 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 concurred with the Planning Authority's assessment in relation to the access junction serving the site. The Board was also satisfied, taking into account the nature and central location of the development and the content of the Traffic and Transport Assessment, that 133 parking spaces would be satisfactory to serve the retail uses.

**Please include the Board Direction with the Order.**

**Board Member**

**Date:** 06/10/2017

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Terry O'Niadh