



An
Bord
Pleanála

Board Direction
PL92.248538

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

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the land use zoning of the appeal site, the Board was satisfied that, subject to compliance with the conditions below, the proposed development would, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the intended uses for car servicing/valeting and tyre fitting/repairing as stated in the further information submitted to the planning authority on 31st March 2017, and not for retail uses or uses ancillary to the existing retail activity on site.

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 on the 31st day of March 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 development shall be restricted to use as “light industrial building” only, as defined by Article 5 (1) of Part 2 of the Planning and Development Regulations 2001, as amended. The development shall not be used for retail purposes, or ancillary to retailing.

Reason: In the interest of clarity.

3. 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. In particular, no surface water shall discharge onto the public road or adjoining properties.

Reason: In the interest of public health, prevention of pollution, and traffic safety.

4. No development shall commence on site until the developer has entered into a connection agreement with Irish Water for water and waste water services.

Reason: In the interest of proper planning and sustainable development.

5. Prior to the commencement of construction of the development, the rear (southern) boundary shall be identified by the erection of a concrete post & plinth wall with timber hit & miss type fencing for the full extent of this boundary to a height of 1.8 metres.

Reason: In the interests of orderly development, appearance and amenity.

6. Prior to commencement of development, details of the materials, colours and textures of all external finishes shall be agreed in writing with the planning authority.

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

7. Details of road signage, and proposals for traffic management within and at the site entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

8. Construction and operation of the development shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Reason: In order to protect the amenities of property in the vicinity.

9. The noise levels generated during the operation of the development shall not exceed 55 dB(A) when measured at the boundary of the site. 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 the development.

Reason: In order to protect the amenities of property in the vicinity.

10. Any materials or wastes associated with the development shall be stored internally or within the storage compound to the rear of the existing retail development on the site. Prior to commencement of development, this storage compound shall be bounded by the erection of a concrete post & plinth wall with timber hit & miss type fencing/gate, as denoted on the Site

Layout submitted to the planning authority on 31/03/2017, to a height of between 1.2 and 1.8 metres. This area shall not be roofed.

Reason: In the interest of appearance and amenity.

11. 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.

12. 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 extension of the existing footpath west along the R503 Limerick Road to link up with the existing footpath at the boundary of the development site. 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.

Board Member

Date: 19.10.2017

John Connolly