



An
Bord
Pleanála

**Board Direction
PL91.248940**

The submissions on this file and the Inspector's report were considered at a Board meeting held on November 30th 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 nature of the proposed development – being a replacement of an existing use on part of the site, the limited area of the retail facility proposed, the design of the building, arrangements made for access/egress and parking, and proposals for treatment of foul effluent, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact deleteriously on the Lough Gur Architectural Conservation Area or the Lough Gur Area of Special Development Control, would not be prejudicial to public health 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 on the 3rd day of April, and the 9th day of June 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars

Reason: In the interest of clarity.

2. The external walls of the shop building (apart from stone, brick features and pottery features) shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

3 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. In particular, the water supply and drainage layouts shall be as per revised drawings submitted to the planning authority on 9th June 2017. The development shall not open to the public until such time as the proposed new effluent treatment system is commissioned, and a contract put in place for its continued maintenance.

Reason: In the interest of clarity, and of public health.

4 Not more than 20 linear metres of the existing roadside boundary hedgerow along the R512 shall be removed to facilitate this development – as indicated on Drg. No. 03 Issue E, received by the planning authority on the 9th day of June 2017. Any hedgerow, to the north of the aforementioned 20 linear metres, which is to be set back to facilitate the improvement of sight lines, shall be accomplished by a qualified specialised contractor. This shall involve the setting back of entire sections of the sod & stone earth bank and associated hedgerow. Any damage shall be replaced using native hedgerow species. No mature trees shall be felled. All works shall be

carried out outside of the bird-nesting season (1st day of March to 31st day of August inclusive).

Reason: In the interest of visual amenity, ecology, and to comply with Development Plan policies to limit the removal of roadside boundary hedgerows.

5 All lighting used within the forecourt and on the exterior of the building shall be directed so as not to interfere with passing traffic and to minimise light impact on the Lough Gur archaeological complex area

Reason: In the interest of traffic safety.

6 All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground within the site.

Reason: In the interest of protecting the visual amenities of this area, which is within the Lough Gur Landscape Character Area.

7 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.

Reason: In the interests of sustainable waste management.

8 At least one external litter bin shall be provided in front of the shop building, for use of customers during trading hours.

Reason: To prevent littering and protect the visual amenities of the area.

9 The total net retail sales space of the forecourt shop shall not exceed 100m².

Reason: To comply with national policy, as set down in the Retail Planning Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in January 2005.

10 The site shall be used as a petrol filling station/shop/coffee shop, and no part of it shall be used for the sale, display or repair of motorised vehicles.

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

11 No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the canopy, on the forecourt building or anywhere within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of protecting the visual amenities of this area which is located within the Lough Gur Landscape Character Area.

12 Details of any branding signage to be affixed to the canopy, shop or free-standing totem sign, shall be submitted for the written agreement of the planning authority, prior to commencement of trading.

Reason: In the interest of visual amenity and to avoid visual clutter in this Architectural Conservation Area.

13 The developer shall facilitate the protection of archaeological materials or features which may exist within the site. In this regard, the developer shall-

- (a) 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,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) 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 it.

14 All works shall be supervised on an ongoing basis by an architect accredited by the Royal Institute of the Architects of Ireland. The supervising architect shall be responsible for ensuring that all interventions made, accord with the statutory and regulatory provisions allowed for in respect of the existing building stock, and that materials and methodologies used in construction of the new building are compatible with historic and traditionally-built fabric. Two weeks before submission of a Commencement Notice, the name of the supervising architect shall be submitted, in writing, to the planning authority.

Upon completion of the works, the supervising architect shall certify to the planning authority, and to the satisfaction of the planning authority, that the specified works have been carried out in accordance with best conservation and construction practice in the field of architectural heritage.

Reason: To protect the architectural heritage of the Lough Gur Architectural Conservation Area, and in the interest of visual amenity.

15 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.

Board Member

Date: 30.11.17

Paul Hyde