



An
Bord
Pleanála

Board Direction
BD-001443-18
ABP-300483-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/10/2018.

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 zoning objective, existing development on the site and its planning history, the scale of the development proposed and the existing road infrastructure serving the development, it is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Wicklow County Development Plan 2016-2022, the Arklow and Environs Development Plan 2018-2024, would be acceptable in terms of traffic safety and public health, would not seriously impact on the amenities of the area and would have no material impact on the established retail core in Arklow Town. The development would, therefore, be in accordance with the proper planning and 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 Authority on the 27th day of

October 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. Apart from the signage shown on the submitted drawings, no further 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 building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of the visual amenity, and to allow the planning authority to assess any further signage through the statutory planning process.

3. Prior to the commencement of development, the existing palisade fencing located along the northern boundary and across the site from the existing care sales showroom to the northern boundary shall be removed and replaced with a more appropriate boundary fence and landscaping, the detail of which shall be submitted to, and agreed in writing with, the planning authority

Reason: In the interest of visual amenity.

4. (a) A scheme indicating all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the northern boundary consisting predominantly of trees, shrubs and hedging of native species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) 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 order to screen the development and in the interest of visual amenity.

5. The vehicular access arrangements, internal road network and car parking layout to service the proposed development shall comply with the requirements of the Planning Authority for such works. A 1.8m footpath shall be provided between the proposed low level walls and the public road carriageway in accordance with the requirements of the Planning Authority.

Reason: To ensure a satisfactory standard of development.

6. Lighting shall be in accordance with a scheme, which shall be designed to minimise glare and light pollution, and which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

7. 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.

8. 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.

9. Prior to the occupation of the development, the development shall be connected to the public water main and the existing well shall be decommissioned.

Reason: In the interest of public health and proper planning and development.

10. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 24th day of April 2017 as amended by the further plans and particulars submitted on the 27th day of October 2017, and must conform in accordance with the requirements of the EPA Wastewater Treatment Manual "Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" published by the Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and are working in a satisfactory manner in accordance with the standards set out in the EPA document.

(c) The existing waste water treatment system located on the site shall be removed.

Reason: In the interest of public health.

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

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

12. The developer shall engage the services of a competent specialist with professional indemnity insurance to investigate the presence of any contamination of ground and groundwater beneath and surrounding the old fuel storage tanks and undertake appropriate remediation where necessary in accordance with a risk assessment carried out to best practice and to the written satisfaction of the Planning Authority.

Reason: In the interest of public health.

13. No part of the remainder of the subject building (comprising three existing stores, an existing car garage and car showroom), shall be converted to use as a restaurant, café, deli or retail area, nor for any “back of house” uses relating to the proposed development, without a separate grant of planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended.

Reason: In the interest of clarity, and to delimit the scale of retail and café/restaurant use on the overall site in the interests of traffic safety and impact on the retail vitality of Arklow Town.

Board Member

Date: 25/10/2018

Maria FitzGerald