

An
Bord
Pleanála

Board Direction
BD-014829-23
ABP-313136-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/12/2023.

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 land use zoning for the site ('District Centre'), which seeks to 'protect, improve and provide for the future development of District Centres', the existing use of the site, which is a shopping centre, the design and layout of the proposed development and improved connectivity which would be achieved through the creation of a dedicated pedestrian and cyclist route linking the existing shopping centre facility to residential areas, including the adjoining Adamstown SDZ lands; it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, or endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

1.0 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
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	<p>further plans and particulars submitted on the 16th August 2021 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the occupation of the proposed development the detailed Layout and window treatment of Unit 1 and 2 shall be submitted to and agreed in writing by the Planning Authority:</p> <p>Reason: To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Prior to the commencement of development the Applicant shall submit the following for the written agreement of the Planning Authority:</p> <p>Revised plans that incorporate the following:</p> <ul style="list-style-type: none"> a) The proposed access gates to the service areas shall not be capable of opening across the proposed pedestrian route b) The ground floor front (southeastern) elevation shall be redesigned to provide significant glazed elements and openings in the elevation. c) In conjunction with (a) above, the Applicant shall submit a Services and Deliveries Management Plan, setting out the supervision protocols of all deliveries so as to ensure the safe vehicular crossing of the proposed pedestrian route. The Management Plan shall include for relevant safety/warning signage and include measures to limit the extent of disturbance for pedestrians/cyclists. d) The proposed northern-most wall-mounted floodlight on the western elevation of the proposed shopping centre building (i.e., the floodlight fixture nearest to No. 15 Hillcrest Grove) shall be redesigned and replaced with a smaller bi-directional up/down wall light.

	<p>Reason: To ensure the safe operation of the pedestrian route, to protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.</p>
4.	<p>The development hereby permitted shall receive a maximum of two deliveries per day that require vehicles to pass through the pedestrian route, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In order to limit disturbance of the proposed pedestrian route and in the interests of orderly development and the amenities of the area.</p>
5.	<p>Details of non-exempted signage shall be the subject of a separate planning application submitted to, and agreed in writing with, the Planning Authority.</p> <p>Reason: In the interest of clarity and visual amenity.</p>
6.	<p>The permitted pedestrian and cyclist link shall be kept permanently open and not be closed or have movement restricted, unless otherwise agreed in writing with the Planning Authority. Prior to occupation of the units, the Applicant shall submit full details of</p> <ul style="list-style-type: none"> a) the access arrangement and boundary treatment(s) with the adjoining housing development, including full details, b) any gates or barriers, and c) full details relating to the construction and demarcation of the proposed link <p>for the written agreement of the Planning Authority.</p> <p>Reason: In the interests of sustainable transportation and of orderly development and the amenities of the area</p>
7.	<p>No deliveries shall be taken at or dispatched from the premises outside the hours of 07:00 and 20:00, Monday to Saturdays, or at all on Sundays or public holidays.</p> <p>Reason: To protect the residential amenities of the area.</p>

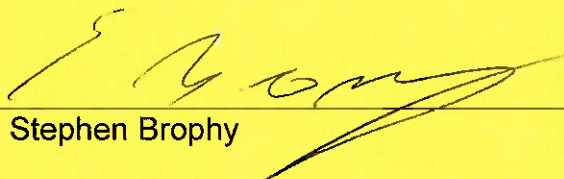
8.	<p>(a) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 . Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.</p> <p>(b) Noise levels from the proposed development, or associated deliveries, shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.</p> <p>(c) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
9.	<p>Plant equipment with low inherent potential for generation of noise shall be selected and used. All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time</p>

	<p>(currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
10.	<p>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 and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>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 the 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.</p> <p>Reason: In the interest of sustainable waste management.</p>
12.	<p>The Applicant shall prepare an Operational Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, in order to ensure that waste storage and the movement of waste within the development takes place in a manner which complies with the relevant legislation and has a minimal impact on existing residential areas.</p>

	Reason: In the interest of sustainable waste management.
13.	<p>Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
14.	<p>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 the operation of the development. This scheme shall include the provision of litter bins and refuse storage facilities.</p> <p>Reason: In the interest of visual amenity.</p>
15.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the Planning Authority.</p> <p>Reason: In the interest of public health.</p>
16.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>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.</p> <p>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.</p>

Board Member


 Stephen Brophy

Date: 11/12/2023