

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Meath County

Planning Register Reference Number: NA/151044

An Bord Pleanála Reference Number: PL 17.246510

APPEAL by Kingscroft Developments Limited care of The Planning Partnership of 4 Avondale, Church Road, Passage West, County Cork against the decision made on the 1st day of April, 2016 by Meath County Council to grant subject to conditions a permission to Targeted Investment Opportunities PLC care of C&W O'Brien Architects of 65-66 Middle Abbey Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a convenience retail store on land north of the Windtown/Proudstown link road, Clonmagadden, Navan, County Meath. The proposal consists of (i) retail store (464.4 square metres gross floor area) with permission to sell alcohol, (ii) three number advertising signs attached to the building, (iii) 6.8 metres tall totem style advertising sign, (iv) service yard, (v) parking provision for 37 number cars and 15 number bicycles, (vi) new junction and access at Windtown/Proudstown link road, (vii) associated landscape and amenity areas and (viii) all associated and ancillary works. The proposal forms part of Phase 1 of an overall Masterplan for the wider area.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the mixed use zoning objective relating to the subject site, and to the pattern of development in the vicinity, and having regard to the masterplan phasing of the overall lands of which the subject site forms part, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, 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 received by the planning authority on the 4th day of March 2016, 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 “totem” advertising sign shall be omitted.

Reason: In the interest of visual amenity, and as the need for any such form of advertising has not been justified in respect of the proposed development (that is, a single retail unit).

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

Reason: In the interest of visual amenity.

4. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority full details of the proposed signage panels on the front (south) and side (east) elevations of the proposed retail unit. The provision of internally illuminated projecting sign or box fascias shall not be permitted.

Reason: In the interest of visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements, other than the two signage panels permitted under condition number 4 of this permission, shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any further signage or structures through the statutory planning process.

6. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the proposed external lighting scheme within the confines of the site boundary (including along the proposed road from its junction with the link road to the proposed vehicular access to the retail unit car park and service yard). All external lighting shall be cowled to divert light away from residential properties in the vicinity.

Reason: In the interest of traffic and pedestrian safety, and of residential amenity.

8. The developer shall provide litter bins outside the retail unit in accordance with the requirements of the planning authority. Such litter bins shall not be used for the exhibition of advertisements.

Reason: To prevent litter, and in the interest of visual amenity.

9. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority on the 4th day of March, 2016 shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

10. (a) Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.
- (b) Details in respect of all surface water management issues including details of the attenuation pond facility, permeable paving and rain water harvesting butts to be installed shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

12. The internal road network serving the proposed development including turning bays, junctions, cycle paths, footpaths, kerbs and dishings shall comply with the detailed standards of the planning authority for such works. The road serving the site shall be fully completed, including footpaths and public lighting, prior to the first occupation of the proposed retail unit.

Reason: In the interest of amenity and of traffic and pedestrian safety.

13. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. All car parking spaces shall have minimum dimensions of 2.5 metres by 5 metres, with aisles at least 6 metres in width.

Reason: In the interest of traffic and pedestrian safety.

14. 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 and for the ongoing operation of these facilities 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: In the interests of residential amenity and proper waste management.

15. Site development and building works shall be carried out only between the hours of 0800 hours to 1900 hours Mondays to Fridays inclusive, and between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

16. 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:-

- (a) details of appropriate mitigation measures for noise, dust and vibration,
- (b) off-site disposal of construction and demolition waste, and
- (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

Reason: In the interest of amenities, public health and safety.

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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.