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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: NA/171476**

**Appeal** by Sean Lynch of 1 Oakleigh, Balreask Old, Navan, County Meath and by David Goonan and Bernard Weldon of Balmoral Estate, Navan, County Meath against the decision made on the 27<sup>th</sup> day of July, 2018 by Meath County Council to grant subject to conditions a permission to Foxtrot Investment 2011 Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing single and two-storey warehouse buildings within the western portion of the site; Construction of a six number storey mixed use building over basement (with rooftop plant at fifth floor level) to include setbacks and accessible terraces (eastern elevation) at first and fifth floor levels; Provision of a discount food store (to include off-licence use) with a gross floor area of circa 1,695 square metres (net retail area 1,140 square metres) at ground floor level to include all ancillary areas; provision of a 135 square metres retail unit at first floor level (south) and circa 5,412 square metres of office/medical floor space from first to fifth floors; provision of external plant enclosures (western elevation) at ground floor level; landscaped surface car park (90 number car parking spaces) to serve the

proposed discount food store (including one number set down space), 70 number bicycle parking spaces, goods delivery/reception area; provision of a basement car park to serve the medical/office uses (including plant room/ancillary areas and 120 number car parking spaces); reconfiguration of internal road and provision of ramp to basement of proposed development; Upgrades to the existing footpath along Kells Road and provision of a landscape plaza area at the junction of the Kells Road and the existing access road to Balmoral Industrial Estate; provision of seven square metres of illuminated signage located on the northern and eastern elevation including a 42 square metres totem sign located at the main entrance of the site; all associated and ancillary site development and landscaping works at Balmoral Estate, Kells Road, Navan, County Meath. The proposed development was revised by further public notices received by the planning authority on the 4th day of July, 2018.

## **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 zoning objectives of the current development plan for the area to provide a mixed use gateway building on this site, the scale of development proposed together with the non-residential nature of adjoining uses 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 Meath County Development Plan 2013-2019, and the Navan Development Plan 2009-2015 (as amended), would be acceptable in terms of pedestrian and traffic safety and public health, would not seriously injure the amenities of the area and would not have adverse impacts on the retail function of Navan Town Centre. 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 21<sup>st</sup> day of June, 2018, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the uses of the proposed development shall be restricted to the uses as described in the planning application (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

3. 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.

4. (a) Apart from the signage shown on the submitted drawings, no further advertisement or advertisement structure, including flagpoles, 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.  
  
(b) Only one double sided post sign shall be permitted on site, this shall not exceed six metres in height.

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

5. (a) The vehicular access arrangements, internal road network and car parking layout including the underground carpark to service the proposed development, shall comply with the detailed requirements of the planning authority for such works.
- (b) The car parking facilities, hereby permitted, shall be reserved solely to serve the proposed development.
- (c) Cycleways and footpaths shall be provided between the proposed front boundary and the public road carriageway in accordance with the requirements of the planning authority.

**Reason:** To ensure a satisfactory standard of development and in the interest of permeability.

6. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a completed Road Safety Audit (Stage 1 - 4) for the entire development and amended drawings as necessary to incorporate the recommendations. The amended drawings and road layout (incorporating Stage 2 recommendations) shall be in accordance with the written agreement of the planning authority.

**Reason:** In the interest of traffic safety.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. The proposed steel cable wire guard rail to the public pavement shall be replaced by a constructed steel railing, which shall be fully colour coated in a black or dark grey colour.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

8. Provision shall be made for the provision of a bus stop in accordance with drawing number 14.36.112 submitted to the planning authority on the 21<sup>st</sup> day of June 2018.

**Reason:** To facilitate public transport.

9. Water supply and drainage arrangements including basement drainage, and 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.

10. Comprehensive details of the proposed lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before any of the retail or medical/ office units are made available by the developer for occupation.

**Reason:** In the interest of public safety and visual amenity.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impacts of any such development through the statutory planning process.

12. 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.

13. 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) Location of the site and materials compound including areas identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;
  - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;



- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

14. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

15. The hours of operation of the discount store and off-licence shall be between 0800 hours and 2200 hours Monday to Saturday and between 1000 hours and 2200 hours on Sunday and public holidays.

**Reason:** In the interest of the residential amenities of property in the vicinity.

16. 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 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.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

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.

18. The developer shall pay the sum of €65,000 (sixty five thousand euro) (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), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of footpath and cycle infrastructure required to facilitate the development. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**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.

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**Paul Hyde**

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

**Dated this            day of            2019.**