



Planning and Development Acts 2000 to 2018

Planning Authority: Meath County Council

Planning Register Reference Number: NA/180163

Appeal by Sean Lynch of 1 Oakleigh, Balreask Old, Navan, County Meath against the decision made on the 27th 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: The upgrading, reconfiguration and change of use of existing car showroom and retail units to provide for two number car showrooms (781 square metres), workshop (563 square metres), parts store (150 square metres) and ancillary staff facilities and public toilet (109 square metres). The proposed development will also include two number free-standing double-sided signs, upgrades to the existing signage and shopfronts including new glazing and cladding, reconfiguration of the existing car park and yard to provide for 92 number car parking spaces, concrete paved forecourt area and reconfiguration of internal road. The proposed development includes all engineering works, landscaping works, boundary treatments and site development works on the approximately 0.70 hectare site 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 proposed development relevant to the car showrooms - an established use, the zoning objective of the site, the 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 Meath County Development Plan 2013-2019, 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 retailing 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 21st 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 use of the proposed development shall be restricted to the use as described in the planning application (as specified in the lodged documentation), that is, as car showrooms, unless otherwise authorised by a prior grant of planning permission, and in particular shall not be used as retail shops, notwithstanding the provisions of Class 14 (a) of Part 1 of the Schedule 2 to the Planning and Development Regulations 2001, as amended.

Reason: To protect the retail function of Navan Town Centre.

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. 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.

5.
 - (a) The vehicular access arrangements, internal road network and car parking layout 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. 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 boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

7. Provision shall be made for the proposed bus stop in accordance with drawing number 18.00.103. submitted to the planning authority on the 21st day of June 2018.

Reason: To facilitate public transport.

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. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location or at any point along the boundary of the site shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

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

Reason: In the interests of amenity and public safety.

11. 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.

12. 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.

Reason: In the interests of public safety and residential amenity.

13. The developer shall pay the sum of € 25,000 (twenty 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.

Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.