



Planning and Development Acts 2000 to 2018

Planning Authority: Sligo County Council

Planning Register Reference Number: PL 18/245

Appeal by Michael Conmy care of Bury Architects of Bury Street, Ballina, County Mayo against the decision made on the 2nd day of October, 2018 by Sligo County Council to grant subject to conditions a permission to Targeted Investment Opportunities ICAV, Dublin care of Taylor Design Architects Limited of 28/30 Manchester Road, Wimslow, Cheshire, England in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development consisting of the construction of a motor sales showroom and service garage building (1596 square metres gross floor area) with accommodation at a single level with a maximum height of 7.3 metres. The proposed accommodation comprises of car sales showroom (567 square metres), aftersales (696 square metres), valeting, photo booth and tyre fitting (267 square metres) with staff accommodation. The proposed development includes 18 customer parking spaces and 170 spaces for display and storage of cars for sales. Permission is also sought for signage, hard and soft landscaping, new boundary treatments and all associated site development works. Access to the proposed development is to be from a new service road linked to the current site access at the North end

of the site. A temporary motor sales site is also proposed to the east of the site with a small reception/office unit (66 square metres), five customer parking and 51 display spaces, signage, hard and soft landscaping and associated site development works, all at Sligo Retail Park, Carraroe, County Sligo.

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 site location in a development area and the proposals for on-site attenuation and sustainable urban drainage, it is considered that subject to compliance with the conditions set out below, the proposed development would be unlikely to give rise to flooding, would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area and 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 to the planning authority on the 7th day of September, 2018 and by the further plans and particulars received by An Bord Pleanála on the 30th day of April, 2019, 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 valet operation shall only be used for trade cars and shall operate within the capacity of the rain water harvesting tank. It shall not operate or be advertised as an independent service for any public/customer use.

Reason: To limit intake of water into site and control run off.

3. The use of site as used-car sales area and as delineated as phase 1 development in the submitted drawings shall cease 2 years from the date of this order and details for the removal or modifications of structures and landscaping of site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

4. Water supply and drainage arrangements, including surface water attenuation and disposal, shall comply with the requirements of the planning authority for such services and works. For the avoidance of doubt, the proposed surface water drainage system for the permeable areas of the proposed development shall comprise the Porous Asphalt Solution proposed by the applicant and clarified by the additional information submitted to An Bord Pleanála on the 30th day of April, 2019. The developer shall satisfy the planning authority by reference to levels and site layout that all surface water is directed as proposed to soakaways rather than flow across the site and shall not be permitted to escape from the site or discharged to adjacent lands. In this regard the following shall apply:

- (a) proper provision shall be made to ensure that no surface water is diverted or allowed to flow onto the adjoining public road,
- (b) provision shall be made for the interception and disposal of surface water that may flow off the public road onto the site as a result of this development,
- (c) the existing road drainage system shall not be obstructed by the development, and
- (d) a Sustainable Urban Drainage System (SUDS) shall be installed on site and shall be designed to accommodate a 1 in 100 years storm water return period.

Precise details of the proposed system, including a monitoring regime, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable drainage, public health and road safety.

5. Except as required in order to comply with condition number 4, the gradient of the access road shall not exceed 1:10 for a minimum distance of 10 metres from its junction with the public road.

Reason: To ensure a proper standard of development.

6. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of roads, parking areas and surface and foul water drainage systems (including silt disposal) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of orderly development.

7. No additional development shall take place above roof parapet levels such as 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 visual amenities of the area.

8. 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. 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 the commencement of development.

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

10. 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 noise management measures and off-site disposal of construction/demolition waste.

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

11. 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.

Reason: In the interest of sustainable waste management.

12. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays, nor at any time when there are significant examinations in operation in the nearby school. A detailed works schedule shall be submitted to, and agreed in writing with, the planning authority in this regard. 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 amenities of property in the vicinity.

13. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) hard landscaping works, specifying surfacing materials, furniture and finished levels,
- (b) specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and
- (c) a timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 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 the interests of residential and visual amenity.

14. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements 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: In the interest of visual amenity, and in order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area, and on the setting of protected structures, through the statutory planning process.

15. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, painting, the use of chemicals and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats, catch trays, bunded areas and oil interceptors. A scheme providing for these measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect groundwater and surface water.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of sustainable urban drainage systems including site levels, landscaping and surfacing and other ancillary works and services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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.

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

Dated this day of 2019.