



Planning and Development Acts 2000 to 2019

Planning Authority: Offaly County Council

Planning Register Reference Number: 18/535

Appeal by Gabriel and Dympna Keeley care of Patrick Mitchell and Company Limited of Unit 4 Riverview Commercial Park, Tullamore, County Offaly against the decision made on the 23rd day of May, 2019 by Offaly County Council to grant subject to conditions a permission to Flanagan Securities Limited care of Kenny Lyons and Associates of Block 6, Central Business Park, Clonminch, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of retail building and erection of two retail warehousing buildings (one with garden centre), construction of car park and landscaping (revised development to that previously granted permission) and all associated site development works at Riverview Commercial Park, Cloncollig, Tullamore, County Offaly.

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 nature, scale and use of the proposed development, to the pattern of existing and permitted development in the area, to the provisions of the Tullamore Town and Environs Development Plan 2010-2016 as extended until 2020, and to the layout and design as submitted, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or properties in the area, would be an appropriate use at this zoned location and would be acceptable in terms of pedestrian and traffic safety. 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 26th 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 range of goods to be sold in the development shall be limited solely to “bulky goods” (as defined in Annex 1 of the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012).

Reason: In order to prevent an adverse impact on the viability and vitality of the established retailing facilities within this area, and so as not to undermine the retail hierarchy of the area.

3. No individual retail warehouse unit shall be less than 700 square metres gross floorspace.

Reason: To comply with national policy, as set down in the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012.

4. No amalgamation of units or subdivision of any unit shall take place without a prior grant of planning permission. In addition, this Order shall not be construed as granting permission for any additional floor areas at “mezzanine level” within the buildings hereby permitted. No mezzanine floor development shall be carried out without a further grant of planning permission.

Reason: To control the layout and scale of the development in the interest of protecting the vitality and viability of the area.

5. Provision shall be made for loading bays within the development. Details of this provision, including swept manoeuvring paths and bay dimensions, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory layout for commercial vehicles, in the interest of traffic safety.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connections agreement(s) with Irish Water.

Reason: In the interest of public health.

7. 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.

8. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

Reason: In the interest of sustainable transport.

9. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings 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.

10. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

11. Prior to the occupation 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 commercial park. 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.

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area shall be in accordance with the detailed standards of the planning authority for such works.

Provision shall be made for improved pedestrian and cyclist movement through the site. Details of such provision, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity, sustainable transportation and pedestrian safety.

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 amenities of property in the vicinity.

14. 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 visual amenities of the area.

15. 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.

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

Reason: In the interests of public safety and amenity.

- 17. 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.

Reason: In the interest of sustainable waste management.

18. 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.

Chris McGarry

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

Dated this day of 2019