

Planning and Development Acts 2000 to 2021

Planning Authority: Leitrim County Council

Planning Register Reference Number: P.21/42

Appeal by EMAC Catering Limited care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 2nd day of September, 2021 by Leitrim County Council to grant subject to conditions a permission to McDonald's Restaurants of Ireland Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development principally comprising the provision of a two number storey drive-thru restaurant (418 square metres) including the ancillary sale of hot food for consumption off the premises. The development will also include the provision of a site access from the existing retail park access road to the south; pedestrian accesses; 31 number car parking spaces (including two number mobility impaired spaces, three number electric vehicle spaces and two number grill bays); bicycle parking; signage (elevational and free standing) and free standing structures for the drive-thru restaurant including a height restrictor and customer order points with canopies; outdoor seating area; directional road markings; boundary treatments; hard and soft landscaping; coral area including bin and general storage; plant; infrastructure

works including a new gravity wastewater drain and connection to an existing surface water sewer and all associated site works above and below ground; all at a circa 0.47 hectares site at the Dublin Road, Rosebank Retail Park, in the Townlands of Attirory and Attifinlay, County Leitrim as amended by the revised public notice received by the planning authority on the 6th day of August, 2021 providing for further significant information.

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.

Reasons and Considerations

Having regard to the location of the site on zoned serviced land, to the provisions of the current Carrick on Shannon Local Area Plan and the current Leitrim County Development Plan, to the location of the site within an existing Retail Park and to the planning history on the site, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenity of the area, would be in accordance with the provisions of the current Leitrim County Development Plan and the current Carrick on Shannon Local Area Plan, would be acceptable in terms of pedestrian and traffic safety, would not present a flood risk and would constitute an acceptable use at this zoned location. 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 further plans and particulars submitted to the planning authority on the 3rd of August 2021 and the 6th day of August, 2021, 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. Prior to the commencement of development, the developer shall liaise with Leitrim County Council to ascertain their requirements relating to traffic management improvement works including pedestrian crossing facilities to the adjoining road network to facilitate the development. A Stage 2 and Stage 3 Road Safety Audit shall be submitted to, and agreed in writing with, the planning authority.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interests of orderly development and traffic safety.

3. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

4. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

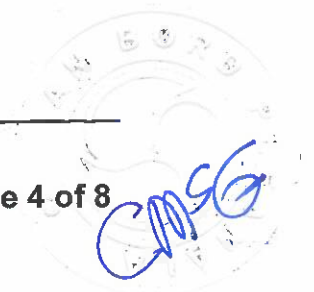
Reason: In the interest of public health and to protect the amenities of the area.

5. 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, and
- (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.



Reason: In the interest of visual amenity.

6. The treatment of Japanese Knotweed on site shall be carried out in accordance with the Japanese Knotweed Management Plan submitted with the application.

Reason: In order to eradicate the presence of Japanese Knotweed on the site in the interest of environmental protection.

7. External lighting of the proposed development shall be in accordance with the details outlined in the "Public and Site Lighting Design Report" submitted to the planning authority on the 3rd day of August, 2021. All lighting shall be cowled and directed away from the roadway, surrounding properties and the River Shannon.

Reason: In the interest of amenity and traffic safety.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. 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.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

11. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. The developer shall enter into water and/or wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. A plan containing details for the management of waste (and, in particular, recyclable materials) 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.

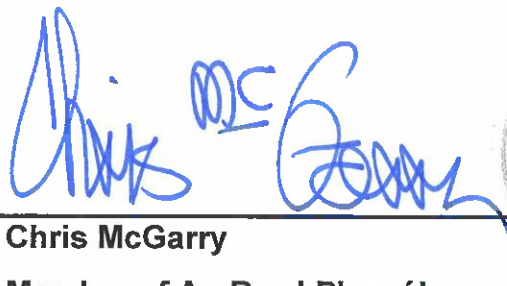
Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. The construction and demolition 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 work, noise and dust management measures, a Traffic Management Plan, and details of disposal of construction/demolition waste.

Reason: In the interests of public safety and the amenities of the area.

15. 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.

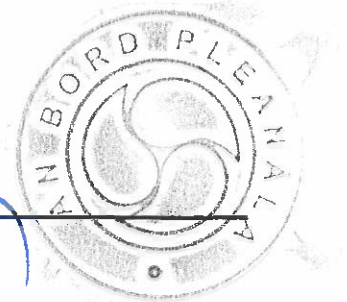


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this ^{2nd} day of ^{June} 2022.