

An
Bord
Pleanála

Board Order
ABP-317761-23

Planning and Development Acts 2000 to 2022

Planning Authority: Longford County Council

Planning Register Reference Number: 23/71

Appeal by Colm and Una Ledwith care of Andrew Hersey Planning of 3 Atlantic View, Westend, Kilkee, County Clare against the decision made on the 17th day of July, 2023 by Longford County Council to grant subject to conditions a permission to Peter Hanley care of Cunningham Design and Planning Limited Consulting Engineers of Block C, N4 Axis Centre, County Longford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Proposed demolition of existing showroom building together with the proposed construction of a new showroom building in a new location to the north-east of the existing showroom building, proposed connections to the existing services onsite and all ancillary works at Tirlickeen and Moneyfad, Ballymahon, County Longford.

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 nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, or the residential amenities of the area, would not endanger public safety and would not be contrary to the overall provisions of the Longford County Development Plan 2021-2027. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered this use was permitted and established on the site and did not constitute a material expansion of same and consequently considered that no material intensification of use of the access on to the R393.

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 received by the planning authority on the 21st day of June, 2023, 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. This permission authorises only the development proposed on the public notices.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

3. Details of the following shall be strictly adhered to in the development:

- (a) The developer shall submit details of the proposed 'architectural cladding' along with the proposed colour prior to commencement of development.
- (b) The developer shall submit details of the proposed lettering and signage proposed for the front elevation of the property.
- (c) The developer shall submit a revised site layout plan confirming the location of the proposed visitor car parking bays.

Reason: In the interests of visual amenity, architectural harmony and the proper planning and sustainable development of the area.

4. The construction of the development shall be managed in accordance with a Demolition/Construction Management Plan and a Traffic 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, waste management, pest control and effects on soil, geology and hydrogeology. The Traffic Management Plan shall have the demolition site be securely fenced around its perimeter and all activity shall be

carried out within the site. The construction site shall be securely fenced around its perimeter and all construction activities shall take place within the site.

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

5. 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 and surface water management

6. 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) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. 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 with the proposed development.

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

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

9. (a) Any damage to the existing road or public surfaces in the vicinity of the site shall be repaired at the developer's expense.
- (b) All necessary measure shall be taken by the developer to prevent any spillages or deposition of fuel, clay, dust, rubble or other debris during the course of the proposed works.

Reason: In order to protect the amenities of the area and in the interests of road safety, orderly development and the proper planning and sustainable development of the area.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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 residential amenities of property in the vicinity.

11. No emissions or malodours, fumes, gas, dust or other deleterious materials, no industrial effluent and no noise vibration or electoral interference generated on the site shall give reasonable cause for annoyance to any person in the vicinity of the site.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

12. Any alterations to the proposed development required in order to increase the energy efficiency, passive house or solar heating, use of renewable energy resources and/or comply with national building codes or practice shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In order to promote sustainable energy usage and in order to comply with the requirements of national building codes of practice.

13. The maximum number of vehicles to be present on site to remain at 200.

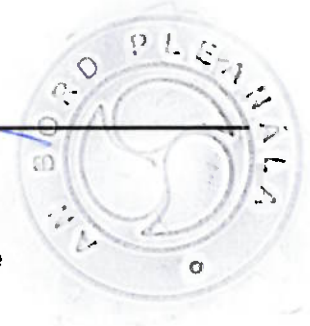
Reason: In the interests of clarity and orderly development.

14. 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.


Liam Bergin

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



Dated this *22nd* day of *April* 2024.