



An
Bord
Pleanála

PL06D.247514

Development

Provision of a 314 sqm shop, signage, alterations to boundaries, car parking, and landscaping, all associated services and site works, and omission and amendment of conditions attached to parent permission.

Location

Nutgrove Retail Park, Rathfarnham, Dublin 14.

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D16A/0602

Applicant(s)

Hurley Property ICAV acting solely for and on behalf of its sub-fund National Property Fund

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal	First Party -v- Decision
Appellant(s)	Hurley Property ICAV acting solely for and on behalf of its sub-fund National Property Fund
Observer(s)	Adrian & Mary Ffrench and Others
Date of Site Inspection	18 th January 2017
Inspector	Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The development site is located at the eastern extremity of the Nutgrove Retail Park, which lies to the north of Nutgrove Avenue and in a position opposite the Nutgrove Shopping Centre. Nutgrove Avenue (R821) is an east/west route, which connects Churchtown to Rathfarnham Village. The vehicular entrance/exit to the Retail Park is immediately to south of the site and to the east lies an area of two storey semi-detached dwelling houses.
- 1.2. The front portion of the development site is a paved area, which adjoins the exposed side elevation to the most easterly of the retail warehouses. This area is continuous with the public footpath that lies between the said retail warehouses and the circulation road network that serves them. It is bound to the rear by a hoarding and, to the east, by a sound barrier.
- 1.3. The rear portion of the development site, beyond the aforementioned hoarding, is part of an underutilised area of open storage. This area is accessed from the rear of the retail warehouses by means of a service road. It, too, is bound by the most easterly of the retail warehouses and by the said sound barrier.
- 1.4. The sound barrier adjoins a strip of land, within which there is a line of tall mature *Leylandii* trees. The far side of this strip is enclosed by means of a concrete wall, on top of which is a line of steel bars angled inwards over the strip. These items lie within the application site.

2.0 Proposed Development

- 2.1. The development will consist of the provision of a shop (as defined under Class 1 of Schedule 2 of Part 4 of the Planning and Development Regulations, 2001 – 2015), measuring 314 sqm gross and c. 250 sqm net floor area, to a maximum height of 7.5m. The applicant's TTA indicates that the envisaged use of this shop would be that of a pharmacy to complement the HSE's Primary Care Centre within the existing complex of buildings on the Retail Park.
- 2.2. The development will also consist of:

- Signage zones on the southern elevation of the new shop (measuring c. 6.39 sqm) and on the Retail Park's new eastern boundary wall (measuring c. 3.24 sqm),
- Alterations to the Retail Park's existing eastern boundary including the partial removal of the existing sound barrier and the provision of a 3.3m high boundary wall,
- Alterations to the Retail Park's existing surface car parking layout,
- Associated alterations to the site's hard and soft landscaping,
- Ancillary site servicing (foul and surface water drainage and water supply), and
- All other associated site excavation and site development works above and below ground.

2.3. Furthermore, permission is sought to omit Condition 3(a) of the Retail Park's parent permission (D04A/0893 and PL06D.2100084), which requires the provision of a ten car, left turning, stacking lane into the Park from Nutgrove Avenue, and associated amendments to Condition 2(1), which, in part, includes provision to be made for this left turning lane.

2.4. At the appeal stage, revised plans for the proposed shop were submitted. These plans show this shop setback from the line of the concrete boundary wall by 2m and the planting within the strip of land released thereby of a line of mature *Pyrus calleryana* "Chanticleer" trees. It would also be setback on the opposite side to facilitate the creation of a 1.2m wide passageway, which would serve a fire exit in the exposed side elevation of the adjoining retail warehouse. The shop itself would have a reduced gross floorspace of 277 sqm (227 sqm retail and 50 sqm storage) and the height of the main body of the shop would decrease by 750 mm to 5m.

3.0 Planning Authority Decision

3.1. Decision

Refused for the following reason:

The proposed development would be detrimental to the amenities of the adjoining residentially zoned lands and contrary to Section 8.3.2 Transitional Zonal Areas of the County Development Plan, 2016 – 2022. It is considered, by virtue of its height and length and location on the common boundary, in addition to the partial removal of the planting and sound barrier, that the proposed development would appear visually obtrusive and overbearing when viewed from the neighbouring property to the east. The proposed development would therefore seriously injure the amenities of properties in the vicinity and is contrary to the proper planning and sustainable development in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See reason for refusal.

3.2.2. Other Technical Reports

- Surface Water Drainage: Advises that green roof needed and more information with respect to pipes that cross the site.
- Transportation: No objection raised to the omission of condition 3(a) and the amendment of condition 2(1). Further information requested with respect to cycle provision.
- Parks: No objection.

3.3. Third Party Observations

See observations below.

4.0 Planning History

D04A/0893: Parent permission for the site: Retail Park consisting of an anchor DIY store and 5 retail warehouse units and a central four storey block consisting of a discount store, a first and second floor gym, a crèche, a stand-alone café, and a stand-alone restaurant, with surface and basement car parks, together with service yards and new customer entrance to the site off Nutgrove Avenue: Permitted at

appeal (PL06D.210084) on 18th August 2005, subject to 22 conditions, including the following ones:

2.(1) The proposed development shall be modified by the omission of restaurant unit no. 9 and the resultant site shall be used for the provision of a lengthened left turning lane, (as provided for in condition 3(a) below)...

Reason: *In the interest of preventing undue adverse impact on the viability and vitality of the existing retail floorspace in the area.*

3.(a)The developer shall provide a left stacking lane to accommodate 10 cars before the turn into the development from Nutgrove Avenue...

Reason: *In the interest of traffic and pedestrian safety.*

D11A/0572: Change of use of Unit 6 from retail warehouse to shop and the removal of the restriction on the sale of goods as provided under condition 11 attached to permitted application D04A/0893: Permitted.

5.0 Policy Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area that is the subject of zoning objective “DC”, “To protect, provide for and-or improve mixed-use district centre facilities.” Shops are permitted in principle under this zoning objective. Under Table 3.2.1, the overall strategy for the district centre in question, Nutgrove, is stated as being to “Encourage potential redevelopment as higher density, urban mixed-use centre. Limited expansion of convenience and comparison retail floorspace.” The adjoining land to the east is the subject of zoning objective “A”, “To protect and-or improve residential amenity.” Section 8.3.2 addresses Transitional Zonal Areas.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- While the original proposal would have been compatible with amenity, the applicant has responded to the planning authority's critique by setting the proposed shop back from the common boundary by 2m and specifying tree planting (a line of mature *Pyrus calleryana* "Chanticleer", an ornamental pear species) for the strip thus released. (The presenting elevation of the proposed shop would also decrease in height from 5.75 to 5m and the gross floorspace would contract from 314 to 277 sqm).
- The proposed shop would step down in an easterly direction. Thus, it would be of an appropriate scale within the context formed by the retail warehouse to the west and the nearest dwelling house to the east. (The existing noise screen is of a similar height (5.14m) to the presenting blank elevation that would replace it).
- Where the proposed shop would relate to the nearest dwelling house, it would relate directly to its front and side gardens only, i.e. the existing inordinately high *Leylandii* trees (c.17 – 20m) would be retained adjacent to the rear garden. Thus, this shop and the accompanying tree planting, which would result in trees of modest height (c.10m), would improve amenity by reducing the overbearing nature and overshadowing effect of the existing trees.
- The common boundary treatment in question comprises a wall, the aforementioned trees, and a sound barrier. As this treatment dates from the time of the previous industrial use of the site of the Retail Park, it is no longer needed. Furthermore, the said trees were previously considered to be a maintenance liability (cf. inspector's report on PL06D.210084) and in the intervening period this has proven to be so with root damage to the adjacent wall. The trees themselves are reckoned to have an outstanding 10 – 20 year life span.
- As outlined above, the proposal would not entail any abrupt change in scale in passing from a site that is the subject of zoning objective "DC" to one which is the subject of zoning objective "A". Under the latter objective, shop

neighbourhood is deemed to be “open for consideration”, provided no undesirable effects would arise. Such effects are reviewed under the headings of noise, emissions, hours of opening, traffic, and waste storage facilities. No undesirable effects are thus predicted.

- A condition is invited with respect to the specification of a green roof.
- A condition is invited with respect to the identification and survey of the pipes underneath the site.
- The proposed omission of existing cycle parking was depicted in error on the originally submitted plans. The alternative plans, submitted at the appeal stage, correct the same.

6.2. Planning Authority Response

Attention is drawn to the further information requests of Surface Water Drainage and Transportation and the view is expressed that the alternative proposal submitted at the appeal stage should be the subject of a new application to facilitate consultation and assessment.

6.3. Observations

Adrian & Mary Ffrench and Others

- Attention is drawn to condition 12 of the parent permission, which requires that the trees and sound barrier along the common boundary in question be retained.
- Exception is taken to the proposed omission of condition 3 from the parent permission, which requires that a turning lane for 10 cars rather than 3 be provided. This length is still needed. Exception is also taken to the applicant's claim that the site is well served by Dublin Bus.
- Attention is drawn to the 3.3m high wall along the common boundary and the security bars which are both set into and extend from the same. This combined structure is not within the applicant's control and so, in the absence of the consent of local residents, it cannot be interfered with.

- The proposal would disrupt the balance of the Retail Park insofar as the western end of this Park is separated from the nearest dwelling house by a public road and accompanying footpaths and landscaped strips. The eastern end is similarly open, at present, but under this proposal it would become enclosed.
- The proposed shop would be sited in a position close to the windowed gabled side elevation of the nearest dwelling house to the east and so the lighting of this elevation would be adversely effected.
- The separation distance between the proposed shop and the nearest dwelling house would be only 3.45m, a tighter distance than that shown on the submitted plans.
- The plans are insufficiently detailed to enable the impact of the proposal on adjacent residential properties to be fully traced out. The reference to the installation of flashings over the boundary wall would be unacceptable as rainwater would run-off the roof onto these properties.
- Dust and vibrations from the previous construction phase would reoccur to the detriment of amenity.
- “Humming” from the existing Retail Park would be conveyed through the proposal to points nearer residential properties, thereby exacerbating this existing source of annoyance.
- The site provides a fire break that would be compromised by the proposal. Furthermore, an existing emergency exit from the adjoining retail warehouse would be restricted under the same.
- The validity of the submitted traffic survey is queried on the basis that it was conducted during the early summer when school traffic would not have featured.

7.0 Assessment

I have reviewed the proposal in the light of the CDP, relevant planning history, and the submissions of the parties and the observers. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Streetscape
- (iii) Amenity,
- (iv) Condition 3(a), traffic, and parking,
- (v) Drainage, and
- (vi) AA.

(i) Land use

7.1.1 The development site lies on the eastern side of the overall site of the Nutgrove Retail Park, which is shown in the CDP as being subject to zoning objective “DC”, “To protect, provide for and-or improve mixed use district centre facilities.” Under this zoning objective, shops are permitted in principle.

7.1.2 The parent permission for the Nutgrove Retail Park is D04A/0893, which was granted at appeal PL06D.210084, subject to 22 conditions, including one that restricted the sale of goods in retail warehouse units numbered 1, 2, 3, 5 & 6 to bulky household goods. Unit 6 has subsequently been the subject of a change of use application D011A/0572 to lift this restriction. This application was permitted and the case planner justified this decision on the basis that the zoning of the site had changed in the period since the parent permission was granted from zoning objective “E”, “To provide for economic development and employment”, to zoning objective “DC”. Under the former zoning objective “retail warehouse” was “open for consideration”, whilst under the latter zoning objective it is neither “permitted in principle” or “open for consideration”. The relaxation was thus permitted.

7.1.3 The current proposal is for a new build shop and so it is not the subject of the aforementioned parent permission. That said, the decision on Unit 6, outlined above, is of relevance as it establishes that the confinement of retailing to bulky goods on the overall site is no longer necessary in the light of its district centre status.

7.1.4 The planning authority’s reason for refusal refers to the development site as a transitional zonal area, in recognition of the fact that to the east it adjoins lands that are subject to zoning objective “A”, “To protect and-or-improve residential

amenity.” Section 8.3.2 of the CDP advises that, within this zone, “particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of residential properties.” I will explore this matter further under the third heading of my assessment.

7.1.5 I conclude that there is no in principle land use objection to the proposal.

(ii) Streetscape

7.2.1 The site lies at the eastern extremity of the Nutgrove Retail Park. The majority of the existing buildings comprised in this Park form a row that overlooks the surface car park and Nutgrove Avenue to the south. These buildings are either of multi-storey form or, where they are single storey, they are the equivalent of a generous two storeys in height. The proposed shop would comprise taller and shorter rectangular elements, the former would be 7.5m high and the latter would be 5m high (as revised). As such this shop would step down in form towards the adjacent pair of two storey semi-detached dwelling houses to the east and so it would “read” as an appropriately scaled transitional building between the adjoining retail warehouse and these dwelling houses.

7.2.2 The planning authority’s reason for refusal expresses the concern that, as part of the blank exposed eastern side elevation of the proposed shop would abut the adjoining curtilage of the nearest of the aforementioned dwelling houses, a corresponding portion of the sound barrier, the boundary wall, and the line of tall mature *Leylandii* trees would be removed. The siting of the said elevation in this position is considered to be visually obtrusive and overbearing.

7.2.3 The applicant has responded to this critique by submitting revised plans that show the retention of the boundary wall, the setting back by 2m of the said elevation and its reduction in height by 750 mm, and the introduction of line of mature *Pyrus calleryana* “Chanticleer” trees (an ornamental pear species), which would grow to a maximum height of c.10m. The elevation would be laid out in a position and to a height that would be similar to that of the existing sound barrier. This elevation would connect with a wall (3.3m high) that would enclose the strip of land within which the aforementioned trees would be planted.

7.2.4 I consider that the applicant's revised proposal would ensure that the transition in question would be eased and the relationship between the proposed shop and the nearest dwelling house would appear more comfortable. The partial replacement of the line of *Leylandii* trees by the ornamental pear species would be particularly welcome, as the former trees have grown to an inordinate height and they dominate their vicinity in a manner that far exceeds any useful screening role. The selection of a species that would grow to a more limited height in their place would enhance the streetscape considerably.

7.2.5 I conclude that the proposal in its revised form would be wholly appropriate within its streetscape context.

(iii) Amenity

7.3.1 The observers draw attention to condition 12 of the parent permission, which requires that the *Leylandii* trees and the sound barrier be retained in the interest of residential amenity. They also draw attention to the tighter separation distance that pertains between the extended dwelling house at No. 223 Nutgrove Avenue and the site than that which is shown on the submitted plans. Consequently, the impact of the proposal upon the lighting of windows in the exposed side elevation of this dwelling house would be greater.

7.3.2 The applicant draws attention to the fact that the sound barrier was erected in connection with the former industrial use of the site. The need for its retention now is thus questioned. They also draw attention to the projected outstanding life span of the *Leylandii* trees of 10 – 20 years. Only the wider front portion of the proposed shop would necessitate the removal of the sound barrier and the exposed side elevation of this shop and the associated wall to the front would effectively replace this barrier. Likewise, the *Leylandii* trees would be replaced by a more suitable species.

7.3.3 I note that the replacement of the sound barrier by the front portion of the shop and the associated wall would correspond to the exposed side elevation of the nearest dwelling house and its side and front gardens. I note, too, that this elevation appears indeed to be closer to the site than its depiction on the submitted plans. This may be as a result of the replacement of an earlier side extension by a more substantial one, under permitted application D01B/0149.

At present, the lighting of the windows, which appear to be secondary windows to the habitable rooms that they serve, in the said elevation is affected significantly by the *Leylandii* trees. Under the proposal, lighting would improve markedly and, as the line of the corresponding side elevation of the shop would approximate to that of the existing sound barrier and their heights would be similar, I do not consider that the future lighting of these windows would differ from that which would have pertained prior to the excessive growth of the *Leylandii* trees. Furthermore, this elevation would be partially screened by the proposed planting of ornamental pear trees.

7.3.4 The side elevation of the proposed shop and the associated wall would have sound attenuation properties that would ensure that noise from the site would be mitigated in a manner similar to that which pertains at present. Accordingly, the underlying purpose of condition 12, cited above, to protect residential amenity, would continue to be served and so I do not consider that objection to what would be a nominal breach of this condition is warranted.

7.3.5 The observers express concern that their amenity would be adversely affected during any construction phase and that existing noise issues would be exacerbated. With respect to the former, I consider that this concern would be capable of being addressed by means of conditions pertaining to the preparation of a construction management plan and the restriction of days and hours of operation. With respect to the latter, I do not consider that the proposal would have the impact suggested.

7.3.6 I, therefore, conclude that the proposal would be compatible with the residential amenities of the area.

(iv) Condition 3(a), traffic, and parking

4.4.1 Condition 3(a) attached to the parent permission for the Nutgrove Retail Park requires the provision on Nutgrove Avenue of a left hand turning lane into the site, which would be capable of accommodating 10 vehicles. (Condition 2(1) also refers to this requirement). The reason for this condition is in the interest of traffic and pedestrian safety. The existing left hand turning lane is capable of accommodating 5 vehicles.

7.4.2 The applicant seeks to have the aforementioned conditions omitted. They have submitted a Traffic and Transportation Assessment (TTA), which addresses these conditions, amongst other things. This TTA draws upon traffic counts that were undertaken on Thursday 28th April 2016. It concludes that the existing left hand turning lane is operating well within capacity at present and that under future year scenarios (2017 and 2032) with or without the proposed shop it would continue to do so. The case for accepting this left hand lane and omitting the one required under condition 3(a) is thus presented.

7.4.3 The County Council's Transportation consultee raises no objection to the applicant's TTA and the proposed omission of conditions 3(a) and 2(1). The observers, however, express concern over the choice of date for the traffic count and the description of Nutgrove Avenue as a road that is well served by Dublin Bus. They insist that the longer left turning lane required by condition 3(a) is needed.

7.4.4 I note that the date in question occurred outside any school holidays and that it actually fell on a Luas strike day. I therefore do not share the observers' concern over its use. I note, too, that the CDP identifies Nutgrove Avenue as a bus priority route.

7.4.5 The TTA tracks the performance of the junctions formed by Nutgrove Avenue, Meadow Park Avenue, and the site access, and by Nutgrove Avenue, Nutgrove Way, and Whitehall Road. While the TTA assumes that the additional trips generated by the proposed shop would be stand-alone ones, if this shop is used as a pharmacy, then linked trips with the Primary Care Centre could be reasonably anticipated. Thus a conservative approach is adopted to ensure robust findings. Even so the proposal would only add very slightly to the traffic movements at the said junctions and so no appreciable increase in congestion at the same would arise.

7.4.6 The TTA also examines the take up of car parking spaces in the existing surface and underground car parks. It finds that, while the former is heavily used, the latter is underused. Overall, the combined car parks have 584 spaces, which under CDP standards represents a surplus of 98. Thus, the 6 spaces (1 per 50 sqm) that would otherwise be required in conjunction with the

proposed shop (277 sqm), can be regarded as being subsumed within this surplus. Given the mismatch in usage between the two car parks, the proposal would entail revisions to the layout of the surface car park in a bid to encourage greater use of the underground one. These revisions would thus promote improvements in the management of traffic on-site and so are to be welcomed.

7.4.7 The applicant draws attention to an error on the originally submitted proposed site plan, which showed the removal of 5 cycle parking stands. They state that these stands would be retained and so they have no objection to the Board attaching a clarifying condition in this respect. The County Council's Transportation consultee requested that the question of cycle provision be more fully addressed and so I consider that the said condition should be expanded to cover this matter.

7.4.8 I conclude that, in the light of the TTA, the omission of conditions 3(a) and 2(1) from the parent permission would be justified. I also conclude that the traffic generated by the proposal would be capable of being satisfactorily accommodated on the local road network and that proposed revisions to the layout of the surface car park to promote greater use of the underground one would be in order.

(v) Drainage

7.5.1 The applicant draws attention to the Surface Water Drainage advice that was provided at the application stage. This advice sought the specification of a green roof and more information with respect to underground pipes that traverse the site. They invite the Board to condition both these items.

(vi) AA

7.6.1 The site is not located either in or near to a Natura 2000 site. It is a fully serviced suburban site and so I do not consider that the proposal for the same would have any significant effect upon the conservation objectives of any Natura 2000 site.

7.6.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

In the light of my assessment, I recommend that the proposal be permitted.

9.0 Reasons and Considerations

Having regard to the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and the planning history of the site, it is considered that, subject to conditions, the proposed shop would promote the zoning objective “DC” for the site and that that the scale, siting, and design of this shop would be appropriate to its position within a transitional zonal area. Furthermore, this shop would be compatible with the visual and residential amenities of the area. The proposed omission of conditions 3(a) and 2(1) from the parent permission for the site would be consistent with good traffic management and road safety objectives and the proposed revisions to the surface car park, to promote greater use of the underground car park, would also be consistent with these objectives. No Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 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 An Bord Pleanála on the 2nd day of November, 2016, 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 proposed development shall be amended as follows:
 - (a) The proposed shop shall be the subject of a green roof.
 - (b) The existing pipes underneath the site of the proposed shop shall be surveyed by CCTV or other means, as agreed in writing with the planning authority, to the point at which they join the public network.
 - (c) Existing cycle stands in the surface car park shall be retained and augmented, as appropriate, under a cycle parking plan for the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to promote good site drainage practice and a sustainable mode of transportation.

3. Details of the materials, colours and textures of all the external finishes to the proposed shop and associated new wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development.

Reason: In the interest of visual amenity.

4. 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.

5. 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.

6. 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 residential amenities of property in the vicinity.

7. The landscaping scheme shown on drg. no. 1529-A-PL-106 Revision D, as submitted to the An Bord Pleanála on the 2nd day of November, 2016, shall be carried out within the first planting season following substantial completion of external construction works.

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 five 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 interest of residential and visual amenity.

8. Details of the signage shown indicatively on the plans submitted to An Bord Pleanála on 2nd day of November 2016 shall be submitted to and agreed in writing with the planning authority, prior to its installation. Thereafter, notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no other signage shall be installed unless planning permission has been obtained for the same.

Reason: To afford the planning control over such signage in the interest of visual amenity.

9. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

10. 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.

Hugh D. Morrison
Planning Inspector

26th January 2017