



An
Bord
Pleanála

Inspector's Report

PL09.247561

Development	Drive-thru Restaurant Unit, Enclosed Yard, Vehicular Access, Removal of 47 Car Parking Spaces at Celbridge Shopping Centre, Junction of Shackleton Road
Planning Authority	Kildare Co. Co.
Planning Authority Reg. Ref.	16/919
Applicant(s)	McDonald's Restaurant of Ireland Limited
Type of Application	Permission
Planning Authority Decision	REFUSE PERMISSION
Appellant(s)	McDonald's Restaurant of Ireland Limited
Observer(s)	Mario Macari
Date of Site Inspection	14/02/2017
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site is located within the carparking area of Celbridge Shopping Centre, which is circa 600metres from Celbridge town centre. The main feature of the Shopping Centre is a large Tesco's store which is setback a considerable distance from the subject site to the west. There are a number of smaller individual units to the south beyond the contiguous bungalow which include small shops, a florist and a pizzeria. There is also an access to the shopping centre carpark to the south of subject site, however the main entrance is located off Shakelton Road, alongside the western site boundary.
- 1.2 The site is bounded to the north by Shackleton Road, an existing dwelling to the south, Maynooth Road to the east, and the remainder of the carpark area to the west. There is a 2metre block wall between the existing dwelling to the south and the subject site. The dwelling is orientated north, towards the site, however the wall is an excellent screen. There is a low wall fronting the site along the Maynooth Road, with a series of signs along Shackleton Road.
- 1.3 The site is 0.2178ha in area, and is currently a Bring Centre and also hosts a covered trolley bay. It includes 41No. surface carparking spaces associated with Tesco's.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development consists of the following:
- A single storey drive-thru restaurant (410sq.m.)
 - And enclosed yard
 - Ancillary sale of hot food for consumption off the premises
 - The removal of 47No. existing shopping centre parking spaces
 - The Provision of 2No. order parking spaces, 2No. Disabled spaces
 - 1No. setdown area
 - Lighting, signage and landscaping
 - Vehicular access will be from the existing shopping centre access off Shackleton Road.
 - Opening Hours 7am-11pm

3.0 PLANNING AUTHORITY DECISION

3.1 DECISION

Kildare Co. Co. refused the proposed development on 20th of October 2016 for 4No. reasons:

1. Having regard to the prominent corner location of the site, the proximity to the adjacent Workhouse Graveyard, and to the provision of a covered yard addressing Maynooth Road, the proposal fails to provide a satisfactory urban design response to address this prominent site and to comply with Chapter 15 of the Kildare Co. Development Plan 2011-2017.
2. Having regard to the proximity of the site to two Regional Roads, the proposed removal of over 40No. carparking spaces and the insufficient information to address peak traffic flows to/ from the site, the proposed development would endanger public safety by reason of a traffic hazard and obstruct road users
3. The site layout requires vehicles to refuse into the public realm, including roads and pedestrian crossings
4. The 12metres sign is located on the north-eastern boundary of the site, in the absence of a high quality landmark feature, the proposal would be visually obtrusive on the skyline.

3.2 TECHNICAL REPORTS

Fire Service: No objection

Environment Section: Where is the existing Bring Centre to be relocated to

EHO: Revised proposals regarding toilets

Transportation Department: Additional information is required on 4No. items regarding delivery arrangements, carparking on Saturdays peak time, carparking survey and analysis, relocation of bring centre and trolley bays, and traffic flows model.

Water Services: No objection

Irish Water: No objection.

Planning Report:

- The development fails to address the street frontages of both public roads in particular the Maynooth Road. There should be a greater sense of place and integration. There is a windowless covered yard along the Maynooth Road. A greater architectural treatment of the site is required.
- The 12m sky sign will be highly visible
- The Transportation

3.3 THIRD PARTY SUBMISSIONS

There were a lot of third party submissions to the planning application opposing the proposed development on the following grounds:

- Loss of 47 No. carparking spaces
- Impact on adjoining residential property
- Precedent on similar cases does not apply
- No alternative sites examined
- Underestimation of traffic impact
- Displacement of other functions on the site
- Inappropriate development
- Undermine other hot food retailers in the town
- Contrary to health food eating
- Anti-social behaviour

4.0 PLANNING HISTORY

4.1 11/1028 (PL09.240099)

Permission refused to Pharaway Properties for a double sided totem sign measuring 5.721m x 2.17m

4.2 07/1690

Permission granted to Tesco Ireland for a replacement supermarket

5.0 POLICY CONTEXT

5.1 Development Plan

Kildare County Development Plan 2011-2017

Celbridge is designated in the County Development Plan as a 'Primary Economic Growth Town Cluster' alongside Maynooth, Leixlip and Kilcock.

Celbridge is a Level 3 Centre within the Retail Hierarchy for the County Section 9.5.4

Celbridge Local Area Plan 2010 (Which is currently under review)

The subject site is zoned **R – Retail/ Commercial/ office/ cultural and other uses appropriate to town centre**. Under the Zoning objective matrix a 'takeaway' use is Open for Consideration, and a 'restaurant' use is permitted in principal.

Draft Celbridge Local Area Plan 2017

Policy UU1 – Undesirable Uses

It is the policy of the Council to manage the provision of undesirable uses such as fast food outlets, take-aways, amusement arcades, betting offices and off-licences, and to manage the distribution of non-retail uses in the interest of protecting the vibrancy, residential amenity and public realm of Celbridge Town Centre.

Objectives

It is an objective of the Council:

UUO1.1: *To prevent an excessive concentration of fast food outlets, take-aways, betting offices, amusement arcades and off-licences in Celbridge Town Centre.*

UUO1.2: *To manage the distribution and concentration of non-retail uses in the town centre in order to support active uses and activities that promote vibrancy and vitality in the town centre.*

6.0 THE APPEAL

6.1 Tom Philips and Associates have taken this appeal on behalf of the applicant, McDonald's Restaurants of Ireland Limited.

6.2 Site and Environs

The site is within the grounds of the Celbridge Shopping Centre, and it is currently a surface carpark. The site is bounded by Shackleton Road and Maynooth Road. The site is 600metres north of Celbridge town centre and is located within a mixed use zone.

6.3 Panning History

The planning report on file gives a detailed account of the history of the site, the most relevant is a large advertising pole that was refused on the site under Ref. 11/1028 (PL.09.240099).

6.4 Other issues such as the proposed development description, and policy context are outlined, however, they are also included in this report, I believe it is not necessary to repeat the content.

6.5 **First Party Response to Reason No. 1**

The planning officer who assessed the application considered the covered yard area fronting Maynooth Road was an insufficient architectural statement for this location. The site is considered to be a sensitive location, and a main approach road into Celbridge. It is asserted that the planning authority's view on any new building on the subject site should comprise of a perimeter style building is misplaced. The new Draft Celbridge LAP has not been adopted to date, therefore the planning application must be assessed on the policies and objectives of the existing policy context. Furthermore it is submitted the model of the Drive-thru restaurant requires circulation around the restaurant building itself.

The subject site is 'brownfield' in nature, it is a surface carpark serving Celbridge Shopping Centre. The site is not the subject of any historical, conservation or protected structure designations. The site is not sensitive from a development perspective, the already developed nature of the site should form a baseline for any redevelopment proposals.

The views of the site from the north are substantially characterised by surface level car parking, shopping trolley shelters and recycling receptacles. The proposed development will represent an improved view from the northern approach and will serve to define the junction at Shackleton Road.

There are no existing perimeter buildings fronting directly onto the street at Shackleton Road/ Maynooth Road Junction. The dwelling to the south is setback from the Maynooth Road and generally reflects the setback of the eastern elevation. The planning authority's conclusion that the design fails to give a satisfactory urban design response to address the perimeter of the site is unreasonable and unsubstantiated having regard to the pattern of the development in the immediate vicinity.

Reason No. 1 for refusal also cites the proximity to the Workhouse Graveyard which is an item of cultural significance. The Celbridge Primary Health centre to the rear of the graveyard is located contiguous to the graveyard, it is a three storey building, with a single storey element shared with the same boundary as the graveyard. The health centre was granted permission by the Board under PL09.242489. The content of the Planning report and the Board's decision for the Health Centre are noted in the context of the graveyard which is only 10metres apart. The planning authority's claim that the proposal will impact negatively on an item of cultural significance is unreasonable.

A number of minor and non-material alterations are proposed to the Maynooth Road elevation on Drawings 15.47.201, 15.47.301, 15.47.305. These include minor amendments to the covered yard area including the provision of opaque glass fronting Maynooth Road, and the relocating of the yard entrance doors to the southern elevation, and the provision of a brise soleil which will serve to enclose the yard within the main building structure. These alterations have increased the area of covered yard from 20sq.m. to 23sq.m by repositioning of the building by less than 1 metre to the west within the red line boundary.

6.6 **First Party Response to Reasons No.s 2 and 3**

Kildare Transportation Department did not recommend the development be refused for Reasons 2 and 3, but recommended further information be requested. A comprehensive response has been prepared by AECOM Consulting Engineers.

Reason No. 2

- Celbridge Shopping Centre carpark has significant available capacity during peak and am pm to accommodate a reduction in carparking spaces from 331 to 280, i.e. a 51No. space reduction. The parking surveys captured the total arrivals and departures from both entrances to the Shopping Centre, and accurately demonstrates that the existing carpark has available capacity.
- New car parking surveys were carried out on a Saturday for a 24hour period, and shopping centre carpark has available capacity even during peak periods of retail activity to accommodate a reduction in carparking spaces. The maximum observed accumulation was 241 cars which equates to 73% carparking spaces.
- The proposed development will result in an impact of less than 5% upon the existing weekday AM and PM peak hours. Given the impacts are negligible upon the base flows, there is no detailed junction analysis required.
- A detailed junction modelling analysis has been presented using LinSig. The model has been calibrated using observed queue lengths.
- There will be a marginal increase at the junction from the baseline studies.

Reason No. 3

A revised servicing of the building is now proposed, which includes the introduction of a new loading bay within the red line. The loading bay is to be located to the south of the drive-thru exist lane, this is a non-material alteration to the scheme. A 10m rigid lorry will be able to manoeuvre into the proposed loading bay. Removable bollards will segregate the loading bay and the adjacent parked order spaces when the loading bay is not in

use. Deliveries will take place before 7:00am prior to the opening of Tesco's, therefore it will not impact on the supermarket carpark.

6.7 **First Party Response to Reason No. 4**

There is a planning history on the subject site relating to the refusal of a totem sign on the site by the Council and the Board. The assessment in both cases is substantially different. The previous application related to a free-standing sign displaying 10No. individual tenant signs on each elevation. The current proposed sky sign serves as a dual purpose as both general advertising for the restaurant and the restaurant opening hours.

A revised sky sign of 6.5metres is now proposed Drawing No. 15.47.10, and the reduced sign reflects the scale of the building itself.

6.8 **OBSERVATIONS**

6.21 Mario Macari owns the building adjoining the subject site to the south, and there will be a disamenity to his property as a result of the development. He also owns the Da Marios Pasta and Pizza on Maynooth Road alongside Singamore Villa.

Summary of the comments on appeal:

- The decision to refuse is welcome
- It is disappointing that the disamenity to his adjoining dwelling Singamore Villa was not included in the reasons for refusal.
- The layout is substantially unchanged in terms of the adjoining residential property to the south, and it will be impacted upon the greatest by the proposed development.
- The scheduling of deliveries for 7.00am will seriously impact on their residential amenities.
- The Transportation report on file outlines serious deficiencies in the planning application. The appeal submission seeks to address the items but it merely confirms obvious flaws in the overall proposal in terms of parking and traffic.
- The peak parking demand is 174No. vehicles. Following a further survey the estimated maximum accumulation is revised to 241No. vehicles representing a 38.5% increase on the original predicted peak value, which is a 'material' increase. This represents a demand for a further 67No. carparking spaces in the peak period to serve the original retail/ commercial units, and it significantly reduces the remaining capacity to meet the demands of the proposed McDonalds.
- There has been impact on the 'Bring centre' considered and the shopping trolley shelters. The overall shopping centre carpark will lose 51no.

spaces, 331No. spaces to 280No. spaces. There is no assessment in the parking analysis of the additional carparking required to serve McDonalds itself. The proposed development requires 91No. carparking spaces, implying a serious shortfall in spaces. There should be approximately 10-15% reserve capacity in a car park. Without the reserve number, motorists have to drive around the carpark looking for spaces. The relocation of the Bring Centre will also impact on traffic circulation.

- The applicant's assessment of the traffic impact seriously underestimates the impact of the McDonalds traffic on the road networks. The need for an assessment should be based upon the increase in traffic on each arm of the junction in which case percentages are close to be double those presented in the TTA. Congestion already exists at peak times in which case the TII Guidelines quoted suggest 5% is significant. Based on the surveyed traffic flows and the forecast traffic generation the percentage impact of the development on a Saturday is close to 10% on the critical link between the two junctions which is of finite length.
- The traffic modelling used is flawed, it takes no account of the geometric delay or hesitation delay at the particular location. The site layout provides for a conflux of vehicular and pedestrian movements near the main entrance to the shopping centre carpark. All traffic will enter from Shackleton Road and will turn left into the Drive Thru or travel into the main body of the carpark. Motorists leaving the Drive Thru must turn right to exit via the main access or else proceed into the shopping centre carpark. The proposal also includes a zebra crossing near the main entrance which also serves Tesco's. This is to cater for the large volume of pedestrians between the main carparking area and McDonalds. This will impact on traffic flows in and out of the shopping centre carpark. The site layout is demanding on motorists with many movements to assess plus a zebra crossing.
- The revised loading bay arrangements are convoluted and a delivery vehicle parked in this location would severely hamper and restrict visibility for customers existing the Drive Thru. The modelling does not address these issues cited.
- The Board is asked to obtain the advise from a suitably qualified and experienced engineer to assess the matters raised in observation, and the Transportation Report on the planning file.

6.21 RESPONSES

6.22 Applicant

6.23 Planning Authority

The appeal is noted and the proposed revisions to the scheme.

Siting and Design

The proposed development is located on a prominent corner site. The junction provides access to retail and residential developments. The original design failed to address the prominent street frontages of both roads particularly Maynooth Road. There was a bin yard area proposed onto Maynooth Road, which is totally unacceptable. Changes have been made to the façade on appeal. However the site demands a high quality design with an active frontage. Greater architectural treatment of the strategic site is required.

The development remains unacceptable in the context of the famine graveyard site which is of cultural significance to Celbridge. The 12m pole was considered visually obtrusive, and would seriously injure the visual amenity of the area.

Roads and Transportation Issues

The P.A.'s decision to refuse was based primarily on the lack of integration with the streetscape, urban contextual design deficiency and impact on nearby workhouse grave. There were serious concerns raised by the transportation department regarding the siting and design of the development.

Conclusion

The site should be developed as a whole rather than piecemeal.

7.0 ASSESSMENT

7.1 The planning refused planning permission for a McDonald's Drive-Thru restaurant at Celbridge Shopping Centre, which has been appealed by the applicant. I intend examining this appeal under the following headings:

- Development Plan Policy
- Design and Layout
- Traffic/ Parking
- Other Matters

7.2 Development Plan Policy

Currently, Celbridge is between Local Area Plans. The Celbridge Local Area Plan 2010-2016 has expired and the new Draft has not been adopted to date. The subject site is located within a Land Use Zoning Objective **R – Retail/ Commercial**, which is to provide for retailing, commercial, office, cultural and other uses appropriate to the town. Under this zoning a restaurant is 'permitted in principle' and a takeaway is 'open for consideration'. The existing land use of the site is a Shopping Centre Carpark/ Bring Centre. There is a variety of retail uses within 100metres of the subject site including a restaurant/ takeaway. There was no issue with

the principle of the proposed development with the planning authority. The Board should note that the applicant's McDonald's Restaurants frequently apply for Drive Thru Restaurants within the carparks of existing shopping centres due to their ease of accessibility and proximity to main roads. The location within the shopping complex, 600metres from the town centre and at the junction of two significant roads will afford the opportunity for linked or shared trips, as well as enabling pedestrians to access the restaurant. I am satisfied the proposed Drive-Thru restaurant complies with the zoning objective and is compatible with the surrounding land uses.

- 7.3 Under the provisions of Kildare County Development Plan 2011-2017, Celbridge is designated as a '*Primary Economic Growth Town/ Cluster*', and it has grown at a significant rate over the preceding twenty years. It is also a Level 3 Centre within the Retail Hierarchy for the county. The proposed development is appropriate to this mixed use area, and would be appropriate to and support the existing commercial and residential uses within the vicinity.

7.4 Design and Layout

The first reason for refusal relates to the design of the proposed development. The subject site is located at the north-east corner of Celbridge Shopping Centre Carpark. It is located at the junction of Shackleton Road and Maynooth Road (R405, one of the main approaches into the town). The subject site is cut off from the main body of the carparking area associated with Tesco's, by the main access road, which is accessed off Shackleton Road. The site currently operates as a 'Bring Centre'. In my opinion, the streetscape qualities in and around the subject site are generally poor. There is very poor quality architecture at the junction of the two main roads, the most obvious building from the approach is along Maynooth Road is Tesco's and it is setback back a considerable distance from Maynooth Road. I believe a new building on the subject site will lead to an enhancement of the streetscape qualities and enclose the openness of the Tesco carpark which appears like a large void at the signalled junction.

- 7.5 The planning authority regarded the design of the proposed development as inappropriate for the strategic prominence of the site along Maynooth Road. It is effectively a standard McDonald's Drive-Thru, however the main concern is the proposed covered service yard on the main elevation along Maynooth Road was considered to be an unacceptable urban design statement. It was considered the proposal would not integrate into the streetscape, as the elevation is dead and non-interactive.
- 7.6 The applicant has submitted the site is a 'brownfield' site, and it is not a sensitive site in terms of development. The existing use of the site should form a baseline for assessment of any redevelopment proposals on the site. The applicant considers the proposal will serve to define the junction of Maynooth and Shackleton Road.
- 7.7 In my opinion, I welcome the principle of a building envelope on the site, as it is an open non-descript streetscape at a busy junction on approach to Celbridge Town Centre. As stated, I do believe the site and this junction

warrants a building envelop to enhance and complete the streetscape. However, I concur with the planning authority's reason for refusal, the proposal of a covered yard for the north-east elevation along Maynooth Road is lifeless and pointless in terms of streetscape qualities and interaction, and is outright unattractive. On appeal the applicant inserted 5No. panels of opaque glass and open timber louvres along this elevation. The site layout plan and the internal layout indicate the service yard will remain at the same location. Therefore, there is no interaction with the street, the glass panelling acts as a dummy elevation. I do believe this is an improvement to the original proposal and the northern elevation onto Shackleton Road will be the main elevation and it will be in clear view from the junction on approach to Celbridge Town Centre from the north.

7.8 The third party resident to the south, resides in a bungalow that is orientated towards the subject site. In addition, the third party owns and operates the pizzeria restaurant located within the shopping arcade to the south of the site. There is a 2metre block wall between the dwelling and the subject site, therefore the issue of loss of privacy is not a material concern. The issue of potential noise nuisance associated with deliveries is also not a material concern. Mr. Macri lives within a town centre and a shopping centre whereby early deliveries are normal activities. The provision of a McDonalds will not give rise to any material changes in the ambient noise levels.

7.9 The planning authority stated in Reason No. 1 of the Refusal that having regard to the proximity to the adjacent Workhouse Graveyard the proposal fails to provide a satisfactory urban design response. The graveyard is located on the opposite side of Maynooth Road to the proposed development. It is positioned north of signalled junction with Shackleton Road. I believe the planning authority has overstated the potential impact of the proposed development on the graveyard. The proposed structure is a single storey low profile development with a regional road between the Workhouse Graveyard and the subject site, and there is a new Primary Health Care building which is three storeys in height on the contiguous site to the east of the graveyard which was granted by An Bord Pleanála under PL09.242489. The impact of the proposed McDonalds on the Workhouse Graveyard is negligible in comparison to the larger building to the east. This issue should be dismissed by the Board.

7.10 Traffic/ Parking

The application is accompanied by a Transportation Assessment by Aecom transportation which provides an analysis of trip generation and distribution and junction analysis. As regards parking the development is to be served by the existing car parking spaces within the Celbridge Shopping Centre site to the west. A total of 47No. existing spaces are to be removed and 3 spaces replaced (comprising 2 disabled spaces, 1 set down space adjacent to the restaurant) resulting in a net reduction of 44 spaces.

7.11 The planning authority refused the proposal for two reasons relating to Traffic, yet the Transportation Office had no objection to the proposed development and requested additional information of four items which

have been addressed on appeal by the First Party to the Board. The items related to:

- Delivery arrangements must be rearranged
- Parking analysis shall include all of Saturday
- Re-location of Bring Centre and Trolley Shelters
- Reanalyse TTA model to take existing traffic flows and queuing into account.

In terms of deliveries, a new loading bay is proposed to the front of the building to the south. A swept path analysis taken by AECOM on Drawing No.: 60480795-SHT-10-C-0100 indicates the manoeuvring of the 10m rigid lorry at the site. Deliveries will take place prior to 07:00AM prior to the opening of Tecsos and this will have a negligible impact on the carpark.

7.12 There are two entrances into Tesco's carpark, the main entrance off Shackleton Road and another access directly off Maynooth Road. Both entrances were included in the revised carpark survey submitted on appeal to the Board. Saturday peak parking equates to 73% of the 331No. parking spaces been occupied. Following a reduction of carparking spaces to 280No., this will equate to 86% occupation of the carpark. The findings indicate Celbridge carpark has the capacity to accommodate a reduction in the carparking spaces as a result of the proposed development.

7.13 The Traffic and Transport Assessment was carried out in consultation with Kildare Co. Co. Am Peak Hour indicates a 2.5% increase due to the proposed development. There will be a 4% increase upon base traffic flows at the main Tesco entrance and signalised junction during PM peak times. The increases are considered to be marginal, with an increase of 5.5% during Saturday Peak Hour, with an increase of 2.1% at the signalised junction. The additional information request takes account of existing queuing using Linsig and it demonstrated a marginal increase in traffic.

7.14 The existing Bring Centre is to be relocated within the wider Tesco carpark area reducing the carpark by 9No. spaces which has been included in all calculations by AECOM i.e. a reduction in total from 330No spaces to 280 spaces.

7.15 Having regard to the AECOM report I consider the conclusions of the report are reasonable and it has been demonstrated that the proposed development will not result in serious traffic congestion or parking problems, or an obstruction to other road users. I believe the concerns expressed by the third party on appeal in terms of delays at the junction with Shackleton Road and the signalled junction to be overstated in terms of the volume of traffic entering and leaving the Shackleton Road access, and the volume of pedestrians. The third party fails to acknowledge the second access into the existing carpark area directly off Maynooth Road, which carries a considerable volume of traffic to Tesco. The findings of the

report AECOM consider both accesses in terms of the potential impact of the proposed development and I consider the reports to be acceptable.

7.16 Other Matters

In terms of the proposed sign, which was the subject of Reason for Refusal No. 4, which was originally 12metres in height, has been revised on appeal to 6.5metres. There is a planning history case of a refusing for a freestanding sign on the subject site, which included 10No. individual tenant signs on each elevation. Given that the provision of a 12m high sign is unnecessary and obnoxious within an existing shopping/ commercial area, I consider the restriction to a height of 6metres to be reasonable. A condition can be attached to that affect.

7.17 Openfield Ecological Services carried out a Screening report for Appropriate Assessment. The site is not located within or adjacent to any Natura 2000 area. The site is a brownfield site which is extensively hard surfaced. The Toolestown Stream flows 250m south of the site boundary, and it is a tributary of the R. Liffey. However, no significant effects are likely to arise, either alone or in combination with other parts or projects that will result in significant effects to the integrity of the Natura 2000 network.

8.0 RECOMMENDATION

I recommend the Board grant planning permission for the proposed development for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the zoning of the site R 'which is to provide for retailing, commercial, office, cultural and other uses appropriate to the town', to the relevant objectives in the Kildare County Council Development Plan 2011-2017 and Celbridge Local Area Plan 2010, to the planning history on the site and the larger site of which the subject site forms part, 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 relevant development plans and draft local area plan, would be acceptable in terms of traffic safety and convenience 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 Board appeal on the 15th 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 hours of operation shall be between 0700 hours and 2300 hours on any day.

Reason: In the interest of the amenities of the area.

3. The proposed freestanding sign proposed for the north-eastern extremity of the site, shall not exceed 6metres in height.

Reason: In the interest of avoiding visual clutter.

4. Details of the materials, colours and textures of all the external finishes to the proposed development, including the windows, canopies and doors, 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.

5. No advertisement or advertisement structure other than those shown on the drawings submitted with the appeal 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 and to protect the residential amenities of the area.

6. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

7. 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 interest of public safety and residential amenity.

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

- (a) A plan to scale of not less than 1:500 showing -
- (i) intermittent screen planting (shrubbery and trees) along the western and northern elevations. As much of this area is located within a way leave of a watermain, any trees will need to be placed within a contained root system such as raised planters or tree pits, and
 - (ii) the species, variety, number size and locations of all proposed trees and shrubs.
- (b) External fencing, other than that around the rear yard, shall be omitted.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased 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 visual amenity.

9. Water supply and drainage arrangements including surface water disposal shall comply with the requirements of the planning authority for such services and works.

Reason: To ensure the proper drainage of the proposed development.

10. 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.

11. All waste oil shall be stored in an approved area while awaiting disposal. All waste oil shall be disposed on to the satisfaction of the planning authority. Records shall be kept of volumes of waste oil produced and disposed of and the names of persons to whom such waste is transferred. The register shall be available for inspection by the planning authority at all reasonable times.

Reason: To protect the adjacent watercourses from potential water pollution.

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

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

13. 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.

Caryn Coogan

Planning Inspector

06/03/2017