



An  
Bord  
Pleanála

## Inspector's Report PL28.248747

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<b>Development</b>	Change of use of housing (consisting of 2 no. residential units) to retail unit with rear extension + facade alterations + all ancillary site works.
<b>Location</b>	5C/5D Bakers Road, Gurranebraher, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	16/37178
<b>Applicant(s)</b>	Probian Limited
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Maurice O'Neill
<b>Observer(s)</b>	1. Tony Fitzgerald.
<b>Date of Site Inspection</b>	21 <sup>st</sup> September 2017
<b>Inspector</b>	Fiona Fair.

## 1.0 Site Location and Description

- 1.1. The appeal site (with a stated site area of 0.013 ha) is located in the northern area of Cork City. The building the subject to the appeal is located mid – terrace within the Bakers Road, Local Centre. It comprises a two storey unit (consisting of two number residential units one at ground and one at first floor) which are currently vacant and boarded up.
- 1.2. The adjacent commercial uses to the north consist of ‘Papa Bills’ a fast food take-away and ‘Phelans’ Pharmacy. To the south is a bookmaker’s premises (‘Ladbrooks’) and the Baker Street public house. Gurranebraher credit union is located further to the south in a separate block. A service access laneway / cul de sac access runs to the rear / west of the Local centre, provides rear access to the terrace.
- 1.3. The two residential units, the subject of this planning appeal, are the only remaining non-commercial units within the terrace.
- 1.4. Residential dwellings are located further north on Bakers Road and on the opposite side of the Road. St. Mary’s Health Campus / Orthopaedic Hospital at Gurranebraher is located to the north and west of the appeal site.
- 1.5. Demarcated parallel car parking, a signalised pedestrian crossing, footpaths and public lighting are located to the front of the terrace, serving the existing residential units and the neighbouring Bakers Road commercial units.

## 2.0 Proposed Development

- 2.1. The proposal comprises permission for:
  - The change of use of existing two storey residential housing (consisting 2no. residential units) to retail unit,
  - Construction of a single storey extension with stairwell projection at first floor level to rear
  - Façade alterations to existing building to serve proposed retail unit
  - All ancillary site works

- GFA of existing buildings is stated as 116 sq. m
- GFA of proposed works is stated as 58 sq. m
- GFA of new and existing works is stated as 174 sq. m

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Following a request for **Additional Information** with respect to (i) details of hours of operation, a logistical plan for deliveries, once the business is operational, details of parking for deliveries and a Traffic and Transport Assessment (ii) details of location and capacity of waste storage space and (iii) full details of location and detail of service plant and anticipated noise levels. **The p.a. subsequently requested C.A.I** with respect to (i) Traffic and Transport Assessment which addresses (i) road safety issues that are present in the vicinity of the proposed retail unit. (ii) The road safety impact of additional traffic (pedestrian and vehicular) associated with the proposed development. And (iii) Mitigation measures to improve road safety.

#### 3.1.2. In response to the CAI request the First party submitted the following:

It has been agreed with Transportation Division of CCC that a number of existing road safety issues are present on Bakers Road in the vicinity of the proposed development. While these road safety issues are outside of the red line boundary for the development they can be addressed in the short term and our client is supportive of measures that will improve road safety in the vicinity of the proposed retail unit.

#### 3.1.3. These road safety issues are as follows:

- Pedestrians using the existing signalised crossing currently have their sightline blocked by parked cars. A solution would be to extend the build-outs on the western side of Baker's Road to improve visibility of the crossing and reduce the crossing distance. The existing centre line should also be realigned.
- Cars are illegally parked on the opposite side of the road to the proposed development. The existing double yellow lining should be strengthened by installing bollards to prevent illegal parking.

- The applicant is supportive of any road safety improvement measures required. The most immediate issue would be to address the substandard sightlines for pedestrian crossing at the existing signalised crossing. The additional traffic volumes and pedestrian volumes generated by this small retail unit (GFA 115 sq. m) would be low.
- The overall impact of this development falls well below the threshold for the requirement to provide a full Traffic and Transportation Assessment as set out in Table 2.1 of the Guidelines. The impact from this development is low with a maximum peak hour traffic movements expected at 17 arrivals and 18 departures during the evening peak hour 17.00 – 18.00.
- Applicant is committed to supporting measures that will improve road safety in the vicinity of the proposed retail unit.

3.1.4. Planning permission was Granted subject to 13 number Conditions. Conditions of note include:

C 2. Relates to signage.

C 3. Relates to construction noise and hours of construction.

C. 5 Operational Noise.

C. 6 Waste Management.

C. 7. Healthcare Waste

C. 12 A construction traffic management plan for the proposed development required.

C. 13 Development Contribution

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

**The Planners Report** considers the proposal acceptable in principle, subject to condition, having regard to the nature, location and context of the site and surrounding area, the policies and objectives of the Cork City Development Plan 2015 – 2021 and the nature and scale of the proposed development.

**Road Design Planning Report:** No objection subject to condition.

**Transport & Mobility Report:** Subsequent to F.I. and C.A.I report states no objection subject to conditions, set out as follows:

1. A Construction Traffic Management Plan for the proposed development.
2. 'The development of a co-ordinated logistics plan for all deliveries to all the district centre retail units. All businesses will need to feed into the plan.

In particular, the plan shall address size of delivery vehicles and timing of deliveries for all retail units taking the limited parking and identified road safety issues into consideration.

The Plan shall be reviewed and updated as required.'

**Drainage Report:** No objection subject to condition.

**Environment Report:** No objection subject to condition.

### 3.3. **Other Reports:**

**IW:** Report received No Objection

### 3.4. **Third Party Observations**

A number of objections were submitted to the planning authority, concerns raised are similar to those raised in the third party appeal, summarised in detail below.

### 3.5. **Prescribed Bodies**

None.

## 4.0 **Planning History**

4.1. None

### **Adjoining Planning History of Relevance:**

4.2. **Reg. Ref. T.P. 06/31080** Permission granted to (i) demolish existing single storey building consisting of existing Stores, Offices and Staff Facilities at the rear and side of the existing Super-market and stairs to first floor apartment, (ii) to construct a single storey extension comprising of (a) increasing the existing Retail Area by 93m<sup>2</sup>, (b) new Stores Area, Plant Room, Offices and Staff Facilities, (iii) to relocate

the entrance door from the eastern elevation to the north eastern corner of the existing Supermarket, (iv) to construct a two storey extension to the northern side of existing building for use as a new entrance lobby to the Supermarket and to provide access door and stairwell to the first floor apartment and increase the area of the apartment at first floor level, (v) to locate plant on new flat roof, (vi) to provide handrail around new flat roof, (vii) to provide area for bin storage at the rear of the building at 1 Baker's Road, Gurrabraher, Cork

4.3. **Reg. Ref. T.P. 08/32767** Retention Permission granted to retain (i) extension to the building by 4.10m at the rear to facilitate a increase in Retail Area by 38m<sup>2</sup> and a increase in Stores Area by 17m<sup>2</sup>, (ii) erection of security fence around the rear boundaries of the site and around the Plant Area on the roof, (iii) new external signage on the northern elevation and (iv) removal of existing chimney at 1 Baker's Road, Gurrabraher, Cork

4.4. **Reg. Ref. T.P. 12/35371** Permission granted for internal alterations to the existing Centra Supermarket at 1 Baker's Road, Gurrabraher, Cork, the proposed alterations include the change of use of the existing store area (30m<sup>2</sup>) to retail area and other internal alterations to accomadate the provision of a pharmacy area (60m<sup>2</sup>) within the existing Supermarket and associated external signage at Centra Supermarket, 1 Bakers Road, Gurrabraher, Cork

4.5. **Reg. Ref. T.P. 08/33137** Retention Permission granted for retention to change of use of hairdressers originally part of the same address into existing fast food take away and ancillary shopfront and signage alterations at 5E Bakers Road, Gurrabraher, Cork City

## 5.0 Policy Context

### 5.1.1. Retail Planning Guidelines 2012

Section 2.2.6 sets out Local Shopping provision

Section 4.11.6 defines Local Retail Units. It states:

'Local retail units such as corner shops or shops located in local or neighbourhood centres serving local residential districts perform an important function in urban areas. Where a planning authority can substantiate the local importance of such

units in defined local centres, they should safeguard them in development plans, through appropriate land-use zoning. Development management decisions should support the provision of such units, particularly where they encompass both food-stores and important non-food outlets such as retail pharmacies, and have significant social and economic functions in improving access to local facilities especially for the elderly and persons with mobility impairments, families with small children, and those without access to private transport'.

### 5.1.2. **Development Plan**

The site is governed by the policies and provisions contained in the Cork City Development Plan 2015-2021.

The site is located on lands zoned 'Local Centres' where it is the policy of the Council 'To protect, provide for an / or improve the retail function of local centres and provide a focus for local services.'

Relevant excerpts of the Plan are attached as appendix to this report.

Section 4.22 of the CDP indicates that Local Centres will generally have a pedestrian catchment of 400 m. It states:

'Small local centres and corner shops provide a valuable local and walk in role and function to the local communities that they serve. They generally have a pedestrian catchment of approximately 400m. Supermarkets should not exceed 400sq.m. net in Local Centres. Local centres should contain a comparable amount of local services floorspace and anchor convenience floorspace. Local centres should be supported and protected through the sensitive management and expansion of larger retail centres'.

Objective 4.7 Local Centres and Corner Shops

- a. 'To support, promote and protect local centres and corner shops which provide an important retail service at a local level';
- b. 'To support and facilitate the development of and the expansion of existing local centres and corner shops as appropriate where significant population growth is planned or where a demonstrable gap in existing provision is identified, subject to the protection of residential amenities of the surrounding area. Proposals should provide a mix of uses and services suitable to the scale of the centre and demonstrate the appropriateness of the location'.

Table 16.8 sets out maximum car parking standards

The proposed development is located within Zone 3 where the maximum car parking spaces for convenience retail is 1 space per 20 sq. m of GFA. There are no minimum standards.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The issues raised are summarised as follows:

#### **6.1.1. Inadequate Car Parking**

- Proposal is contrary to Table 16.8 of the CCDP
- There is a requirement for 9 car parking spaces
- Recent redevelopment of a Lidl store under Reg. Ref. 15/3668 showed that CCC and Lidl followed the requirements set out in Part G
- The Local Centre has 4 providers presently and the combined retail space is well in excess 600 sq. m gross. There are 7 car parking spaces provided with no disability space for customers and staff.



- Haphazard, perpendicular car parking in the area creates an unsafe environment for pedestrians and is of serious concern to local residents.
- Obstruction of driveways causes inconvenience and distress.

#### 6.1.2. **Pedestrian Safety**

- Concerns and complaints over the past 6 years to CCC Traffic and Legal Department, Gurrabraher Garda and Local Councillors show that very little has been done to address concerns of traffic safety.
- Bakers Road is a main artery for HGVs, it is a heavily trafficked route.
- Recent redevelopment of the HSE Primary Care Centre located only 30 m from the local centre will bring additional traffic to the area.
- The crossing and parking which takes place on the front of the centre is a safety concern for pedestrians whose vision is blocked to oncoming traffic when using the crossing.
- Planning permission should not have been granted on the basis that the road network and pedestrian crossing could be redesigned in the future.
- Safety is paramount at all times and the council have failed over the years to deal with the matter.
- The planning department have indicated in reports that the council has serious reservations about pedestrian and vehicular safety with respect to vehicles seeking to turn right into the Primary Care Centre as they approach the junction from the Churchfield side.
- Complaints to the Council have been disregarded and a serious accident occurred, subsequently, whereby an elderly resident was badly injured.
- Repeated requests to the Council about safety concerns at the crossing have been ignored.
- The Council have disregarded their responsibilities towards pedestrians when granting planning permission in the subject case instance.

#### 6.1.3. **Appeal accompanied with:**

- Planners report and decision of the p.a. in respect of Reg. Ref. 16/37178

- Traffic Report by MHL
- Acknowledgement of receipt of submission
- Letter of Objection
- Photographs
- Details in relation to Reg. ref. 15/36685 Lidl application
- Excerpts from the CDP
- Letter of complaint to CCC dated 19.12.2016

## 6.2. First Party Response:

### **Requests that the Board dismiss the appeal under Section 138(1)(a)(ii)**

- The proposal seeks a change of use and does not include any modifications to the existing local road network
- The applicant is being unduly penalised with a delay in their permission based on the appellants on-going attempts to modify the on-street car parking on Bakers Road

### **Car Parking**

- Car Parking standards set out in the CCDP are maximum standards with no minimum requirement.
- The proposed retail unit will form part of the established commercial units at Bakers Road local Centre
- The number of car parking spaces required for a new development is not simply based on the maximum thresholds in Table 16.8 of the CDP but also considers the existing infrastructure incl. public transport.
- The local centre largely serves a small pedestrian catchment, the shops and services at Bakers Road are also easily accessible using public transportation.

- The local bus service, Route 220, passes the local centre every 10 minutes from 6.45 to 19.10 Mon – Fri with Bus stops located to the north and south of the local centre.
- St. Mary's Hospital stop is located c. 50 m from the local centre with the stop opposite the Garda Station being c. 100m from Bakers Street Bar.
- Car parking requirements for the net retail floor area would equate to 3 car parking spaces which is consistent with the maximum number of spaces for the two number existing residential units.
- The net increase in potential car parking requirements resulting from the proposed development is negligible.

### **Pedestrian Safety and Crossing**

- The appeal site is located within an established suburban area and benefits from an existing signalised pedestrian crossing and footpaths extending along both sides of Bakers Road
- The proposed development will not impact upon pedestrian safety
- The applicant is supportive of any measures to improve road safety in the locality
- The applicant has responded to CAI request by the p.a. and proposes the following measures:
  - Extend the build-outs on the western side of Bakers Road to improve visibility at the crossing and reduce crossing distance
  - Realign the existing centreline
  - Strengthen the double yellow line on the eastern side of Bakers Road by installing bollards to prevent illegal car parking
- C. 13 attached to the decision to grant planning permission requires a development contribution of €3,031.85 be levied by the Council. C. €2,022.46 of which is allocated to Class 1 Roads, Transportation Infrastructure and Facilities as per the Cork City General Contribution Scheme.

- Pedestrian facilities can be funded under a General Contribution Scheme, regard is had to section 48(17) of the Planning and Development Act 2000 (as amended)
- Should permission be granted the applicant would encourage the City Council to use the development contribution levied to fund the proposed improvements.

### **Use**

- Local centres play a role in providing local residents easy access to goods and services within their community
- The addition of a pharmacy use to the existing group of local centre uses would contribute positively to the range of goods and services available to local residents
- Encourage shared trips
- Traffic safety is the responsibility of An Garda Síochána and the local authority. The applicant will endeavour to support the council and the Guards.
- The proposed development will not alter the existing unorganised approach to car parking and its impact on the pedestrian crossing.

### **Response Accompanied with:**

- Traffic Report by MHL dated March 2017
- The overall impact of this development falls below the threshold for the requirement of a Traffic and Transportation Assessment.
- The impact from the development is low with a maximum peak hour traffic movements expected at 17 arrivals and 18 departures during the evening peak hour 17.00 – 18.00
- The existing controlled pedestrian crossing to the north of the proposed retail unit provides pedestrians with safe access to the proposed retail unit.
- Pedestrian facilities in the area are adequate.

### **6.3. Planning Authority Response**

- Response received no further comments forthcoming.

## 6.4. Observers

6.4.1. An Observation was submitted by Cllr. Tony Fitzgerald, it is summarised as follows:

- Inadequate car parking in the area
- Close proximity to local residents
- Additional late-night trading
- Clarity of methadone dispensing

Original Submission to the p.a. is attached which sets out additional concerns of:

- Waste / Litter Management
- Details of opening hours and noise disturbance
- Possibility of car parking provision to the rear of the premises
- Type of pharmaceutical services both short term and long term
- Details of any proposal for CCTV

## 7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- **Principle of the Development on the Site**
- **Car Parking**
- **Pedestrian Safety and Crossing**
- **Appropriate Assessment**

### 7.2. Principle of the Development on the Site

7.2.1. The appeal site is located within an area zoned as ZO – 10 'Local Centres' where it is the policy of the Council 'To protect, provide for an / or improve the retail function of local centres and provide a focus for local services', in the Cork City Development Plan 2015-2021.

7.2.2. With respect to local centers and corner shops Section 4.22 of the CCDP states;

‘Small local centres and corner shops provide a valuable local and walk in role and function to the local communities that they serve. They generally have a pedestrian catchment of approximately 400m. Supermarkets should not exceed 400sq.m. net in Local Centres. Local centres should contain a comparable amount of local services floorspace and anchor convenience floorspace. Local centres should be supported and protected through the sensitive management and expansion of larger retail centres’.

- 7.2.3. The proposed change of use of two number small residential units (stated GFA 116 sq. m) located mid terrace within the Bakers Road designated local centre to a retail unit / pharmacy is acceptable in principle given the zoning, location of the subject site and, in particular, given the vacant nature of the units. I also consider a small extension such as that proposed (stated GFA 58 sq. m), would be wholly reasonable.
- 7.2.4. While it is noted that there is already a pharmacy unit (Phelan’s) operating within the Bakers Road Local Centre, local centres play a role in providing local residents with easy access to goods and services within their community. It is not the role of sustainable planning and development control to stifle or prohibit competition within the market.
- 7.2.5. Third party concern is raised with respect to the proposed pharmacy use and its possible impact upon anti-social behaviour, in particular, drug use in the area.
- 7.2.6. The issue of anti-social behaviour while it cannot be controlled through this planning application may be alleviated through positive planning. The development proposed would give rise to reuse of two vacant units within a designated local centre incorporating a mix of day time and night time uses, thereby, incorporates passive surveillance and I consider that the synergy it would create may possibly alleviate anti-social behaviour at this location. The site is currently vacant and boarded up, the proposal will enhance its surroundings.
- 7.2.7. Given the use proposed I consider that the proposed development is likely to attract mainly local and passing business which is unlikely to impact adversely on the amenities of the area.

### 7.3. Car Parking

- 7.3.1. Table 16.8 of the CCDP 2015 – 2021 sets out maximum car parking standards associated with the different land use categories. The CDP states that ‘These standards are maximum standards in order to constrain car trip generation and promote patronage of ‘green’ modes of transport.’
- 7.3.2. The proposed development is located in Zone 3 where the maximum number of car parking spaces for convenience retail is 1 space per 20 sq. m of GFA. Retail / pharmacy use (115 sq. m) is proposed at ground floor with ‘store / fallow space’ (59 sq. m) at first floor. Taking the retail floor space at ground level only into account there is a maximum requirement of 6 car parking spaces. Table 16.8 does not set out car parking requirements for ‘stores’.
- 7.3.3. Given the proposal comprises a change of use, I highlight that the two existing two bedroom residential units would have an existing complement of 3 car parking spaces associated with them, regard being had to Table 16.8 ‘(residential 1 – 2 bedroom, 1 plus 0.25 spaces for visitor parking)’.
- 7.3.4. There is thus a shortfall, from the maximum requirement, of some 3 car parking spaces to serve the proposed change of use to retail. There is, I note, no minimum standards stated in the CCDP.
- 7.3.5. I note the presence of off street car parking to the front of the local centre parallel to Bakers Road. While the car parking spaces are laid out parallel to the road it is noted that they are used for perpendicular parking and this is raised as a matter of concern by the third party. Concern is also raised with respect to illegal parking on the opposite side of Bakers Road which blocks in, inconveniences and disrupts local residents.
- 7.3.6. I tend to agree with the applicant that the net increase in potential car parking requirements resulting from the proposed change of use is negligible. The local services centre is within walking distance of surrounding residential neighbourhood. There is opportunity for linked trips. I note the location of St. Mary’s Hospital some 50 m from the local centre. While Bakers Road is a busy street it is served by public transport and designated car parking. The shops and services at Bakers Road are accessible using public transportation with two bus stops, one to the north and one to the south of the local centre. The first party submits that Bus Route 220 passes

the local centre every 10 minutes from 6.45 am to 19.10 pm Monday – Friday, stopping at contiguous stops. This is not disputed by the appellants.

- 7.3.7. Having regard to the location of this site within the city and its restricted size and having regard to the advice set out in the City Development Plan I do not recommend refusal on the grounds of inadequate car parking provision. I have considered the necessity of a condition with respect to a mobility management plan to be put in place by management of the retail unit, for staff mobility and bicycle parking, however, given the scale and nature of the change of use, while the Board may not agree, I do not consider such a plan is necessary or is workable in the subject instance. Should the Board be of the opinion that a mobility management plan is necessary, it is open to them, to attach a condition in this respect.
- 7.3.8. I recommend that should the Board agree that permission be forthcoming for the subject proposal that a condition be attached which restricts delivery times to the retail unit. No deliveries shall be taken at or dispatched from the premises outside the hours of 0700 hours and 2000 hours, Monday to Friday inclusive, Saturday 0800 – 2000 hours or outside the hours of 1030 hours and 1900 hours on Sundays or public holidays.

#### **7.4. Pedestrian Safety and Crossing**

- 7.4.1. I have sympathy for the concerns of the third-party appellant with respect to pedestrian safety at the crossing, in particular given the submission that an elderly resident was badly injured. However, compliance with road traffic legislation is, in the main, a matter for An Garda Síochána. There is an in-situ signalised pedestrian crossing, demarcated car parking, footpaths and public lighting to the front of the local centre, with footpaths and public lighting extending along both sides of Bakers Road.
- 7.4.2. On my site visit, I did witness the designated parallel car parking to the front of the local service centre used for perpendicular parking and I note the third-party concern with respect to illegal parking on the opposite side of Bakers Road which blocks in, inconveniences and disrupts local residents.
- 7.4.3. The applicant is, however, supportive of any measures to improve road safety in the locality. C.13 attached to the draft decision to grant planning permission (Reg. Ref.



16/37178) imposes a development contribution levy of €3,031.85. c. €2,022.46 of which is allocated to Class 1 Roads, Transportation Infrastructure and Facilities as per the Cork City General Contribution Scheme. Should planning permission be forthcoming the applicant requests that the City Council use the development levy to fund the following road improvements:

- Extend the build-outs on the western side of Bakers Road to improve visibility at the crossing and reduce crossing distance
- Realign the existing centreline
- Strengthen the double yellow line on the eastern side of Bakers Road by installing bollards to prevent illegal car parking

7.4.4. I note the condition with respect to a logistics plan for deliveries to all of the 'district centre retail units' proposed by the Transport and Mobility Department. In the first instance, it is noted that the centre is a 'local centre' and not a 'district centre' and I tend to agree with the Senior Executive planning officer that a condition in this regard would be difficult for the applicant to implement given the lack of control over adjoining business operations. Given the scale and nature of the change of use I am of the opinion goods delivery by large HGV's is unlikely and attaching a condition restricting the size of delivery vehicles is somewhat unenforceable. I do, however, recommend that restricting delivery times such that adjoining residential amenity is not unduly impacted is necessary. This may be done by way of condition.

7.4.5. Overall, the measures proposed by the applicant and the development contribution towards roads, transportation infrastructure and facilities is a welcome planning gain and I see no justifiable reason to refuse planning permission on traffic safety grounds.

## 7.5. **Appropriate Assessment (AA)**

7.5.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).

7.5.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity to 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

- 8.1.1. I recommend that the decision of the planning authority be upheld and planning permission be Granted to the proposed development.

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the nature, location and context of the site and surrounding area, the policies and objectives of the Cork City Development Plan 2015 – 2021 and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the development, would be acceptable in terms of traffic and pedestrian safety, residential impact and visual impact. The proposed development would, therefore, be in accordance 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 submitted on the 10.03.2017 and the 15.05.2017, 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. 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.

3. Details of all external shopfront and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the amenities of the area/visual amenity.

4. No advertisement or advertisement structure 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

5. 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

6. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

**Reason:** In the interest of visual amenity

7. The noise level from the development, including any noise arising from compressors, air handling units and loading/unloading operations associated with the development, shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the amenities of property in the vicinity of the site

8. No deliveries shall be taken at or dispatched from the premises outside the hours of 0700 hours and 2000 hours, Monday to Friday inclusive, Saturday 0800 – 2000 hours or outside the hours of 1030 hours and 1900 hours on Sundays or public holidays.

**Reason:** To protect the amenities of property in the vicinity of the site

9. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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 demolition and construction practice for the development, including provision of a safe construction access arrangement, dust and noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 07.30 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity

10. A plan containing details for the management of waste and, in particular, medical / healthcare waste and 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 for the retail / pharmacy use 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 medical / healthcare waste and recyclable materials in the interest of protecting the environment.

11. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Fiona Fair  
Planning Inspector  
16/10/2017