



An
Bord
Pleanála

Inspector's Report ABP-301368-18.

Development

A 188sq.m extension to service station building to provide new storage and staff facilities, an increase in net retail area and new seating area, the change of use of 26sq.m of retail area to use as an off-licence, elevational changes to existing shop and generator room, new car parking and all associated site development works. Retention is also sought for a forecourt laundromat.

Location

The Centra and Topaz Service Station
New Road Cloghmacsimon, Bandon,
Co. Cork

Planning Authority

Cork County Council.

Planning Authority Reg. Ref.

17/7237

Applicant(s)

Kevin O'Leary Centra and Topaz
Service Station.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal	Third Party
Appellant(s)	Mrs Cecelia Macklin O' Brien
Observer(s)	None.
Date of Site Inspection	6 th Sept 2018.
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1.1. The appeal site (of stated area 0.26 ha) is located to the southwest of Bandon town centre, which lies to the south west of Cork City, in a prominent and visible location on approach into the town from the west.
- 1.1.2. The site currently hosts an established Topaz service station with a Centra retail store. The station forecourt includes 4 no. fuel islands with canopy over, areas of surface car parking, generator and generator room buildings to the rear with a laundromat and car wash to the south-eastern side.
- 1.1.3. The site has frontage onto New Road, part of the N71 National Route. It is accessed via a bridge over the Bridewell River which defines the sites north / north-western boundary with New Road.
- 1.1.4. The adjoining site to the west of the appeal site is also in the ownership of the applicant and comprises a pharmacy and a vacant site formerly in use as a car sales compound.
- 1.1.5. Opposite the site on New Road, to the north, it is predominantly residential dwellings. To the rear (east) there is a sharp rise in levels to residential dwellings on Rice's Road.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - A 188sq.m extension to service station building to provide:
 - new storage and staff facilities,
 - an increase in net retail area and new seating area,
 - the change of use of 26sq.m of retail area to use as an off-licence,
 - elevational changes to existing shop and generator room,
 - new car parking and
 - All associated site development works.

Retention Permission is sought for a forecourt laundromat.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Subject to further information (F.I.) being requested with respect to: (1) Details of opening hours (2) Noise measures proposed for chillers / extractors (3) location of proposed grease trap (4) clarity in respect of the route of discharge point to the sewer of wastewater from the laundromat. Planning Permission was granted subject to 15 number conditions. Conditions of note include:

C2. Restricts Use to those uses specified in the documentation.

C9. Restricts Noise levels emanating from the proposed development

C10. Controls Lighting within the curtilage of the site.

C13. The hours of operation shall be between 6:30 and 22:00 hours Monday – Saturday and 7:30 – 22:00 Sunday and Public Holidays.

C14. There shall be no interference with, bridging, draining or culverting of the adjacent river, its banks or bankside vegetation to facilitate this development without the prior approval of Inland Fisheries Ireland.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planners Report: The report sets out that having regard to the town centre zoning objectives for the area and the pattern of land use on the site and in the vicinity it is considered that, subject to the conditions, the proposed development and development proposed for retention would not unduly impact on the amenities of the area or property in the vicinity.
- Area Engineer: No objection subject to condition.
- Environmental Health: Report subsequent to FI recommends no objection subject to condition.

3.2.2. Other Technical Reports

- Irish Water (IW): No Objection.

- IFI: No objection subject to condition.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

An objection was received the issues raised are similar to those raised in the third-party appeal summarised in detail below.

4.0 Planning History

- **Reg. Ref. 17/5663** Application Withdrawn for construction of a 120 sq. m extension to service station building to provide new storage and staff facilities, an increase in net retail area and new seating area, the change of use of 25 sq. m of retail area to use as an off-licence, elevational changes to existing shop and generator room, new car parking and all associated site development works. Retention permission is sought for a forecourt laundromat.

5.0 Policy Context

5.1. Retail Planning Guidelines, April 2012

S.2.4.3 Petrol filling station shops floorspace cap
100m sq. net irrespective of location.

It is a matter for the relevant joint or multi-authority retail strategies and development plans to decide how and or where the caps above should apply to particular cities and towns and their environs where these locations are traversed by local authority boundaries.

In very exceptional circumstances in preparing retail strategies County Councils outside the Greater Dublin Area and the other larger Gateways such as Cork, Limerick, Galway and Waterford could introduce a small downward revision to the floorspace cap in appropriate circumstances where the size of existing town centres is small in relation to the scale of the cap, and the potential for convenience goods

expenditure growth is limited and where accordingly development of convenience stores up to the full extent of the relevant floorspace cap could have a negative impact on the vitality and viability of the town in question. However, if a planning authority wishes to propose a small downward revision to the floorspace cap the justification should be fully substantiated by an expert study, which would demonstrate how effective local competition and consumer choice would be protected.

Section 4.6 Sequential Approach and Extension – Change of Use Applications

Section 4.11.9 Retailing and Motor Fuel Stations of the Retail Planning Guidelines

sets out; 'Convenience shops are part of the normal ancillary services provided within motor fuel stations. In rural areas, they can have a very important function as the local shop or small supermarket. However, such shops should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan.

The floorspace of the shop should not exceed 100 M2 net; where permission is sought for a floorspace in excess of 100 M2, the sequential approach to retail development shall apply, i.e. the retail element of the proposal shall be assessed by the planning authority in the same way as would an application for retail development (without petrol/diesel filling facilities) in the same location.

In considering applications for development, attention should also be given to the safety aspects of circulation and parking within the station forecourt.

Motor fuel facilities ancillary to large convenience goods stores located in or adjacent to town centres often provide healthy competition in this sector of the market without adversely affecting town centres. It is not axiomatic, however, that all large convenience goods stores formats should have ancillary fuel facilities, particularly where the objective of planning policy is, wherever possible, to fit large convenience goods stores on sites within or on the edge of town centres. It will often be difficult to find a site at this type of location with acceptable road access which is sufficiently large to allow both a full sized store and a fuel station. Consequently retailers should not seek to claim that they are unable to assemble sites within a town centre or on the edge of one, simply because they face difficulty in assembling a site capable of accommodating a large convenience goods stores and a fuel station'.

5.2. Development Plan

The Cork County Development Plan 2014 is the statutory Plan.

The appeal site is located on lands zoned town centre within Bandon town. The following policy and objectives of the Cork County Development are of relevance to the subject appeal site.

CS 3-1 Network of settlements: higher order settlements

CS 4-2 Greater Cork ring strategic planning area

Chapter 7 Town Centres and retail

TCR 2-1 Town Centre

Section 11.6 Flood Risks

WS 6-1 Flood Risks – overall approach

WS 6-2 Development in flood risk areas

GI 13 – 1 Noise emissions

GI 13-2 Light emissions

ZU 1-1 Implementation of zoning objectives

ZU 2-1 Development and Land-use zoning

Bandon Kinsale Municipal District Local Area plan (LAP) 2017

Section 1.8 Flood Risks and Management

IN-01 Flood Risk Assessment and Management

Regeneration Area BD-RA-03 New Road

BD-T-04 Town Centre, Lands identified to facilitate the expansion of the town centre.

5.3. **Natural Heritage Designations**

The site is not within a Natura 2000 site the closest Natura site is Courtmacsherry Bay Special Protection Area (SPA) Site Code 004219 located some 9.2 Km to the south of the subject appeal site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are summarised as follows:

Appellant resides on the opposite side of the road from the appeal site. She has resided here for over 30 years.

Negative Impact Upon Residential Amenity

Noise

- Deliveries to the shop commence at 6:30 am resulting in traffic noise from heavy duty refrigerated trucks, truck engines, freezer units, traffic traversing over drainage channels, offloading of merchandise and continues until 22.00 pm seven days weekly.
- Noise is negatively impacting upon the health of the appellant due to lack of sleep.

Light Pollution

- There is significant light overspill from existing fixed and mobile light fittings
- Very high mounted light fittings located around the perimeter of the property
- There is a large section of translucent roofing incorporated within the existing canopy
- Light overspill to surrounding properties even when the business is closed

Traffic

- The introduction of an unauthorised laundry facility has resulted in increased traffic 24 hours a day.

- No limit on the hours of operation of the laundry facility
- Noise from traffic associated with the recently upgraded and larger car wash facility which is without enclosure is unacceptable.
- The increase in floor area will result in increased activity to an already very busy property.
- Trucks which sometimes park on the road way cause a traffic hazard.

The Council have failed to put satisfactory mitigation measures in place to protect the residential amenity of the area.

- Request that An Bord Pleanala ensure that satisfactory mitigation measures are imposed as follows:
 - Limit hours of operation of car wash from 8.00 am to 20.00 pm daily
 - Ensure that an enclosure is placed over the car wash as per previous model.
 - Limit hours of operation of Laundromat to 8.00 am – 20.00 pm daily
 - Limit all deliveries to the facility to 8.00 am – 20.00 pm daily
 - Impose environmentally acceptable noise levels for all plant machinery, refrigeration units etc.
 - Light levels from all forecourt lighting to be reduced including fitting of bonnets to each of these fittings to minimise overspill of light onto adjoining residential properties.

6.2. Applicant Response

6.2.1. A response was received from Coakley O'Neill Town Planning on behalf of the first party Mr Kevin O'Leary. It is summarised as follows:

- First party happy with the decision of the p.a. and willing to abide by the conditions of the draft grant of permission.
- The grounds of appeal were dealt with by the p.a. during their assessment of the proposed development.

- The site is a brown field and serviced site and has an established commercial use.
- The proposed development is within a town centre context and zoned for town centre uses.
- The proposal complies with aims and objectives of national and local planning policy.
- Proposal will result in the creation of more jobs in Bandon.
- Modest extension to an established town centre zoned commercial business.
- The retail planning guidelines advise that for development proposals which exceed a total of 100 sq. net retail area at service stations the sequential approach to retail development shall apply. However, the site is located within the established town centre and is not an edge of centre or out of centre site. As such, a sequential test is not required in this instance.
- Once the applicant became aware of the issues of concern by the appellant the issues were dealt with promptly. A light spill assessment was carried out and staff took records of deliveries and laundromat usage.
- While the appellants concerns are acknowledged it is submitted that they are exaggerated.
- The suggestion of their being a health risk as a result of the current situation is unsubstantiated.
- Staff come on site at 6:30 to receive deliveries on and after this time and to organise the shop for the coming day. Similar, to a vast majority of commercial enterprises, except for on Sundays and Bank Holidays when they arrive at 7:30
- It is important to consider the nature and extent of the deliveries. Musgrave delivers 7 out of 7 days per week with 2 types of delivery – chill stock and ambient stock.
- Fuel deliveries arrive on site once per week, between 09:00 and 17.00. There are no deliveries to the store after 17:00. There are no deliveries on Sunday.

- The appellants request that deliveries to the site be limited to between 8.00 and 18.00 daily is neither reasonable or practical for a long established commercial business within the town centre zone.
- Past mitigation measures and fixings carried out by the applicant at the request of the appellant indicate the applicant's commitment to limiting any undue impact their business may have on surrounding residents.
- Refute the allegation that delivery trucks park on the N71.
- The extension to the store will not increase the number of delivery trucks, although the volume of some deliveries may increase.
- Established town centre use where increased noise activity is to be expected within reason.
- Sound levels in the immediate area are generally dominated by the traffic sound generated from the N71.
- Applicant happy to comply with conditions imposed on the planning application in particular in respect of noise.
- The current lighting layout, canopy and pole mounted floodlights have been in-situ since 1999.
- All lights are turned off outside of opening hours with the exception of two small mounted luminaires on the shop unit itself.
- A Light Spill Assessment has been carried out,.
- Applicant happy to comply with a condition in respect to Lighting.
- Laundromat is accessible 24 hours and is coin operated.
- Applicant is open to amending the operating hours of the laundromat from the current 24 hours to the hours of operation of the shop – albeit that there is extremely low usage outside of these hours.
- The car wash use is an established and permitted use on the site. It is only useable during the operating hours of the retail unit.
- There is no increase in noise emissions from the new car wash compared with the older car wash.

- The distance of the car wash measured at c.20m to the subject site entrance on New Road, c. 30m to the nearest dwelling located at the rear of the site on Rice's Road and over 40m to the appellants dwelling.
- While the car wash is audible on site, given the appellants location across a busy main road it is submitted that the noise is negligible.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **ASSESSMENT**

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

- **Principle of the Proposed Development**
- **Impact Upon Residential Amenity**
 - **Noise and Disturbance Associated with Intensification of Operations and Traffic Associated with Laundry Facility and Car Wash**
 - **Early Morning Deliveries & Opening hours**
 - **Light Overspill**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

7.1. Principle of the Proposed Development

- 7.1.1. The appeal site, which comprises an established petrol station and Centra Shop, is located to the south west of the town of Bandon, less than 500m from the town centre, on lands zoned 'town centre'.
- 7.1.2. The floor area of the existing shop is stated as 246 sq. m. The nett existing retail area has not been set out, it appears to be c.100 sq. m. The proposed nett total retail area is stated as 255 sq. m, which includes an off-license sales area of 26 sq. m. The 188 sq. m extension to the existing building is proposed to be located to the rear of the building abutting Rice's Road. Properties on Rice's road are located at a significantly higher ground level, some 7m difference in FFL is indicated on the plans and drawings, submitted with the application, between the Service Station site and dwellings on Rice's Road.
- 7.1.3. The proposal is an extension to an existing retail unit. The rear extension consists of office, storage areas and ancillary rooms. The retail use will increase within the existing footprint of the retail area. The site also has an external laundramot (for which retention is being sought) and car wash.
- 7.1.4. Regard being had to section 2.4 'National Policy on Retail Caps', section 4.4 'Sequential Approach to the Location of Retail Development' and section 4.11.9 'Retailing and Motor Fuel Stations', set out in the Guidelines for Planning Authorities Retail Planning (April 2012), it is noted that advice for development proposals which exceed a total of 100 sq. net retail area at service stations is that the sequential approach to retail development shall apply. However, the site is located within the established town centre and is not an edge of centre or out of centre site. As such, it is argued that a sequential test is not required in this instance.
- 7.1.5. Due to the sites zoning as 'town centre', the proposed modest extension to the established retail unit, is appropriate to its location, an acceptable in principle use and would accord with the zoning objective for the site.

7.2. Impact Upon Residential Amenity

7.2.1. Noise and Disturbance Associated with Intensification of Operations and Traffic Associated with Laundry Facility and Car Wash

7.2.2. Concern has been raised with respect to intensification of use on the site resulting in increased traffic, noise and disturbance. The third party resides on the opposite side of New Road (The N71) the busy Bandon to Cork / Clonakilty Road to the north west of the site. The laundromat and car wash are located to the east of the Centra Shop. The stores entrance and external yard delivery area is located to the rear (south-east) of the Centra Shop. The building is set back some 20 m from New Road with the 4 double fuel pump forecourt located to the north west of the shop building closer to the road.

7.2.3. The laundromat is accessible 24 hours and is coin operated. A survey indicates that usage after 22:00 over a 12 week period found that the facility was used a total of 20 times, equating to under 2 visits a week. While it is the opinion of the first party that the appellants have exaggerated concerns, the applicant is open to amending the operating hours of the laundromat from the current 24 hours to the hours of operation of the shop, I consider that this measure is to be welcomed and should be the subject of condition in the event of a grant of planning permission. It would be beneficial to mitigate against possible late night anti-social activity, noise and traffic associated with the Laundromat.

7.2.4. The car wash use is an established and permitted use on the site. It is only useable during the operating hours of the retail unit. It is contended that there is no increase in noise emissions from the new car wash compared with the older car wash. I agree that the car wash use is an expected and common use on majority of forecourts throughout the country. The proposed development is within an established town centre context and zoned for town centre use where noise activity is to be expected within reason. I agree that sound levels in the immediate area are dominated by the traffic sound generated from the N71. The car wash facility comprises of one single automated drive through car wash and associated air pump, water and hoover facility. I consider the car wash facility is ancillary to the service station use and acceptable in principle. Its location on site is considered acceptable.

- 7.2.5. The submission that delivery trucks do not park on the N71 is credible given the distance to the stores, located to the rear of the building, and the availability on site for truck parking which would make this impractical. 26 number car parking spaces are provided for on the site, which include 8 spaces at the petrol pumps. The deliveries area to stores is located to the rear of the existing Centra Shop. The first party submit that the extension to the store will not increase the number of delivery trucks, although the volume of some deliveries may increase. The applicant submits that they are happy to comply with conditions imposed on the planning application in particular in respect of noise. It is contended that past mitigation measures and fixings carried out by the applicant at the request of the appellant indicate the applicant's commitment to limiting any undue impact their business may have on surrounding residents. A sign has been erected requesting delivery drivers to switch off engines. Hours of operation are dealt with in the succeeding section of this report.
- 7.2.6. I consider the arguments put forward justifying associated impacts of the proposed store extension, the car wash and retention of the laundromat are viable. I note condition 9 of the draft grant of planning permission and recommend that should the Board consider planning permission should be forthcoming that a similar condition limiting noise levels emanating from the appeal site be attached to any grant of planning permission. Overall I consider the proposal a modest extension to an established town centre zoned commercial business. Cognisance is had to the established use on the site, its location adjoining the busy N71 and set back from the appellants dwelling to the north west. I do not consider that the development proposed and that to be retained would have a such a negative material impact upon adjoining residential amenity that it would warrant a refusal of planning permission.

7.3. Early Morning Deliveries & Opening hours

- 7.3.1. Concern has been raised with respect to early morning deliveries and opening hours. The appellants request that deliveries to the site be limited to between 8.00 and 18.00 daily.
- 7.3.2. It is submitted that staff come on site at 6:30 to receive deliveries on and after this time and to organise the shop for the coming day. Similar, to a vast majority of commercial enterprises, except for on Sundays and Bank Holidays when they arrive at 7:30

- 7.3.3. Additional information was submitted regarding deliveries and opening hours. It is submitted that Musgrave delivers 7 out of 7 days per week with 2 types of delivery – chill stock and ambient stock. Only 3/5 deliveries are chill deliveries, requiring refrigerated trucks. These chill deliveries are scheduled on a Tuesday / Thursday and Saturday currently. The Saturday delivery is usually around 9 and the mid-week deliveries is between 6:30 and 8:00. Ambient deliveries do not require refrigerated trucks and generally arrive later in the morning. Fuel deliveries arrive on site once per week, between 09:00 and 17:00. There are no deliveries to the store after 17:00. There are no deliveries on Sunday.
- 7.3.4. Records show 16% of all Musgrave deliveries to the site were between 06:30 and 07:00, 36% of deliveries were between 07.00 and 08.00 and remaining deliveries were after 8:00. The refrigerated delivery trucks are on site approx. 15 min and delivery drivers switch off their engines and the truck refrigeration on arrival.
- 7.3.5. I note condition 13 of the draft grant of planning permission which stipulates that the hours of operation shall be between 06:30 and 22:00 hours Monday to Saturday and 07:30 and 22:00 Sunday and Public Holidays.
- 7.3.6. I consider the arguments put forward justifying early morning deliveries, mitigation measures to reduce noise and opening hours are acceptable. This is an established commercial business premises located within a 'town centre' zone. I do not consider that the development proposed and that to be retained would have such a negative material impact upon adjoining residential amenity, by way of opening hours, and disturbance from deliveries that it would warrant a refusal of planning permission.

7.4. Light Overspill

- 7.4.1. It is submitted that the current lighting layout, canopy and pole mounted floodlights have been in-situ since 1999. There will be come additional lighting on the extension to the rear of the building. All lights are turned off outside of opening hours with the exception of two small mounted luminaires on the shop unit itself. A Light Spill Assessment has been carried out, it demonstrates that all existing lighting used within the site curtilage is directed and cowled so as not to interfere with passing traffic or the adjoining residential properties.

7.4.2. The area engineer has no objection to the proposal. I note condition no. 10 of the draft grant of planning permission which requires that all lighting within the site curtilage shall be directed and cowled so as not to interfere with passing traffic or cause any glare or additional light spill to residential properties in the area. The applicant's have submitted that they are happy to comply with a condition in respect of lighting. I recommend that in the event planning permission is granted a similar condition should be attached.

7.4.3. The proposal constitutes a moderate single storey extension and retention of a laundromat to a well-established service station within a zoned 'town centre' zone. I consider that concern over light spill can be dealt with by way of condition and controlled to an acceptable level.

7.5. Environmental Impact Assessment (EIA)

7.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. Appropriate Assessment (AA)

7.6.1. The closest European Site is Courtmacsherry Bay Special Protection Area (SPA) (Site Code 004219) located some 9.2 Km to the south of the subject appeal site.

7.6.2. The planning report on file concludes that appropriate assessment is not required.

7.6.3. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites. 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 location of the site within the designated 'town centre' zone of Bandon, the established pattern of development on the site and in the vicinity it is considered that subject to compliance with the conditions set out below, the development, would be acceptable in terms of residential amenity. 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 21/02/18, 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. Use of the overall premises shall be restricted to those uses specified in the documentation lodged with the planning authority and any change of use, whether within the use class for exempted development of the planning and Development Regulations, 2001 as amended, or otherwise, shall be subject to the prior permission of the planning authority.

Reason: In the interest of orderly development.

3. (a) 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.

(b) The surface water drainage system shall be designed and constructed so that water contaminated by petrol or waste oils is piped to oil/grease traps before discharging to the sewerage system. All grease traps and oil sumps shall be cleaned on a regular basis.

(c) Car wash water shall be adequately settled prior to discharge to ensure that silt is retained. Such silt shall be removed at regular intervals and disposed off in an environmentally safe manner.

Reason: In the interest of public health and ensuring proper and efficient drainage.

4. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

5. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at any point along the northern and southern boundaries of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. 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 residential amenities of property in the vicinity of the site.

6. (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 construction practice for the development, including 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 08.00 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

7. Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of any development on site.

Reason: To protect the residential amenities of property in the vicinity.

8. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. (a) No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

(b) No awnings, canopies, illuminated signs or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,

(c) External roller shutter shall not be erected, any internal shutter shall be only of the perforated type, coloured to match the shop front colour.

Reason: In the interest of visual amenity and to maintain the retail character at street level.

10. No music or other amplified sound shall be broadcast externally from the premises.

Reason: To protect the amenities of the area.

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

Reason: In the interest of clarity.

12. All external lighting of the proposed development shall be cowled and directed away from the public roadway and from surrounding residential dwellings.

Reason: In the interest of public safety and visual amenity.

13. 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 the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

15. (a) No deliveries shall be loaded / unloaded on the adjacent public roads.

(b) Vehicles shall not be permitted to reverse onto or off the public road, sufficient space shall be provided within the site to allow for all vehicles, including deliveries, to drive in and out of the site.

(c) Customer car parking shall be accommodated solely on the site.

(d) No goods, merchandise or other materials shall be stored and / or displayed for sale on or about the forecourt area without a prior grant of planning permission.

Reason: In the interest of visual amenity and traffic safety.

16. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

17. There shall be no interference with, bridging, draining or culverting of the adjacent river, its banks or bankside vegetation to facilitate this development without the prior approval of Inland Fisheries Ireland.

Reason: In the interest of orderly development.

18. The hours of operation of the laundromat, car wash, service station and retail shop shall be between 06:30 and 22:00 hours Monday to Saturday and 07:30 and 22:00 Sunday and Public Holidays.

Reason: In the interest of residential amenity of property in the vicinity.

19. 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.

Fiona Fair
Planning Inspector
09.10.2018