



An
Bord
Pleanála

Inspector's Report

ABP-314513-22

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| Development | Demolition of single storey dwelling, new access from existing car showroom site to provide carparking for the display of cars, and all ancillary works |
| Location | Dublin Road, Naas, Co. Kildare. |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | 22/407 |
| Applicant(s) | Fitzpatrick's Garages Limited |
| Type of Application | Permission (s. 34) |
| Planning Authority Decision | Grant Permission with Conditions |
| Type of Appeal | Third Party (s. 37) |
| Appellant(s) | Denis Costello |
| Observer(s) | None |
| Date of Site Inspection | 26 th May 2023 |
| Inspector | Philip Maguire |

1.0 Site Location and Description

- 1.1. The appeal site is located along and to the northern side of the Dublin Road (R445) in Naas, Co. Kildare, northeast of its junction with the Ashgrove estate road. The posted speed limit is 50kph. The site lies c. 1km northeast of the town centre between a car dealership to the southwest and a detached house to the northeast. Greenaun, a residential estate, lies to the north and St. Corban's Cemetery is further east. Glenville Terrace, which is listed in the Record of Protected Structures, lies opposite the appeal site. Whilst the wider area is predominantly residential, the immediate area around the adjacent road junction includes medical uses with dental and GP surgeries evident.
- 1.2. The appeal site is generally flat and roughly rectangular in shape. It has a stated area of 0.1283ha and a road frontage of some 20m. The site consists of a detached house with attached garage, and overgrown garden and hardstanding to the front and rear. Vehicular access is from the Dublin Road via recessed gates and curved wing walls. The remainder of the roadside (south-eastern) boundary is defined by a stone wall. A footpath with street lighting column is located to the front of this boundary and there is some recolonised vegetation to the rear. The north-eastern boundary is shared with the neighbouring house and defined by an earth bank topped with mature hedgerow to the front of the common building line, with some larger trees and fencing to the rear.
- 1.3. The rear (north-western) boundary and side (south-western) boundary, to the rear of the building line, is defined by a block wall which is shared with Nos. 7-10 Greenaun. A gate to the rear of the adjacent car dealership is also within this side boundary. The remainder of the south-western boundary is defined by a block wall, topped in places with additional screen panels, and a pedestrian gate leading down to the adjacent car dealership forecourt via a set of steps. The appeal site sits above the ground level of the forecourt which is within the control of the applicant (outlined in blue) and c. 0.7m below the ground level of the adjacent house to the northeast, the appellant's property.

2.0 Proposed Development

- 2.1. Planning permission is sought to demolish the existing single-storey house; close off the vehicular access; form a new access from the adjoining car dealership forecourt; and provide carparking for the display of cars, new boundary treatments and lighting.

- 2.2. The house is a hipped roof structure with projections to the front and rear, and flat roof garage attached to the side. It has a stated floor area of 149.36sq.m, inclusive of the garage. It has a ridge height of 5.76m above floor level (92.02mAOD) and is set back c. 43m from the road edge. External finishes are brick, render and profiled roof tiles.
- 2.3. The proposed development seeks to demolish this house in its entirety and change the use of the resultant area, including garden to the front, to an area for the display of cars for sale, with 30 no. parking spaces identified. The proposed ground level is 91.80mAOD. As the proposal also involves the demolition of existing piers and wing walls and the construction of a new stone wall across the entrance, access to the display area would be via a 7° up-ramp from the adjoining dealership forecourt. Staff parking is to the rear of the house to be demolished, with 12 no. spaces is identified. The ground level here is illustrated as 91.10mAOD and retaining wall is also proposed.
- 2.4. The car display and staff parking areas will be tarmacked, with permeable paving in between. Large soakaways, with 16.32cu.m and 177.60cu.m capacity, respectively, are proposed beneath the permeable paving. Lighting columns, 3m high, are also proposed; 5 no. along the forecourt (southwest) boundary, 1 no. along the rear (northwest) boundary and 5 no. along the appellant's (northeast) boundary. It is proposed to erect a 3m high acoustic fence to the inside of the appellant's boundary, remove the screen panels along the forecourt boundary and reduce the height of the wall to the level of the display area. I note that the remainder of this wall will continue to act as a retaining wall on the forecourt side. It would appear that a new metal railing is to be fitted along the full length of the reduced wall. Additional steps to the rear of the display area and the widening of the existing gate to the new staff parking area is also proposed along with additional landscaping towards the front of the appeal site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to **grant** permission for the proposed development on 9th August 2022, subject to 10 no. conditions.
- 3.1.2. Conditions of note include:

Condition 2 Prior to commencement of development and for the written approval of the Planning Authority, the Applicant shall submit revised drawings, reducing the height of the proposed acoustic noise barrier fence to a maximum of 2.1m.

Reason: In the interest of the visual amenity of the area.

Condition 9 (a) The proposed lighting shall be cowled away from existing residences in the area.

(b) The Applicant shall comply with all future site lighting requirements of the Planning Authority in relation to adjusting the lights by re-aiming, the addition of louvres and shields and / or dimming, to deal with any glare issues that may arise for road users, residents and adjacent lands / properties which may only become apparent when the installation has been commissioned. The lighting scheme shall be fully implemented prior to the operation of the development.

Reason: In the interest of pedestrian, cyclist and vehicular safety, residential amenity and the proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report (27/05/22): It highlighted concerns in relation to the impact of the proposed development on the residential amenity of the area and sought Further Information on the requirement for the additional car parking, having regard to the potential for additional turning movements and noise levels within the site; the parking arrangements for the existing premises; acoustic fence details and boundary treatment along the northeast boundary, a permanent block wall being preferable; the lighting specification; and a revised contiguous elevation along the Dublin Road, including the proposed eastern boundary. Information on access geometry including corner radii, surface water collection and disposal; accessible parking details; EV charging points; and cycle spaces was also recommended.

- Planning Report (24/11/22): Basis for the Planning Authority decision. It considered that the applicant responded adequately to the Further Information request and noted that the proposed development is an extension of an existing commercial development which complies with the zoning of the site and provisions of the Naas LAP. It concluded that the proposed development would not seriously injure the amenities of the area or of property in the vicinity.

3.2.2. Other Technical Reports

- Area Engineer (10/05/22): No objection.
- Roads (27/05/22): Further Information requested.
- Roads (04/08/22): No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. The Planning Authority received a total of 6 no. third-party observations from:

- J Kehoe ('Glenwood', Dublin Road)
- D Costello ('Tullig', Dublin Road)
- R Ormsby ('Dalemount', Dublin Road)
- C and N Finan (1 Glenville Terrace)
- Greenaun Residents Association (c/o 28 Greenaun)
- A O'Sullivan and G Anderson (3 Glenville Terrace)

3.4.2. The issues raised are similar to the grounds of appeal – see section 6.1 below.

4.0 Planning History

4.1. Appeal site:

PA ref. 03/500154: Permission **granted** in February 2005 for the redevelopment of the existing premises consisting of the demolition of the existing car sales showroom,

service workshop, overhead canopy and shop etc., and its replacement with a single-storey car sales showroom etc. Elements of this permission, including the replacement forecourt with petrol sales and retail shop, have not been implemented. The appeal site, and proposed demolition of the existing house, was removed from the proposal at Further Information stage and subsequently outlined in blue.

PA ref. 01/500122: Permission **refused** in January 2002 for the redevelopment of the existing premises consisting of the demolition of existing buildings and canopy etc. and the construction of new two-storey retail shop building etc. The site was located within an area zoned 'Existing Residential/Infill' in the Naas Development Plan 1999 and the Planning Authority considered that the proposal would materially contravene the development objectives indicated in the Plan etc. They also considered that the proposed development would conflict with the residential nature of the surrounding area and be likely to damage the residential amenity of adjacent properties etc.

4.2. Adjacent sites:

Fitzpatrick's Garage, Dublin Road (outlined in blue)

PA ref. 93/495: Permission **granted** in October 1993 for the alterations and extension to existing garage to include provision of petrol sales/retail shop, associated store etc.

PA ref. 91/1410: Permission **granted** in March 1993 for car storage facilities, new entrance lobby, replacement windows to facade and new roadside signs etc.

Ashgrove Lodge, Dublin Road (c. 95m southwest)

PA ref. 06/500200: Permission **granted** in March 2007 for a change of use of existing structure from residential to dental surgery and minor internal alterations etc.

8 Kingfurze Terrace, Dublin Road (c. 110m southwest)

PA ref. 03/500169: Permission **granted** in June 2004 for a change of use to orthodontic practice from existing residential use and rear extension etc.

5.0 Policy Context

5.1. Kildare County Development Plan 2023-2029

5.1.1. The current Development Plan came into effect on 28th January 2023. The Planning Authority decision of 9th August 2022 was made under the previous Plan for the period 2017-2023. This appeal shall be determined under the current Development Plan.

5.1.2. The main objectives relevant to the proposal are set out under Chapter 4 (Resilient Economy & Job Creation), Chapter 8 (Urban Centres & Retail) and Chapter 15 (Development Management Standards) of the Written Statement.

5.1.3. The following sections are relevant to the issues raised in this appeal:

- 4.7 – Urban Growth, Regeneration and Placemaking
- 4.13 – Enterprise Development
- 4.15 – Retail and Commercial Development
- 8.13 – Re-Use and Regeneration of Derelict and Underutilised Land and Buildings
- 15.7 – Transport

5.1.4. I consider the following objectives particularly relevant:

RE O3 Encourage mixed-use settlement forms and sustainable centres, in which employment and residency are located in close proximity to each other and strategic multi-modal transport corridors, and to reduce long distance commuter trends and congestion.

RE O39 Encourage economic development that is urban in nature to locate on appropriately zoned lands within urban areas in the first instance.

RE O68 Support economic development, including business start-up companies, so as to maximise their business potential, and to promote a best practice enterprise culture that makes it easier to do business in Kildare.

5.1.5. The Record of Protected Structures (RPS) is set out in Appendix 6 of the Development Plan. Numbers 1-6 Glenville Terrace, and described generally as two-bay two-storey houses, built c. 1920, with lean-to projecting porch and full-height gabled box-bay to front (west) elevation, are listed in the RPS (refs NS19-218 to NS19-223, inclusive).

5.2. Naas Local Area Plan (LAP) 2021-2027

- 5.2.1. The Naas LAP came into effect on 1st December 2021. In addition to the current Development Plan, this appeal shall be determined under the provisions of the LAP.
- 5.2.2. The appeal site is zoned 'K' Commercial / Residential with a zoning objective '*To provide for commercial and appropriate residential mixed-use developments.*' 'Motor Sales' are amongst the development types 'open for consideration' in this zoning. Table 11.2 of the LAP notes that open for consideration uses are not considered acceptable in principle in all parts of the relevant use zone but may be acceptable in circumstances where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area.
- 5.2.3. In terms of 'transitional areas', Table 11.2 of the LAP notes that it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones and in these areas it is necessary to avoid developments that would be detrimental to amenity. Specifically, it notes that in zones abutting residential areas, particular attention will be paid to the use, scale and appearance etc. of development proposals and to landscaping and screening proposals in order to protect residential amenities.
- 5.2.4. Section 10.2.5 (Vacant Sites and Derelict Buildings) notes that vacant development sites currently detract from the visual aesthetics and vibrancy of the town but have the potential to provide for additional housing, employment, cultural and other uses.

5.3. Natural Heritage Designations

- 5.3.1. None relevant.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development, which is for the demolition of a single-storey house and the change of use of the resultant site to an area for the display of cars for sale with ancillary staff parking (42 no. spaces) within a fully serviced urban area, and its 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A 3rd Party appeal has been lodged by Denis Costello of the adjacent house to the northeast ('Tullig', Dublin Road). The grounds of appeal generally reflect the observations made to the Planning Authority and can be summarised as follows:

- The appellant states that the bungalow on the appeal site has been left vacant but could be brought back into use as a home. They suggest that allowing a residential property to fall into disrepair with a view to changing the zoning was speculative.
- The appellant raises concerns regarding the rezoning of the appeal site during the Naas LAP 2021-2027 process. They state that the appeal site was always zoned residential but rezoned during the 'material alteration' stage unbeknownst to them. They believe that, given its location, any development should be confined to residential use and refer to national and local policy (specifically National Policy Objective 35 and Objective HCO 1.5 of the Naas LAP) regarding the need to bring vacant housing stock back into use. The crux of their objection relates to a lack of regard to these policies at a time of reduced housing supply. They consider that to grant permission would reward property speculation, contrary to national policy.
- It is stated that none of the concerns of the surrounding residents were addressed in the planning decision, and they suggest that it is unfair that the interests of one business owner supersedes their interests.
- It is submitted that the applicant's business does not need to be in a residential area and they suggest that there are more suitable sites in the vicinity of Naas if they need to expand their business.
- It is noted that the appeal site is surrounded by residential areas, well served by public transport and in walking distance from the town centre. They note that the adjacent footpath is a busy pedestrian route, used by school children etc., and state that the Local Authority has a Part 8 scheme to upgrade the Dublin Road to make

it safer for cyclists and pedestrians. The appellant submits that the planning decision does not consider the impacts on the Part 8 scheme.

- Moreover, they suggest that the transportation of increased car stock to the appeal site has not been considered or assessed including transport vehicles potentially parking on the public footpath to the detriment of cyclists and pedestrians.
- In relation to Condition 2, the appellant submits that a 2m high fence is effectively 1m on their side of the boundary and they will therefore be impacted upon by light, sound and fume pollution.
- Finally, the appellant states that the planning conditions do not address noise nuisance and refer to the existing alarm system which is completely inappropriate for a residential area. They suggest that there will be more loudspeaker alarms with an extended parking area and that this is a strong argument to move the business to a more suitable location.

6.2. Applicant Response

6.2.1. David Mulcahy Planning Consultants Ltd. responded on behalf of the applicant, Fitzpatrick's Garages Ltd. It can be summarised as follows:

- In respect of the rezoning of the appeal site, the applicant submits that this is not an issue for the Board and states that the draft Naas LAP was widely publicised.
- In respect of the appellants submission regarding alternative sites, the applicant states that the existing showroom is long-established at the appeal site and the proposal represents an extension of this business and this is considered to be an entirely reasonable basis for this application. Moreover, it is submitted that the proposal is a land use that is generally considered compatible with residential land.
- In respect of zoning, the applicant notes that 'Motor Sales' is Open for Consideration under the Commercial / Residential zoning and they submit that there is no policy or objective in the Naas LAP that restricts future uses on lands subject to this zoning objective in residential areas to residential use only. The housing crisis is recognised but it is submitted that the loss of a single house is not going to materially affect the housing stock in Naas and this loss has to be balanced against the retention of jobs at Fitzpatrick's Garages arising from this expansion.

- In respect of the appellants reference to the 3rd party observations to the Planning Authority, the applicant notes that these observers did not form part of the appeal submission and the appellant does not represent these observers and should not be basing his appeal on their concerns unless he raises the same issue in his appeal. The applicant further contends that the appellant has not specified what concerns he is referring to, only referring to concerns in a general manner.
- In respect of pedestrian safety and the proposed Part 8 scheme, the applicant states that they are not aware of such a scheme and note that the Council's Roads Department had no objection to the proposed development subject to conditions.
- In respect of the transportation of increased car stock to the appeal site, the applicant notes that the appellant has not referenced this as being a current problem. The applicant notes that new cars will be delivered by transporter to their Naas Industrial Estate site, stored there and driven individually by staff to the showroom. On this basis, there is no risk of parking on the footpath.
- In respect of the fence height, the applicant agreed the 3m fence height with appellant and have no objection to the Board including a condition to implement the fence height at 3m as proposed. In the event that the fence is to remain at 2m high, the applicant disagrees that the amenity of the appellant would be materially impacted upon. They specifically note that all lighting will be cowled to prevent light spillage and highlight the trend towards electric cars which will reflect the cars parked at the site and where fume and noise pollution will not be a material issue.
- In respect of noise nuisance, the applicant submits that an alarm system is a critical part of any car business and whilst it is accepted that there have been occasions where the alarm has been triggered at night, this is not a common occurrence. They highlight that the alarm system will remain with or without the proposal.

6.3. Planning Authority Response

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Zoning
- Residential Amenity
- Access and Traffic
- Appropriate Assessment

7.2. Zoning

- 7.2.1. As noted, the appeal site is zoned Commercial / Residential and 'Motor Sales' are amongst the uses that may be acceptable in this zoning where it would not conflict with the general objectives for the zone and the permitted or existing uses etc. The proposal is a *de facto* extension of an authorised and established car dealership and therefore accords with the general objective for the zone. It does not conflict with the existing uses to the southeast including the car dealership and medical surgeries.
- 7.2.2. Apart from the cemetery, the wider area is zoned residential. The appellant suggests that there are more suitable sites in the vicinity of Naas to accommodate the proposal. The inference being that the proposal conflicts with the adjoining residential use. The appeal site is effectively transitional in nature and the LAP notes that in such zones abutting residential areas, particular attention will be paid to the use, scale and appearance etc. Whilst I note that the applicant also operates from the Naas Industrial Estate and car dealerships are commonly located in such areas, they are also commonly found along the main arterial routes in urban areas, and surrounded by residential uses, such as the appeal site. The proposal will result in a maximum of 42 no. cars parked on the appeal site. I do not consider this to conflict with the adjoining residential use given the scale and appearance of the proposed land use. I am fully satisfied that the proposed development is consistent with the zoning objective.

- 7.2.3. Whilst I acknowledge the appellants submission in respect of the rezoning of the site, this is outside the scope of the appeal, as noted by the applicant. I also note the concerns raised regarding the demolition of a house given the shortage of housing stock nationally, however this must be balanced against the benefits of the proposal as supported by the Development Plan which seeks to *inter alia* encourage mixed-use settlement forms (Objective RE O3) and economic development that is urban in nature to locate on appropriately zoned lands within urban areas in the first instance (Objective RE O39). Contrary to the appellants proposition, national and local policy including those cited in the grounds of appeal, does not preclude the redevelopment of residential sites for commercial uses. These and other policy measures are simply aimed at addressing vacancy and dereliction in a general sense. Additionally, I note that the existing house is not listed in the RPS or of any particular vernacular merit, nor will its demolition negatively impact on Glenville Terrace, which is listed in the RPS.
- 7.2.4. On balance, the benefits of proposal, through the regeneration of a vacant and derelict site on appropriately zoned lands which explicitly supports commercial development, outweighs the loss of a single dwelling house and is therefore acceptable in principle subject to further assessment of the impacts on residential amenity and traffic safety.

7.3. Residential Amenity

- 7.3.1. The proposal will result in a maximum of 42 no. cars parked on the appeal site; 30 no. at a ground level of 91.80mAOD and 12 no. at 91.10mAOD. The applicant suggests that the parked cars will reflect the move towards electric vehicles in terms of emissions. The boundary wall with the adjoining houses in the Greenaun estate will be retained in addition to the hedgerow along the appellant's property, or so much of it within the applicant's control. A 3m high, acoustic fence is proposed inside this boundary, but was reduced to 2.1m by condition in the stated interest of visual amenity.
- 7.3.2. The appellant's property is elevated above the appeal site with ground levels around 92.50mAOD. They submit that the fence, as reduced by condition, will effectively be 1m high on their side of the boundary. This, they suggest, will give rise to residential amenity impacts such as light trespass, noise and air pollution. These impacts have only been raised in this context and whilst I agree with the applicant that they are only outlined in a very broad and general manner, they must be addressed nonetheless.

- 7.3.3. I note that the acoustic fence, as proposed, would have a top level of 95.11mAOD to the front of the appeal site and 94.25mAOD to the rear, in the vicinity of the staff parking area. Condition 2 would reduce these heights to 94.21mAOD and 93.35mAOD, respectively. The top of the fence would be above the ground levels around the appellant's property, albeit between c. 0.85m and 1.71m high, respectively.
- 7.3.4. I am not convinced that this would result in levels of light trespass, noise or air pollution that would adversely impact on residential amenity given the intervening trees and hedgerow, cowled lighting and most significantly of all, the limited and intermittent nature of the emissions involved. I do accept that a fence height of 3m appears to be common ground between the parties, presumably due to the height of the lighting columns. No other rationale has been provided, particularly on acoustic grounds, as the submitted acoustic details relate to a 2.25m high timber panel fence. I am inclined to agree that a fence height of 3m would be visually excessive, but I equally accept that it should generally be no lower than 1.80m on the appellants side in the event of tree and hedgerow removal in the future i.e. 2.50m overall. I reject the suggestion that a block wall is the preferred solution. I note that the excavations required for such a wall may impact on the existing earth bank and eventually destabilise the hedgerow.
- 7.3.5. On balance, and in the absence of any other specific concerns raised, I am satisfied that the proposed development will not adversely impact on the residential amenity of the appellant or any other property in the vicinity of the appeal site. Whilst the appellant raises additional noise concerns in respect of the existing alarm system, this does not form part of the appeal. Additional loudspeakers etc. can be conditioned out.

7.4. Access and Traffic

- 7.4.1. The proposal also involves the demolition of the existing piers and wing walls and the construction of a new stone wall across the entrance, thereby permanently closing off access to the appeal site from the Dublin Road. A ramped access from the adjoining forecourt is proposed. I note that the car dealership has separate entrances at either end of its Dublin Road frontage, adjacent to the entrance to be closed. The removal of this entrance along a regional road, albeit within a 50kph zone, and adjacent to a signalised junction and other entrances is welcomed from a traffic safety perspective.
- 7.4.2. The appellant suggests that the adjacent footpath is a busy pedestrian route and states that the Local Authority has a Part 8 scheme to upgrade the Dublin Road to

make it safer for cyclists and pedestrians. They also state that the Planning Authority decision does not consider the impacts on the scheme, but they have not offered any rationale as to why the ceding of an existing entrance would endanger public safety by reason of a traffic hazard etc. or impact on the Part 8 proposal. I am satisfied that the proposal is not premature pending the determination of a road layout in any event.

- 7.4.3. Finally, the appellant suggests that the transportation of increased car stock to the appeal site, including the potential for car transporters parking on the public footpath, was not assessed. I have no information before me to suggest that the existing car stocking arrangements at the adjacent car dealership present a traffic hazard. I note that the applicant intends to transport cars individually to appeal site from their Naas Industrial Estate site, which is c. 1km northeast. This appears reasonable. In the absence evidence to the contrary, I am satisfied that the proposed development would be acceptable in terms of traffic safety and convenience and would not represent a significant intensification so as to endanger public safety by reason of a traffic hazard.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, which is for the demolition of a single-storey house and the change of use of the resultant site to an area for the display of cars for sale with ancillary staff parking (42 no. spaces in total) in an established and serviced urban area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, 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. I recommend that permission be **granted** for the reasons and considerations below.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of Kildare County Development Plan 2023-2029 and the Naas Local Area Plan 2021-2027, the location of the proposed development within the settlement boundary of Naas on zoned commercial / residential lands, the small scale nature of the proposal and the prevailing pattern and character of development

in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, and would not seriously injure the visual or residential amenities of the area or be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>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 18th day of July, 2022, 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.</p> <p>Reason: In the interests of clarity.</p> |
| 2. | <p>Prior to commencement of development and for the written approval of the planning authority, the applicant shall submit revised drawings, reducing the height of the proposed acoustic noise barrier fence to a maximum of 2.5m.</p> <p>Reason: In the interest of the visual amenity of the area.</p> |
| 3. | <p>(a) The proposed floodlighting shall be cowled away from existing residences in the area.</p> <p>(b) The developer shall comply with all future site floodlighting requirements of the planning authority in relation to adjusting the lights by re-aiming, the addition of louvres and shields and / or dimming, to deal with any glare issues that may arise for road users, residents and adjacent lands / properties which may only become apparent when the installation has been commissioned. The lighting scheme shall be fully implemented prior to the operation of the development.</p> |

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| | <p>(c) The operational hours of the floodlighting shall not extend beyond 2200 hours with automatic cut-off of floodlighting at that time.</p> <p>Reason: In the interest of pedestrian, cyclist and vehicular safety, residential amenity and the proper planning and sustainable development.</p> |
| 4. | <p>No additional signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles or loudspeakers, shall be erected within the site or on adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual and residential amenities of the area.</p> |
| 5. | <p>A landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the agreed plan. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of biodiversity and the visual and residential amenity of the area.</p> |
| 6. | <p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p> |
| 7. | <p>Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> |

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| | <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 8. | <p>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 Contributions 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.</p> <p>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.</p> |

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Philip Maguire
 Planning Inspector
 13th September 2023