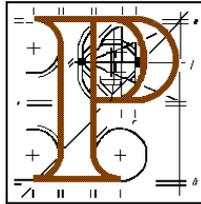


## An Bord Pleanála



### Inspector's Report

|                                      |   |
|--------------------------------------|---|
| <b>Development:</b>                  | Demolish existing buildings, erect discount food store, signage, access and associated works at White and Delahunty Motors, Pearse Street, Sallynoggin, Dun Laoghaire, County Dublin. |
| <b>Planning Authority:</b>           | Dun Laoghaire Rathdown Co Co.   |
| <b>Planning Authority Reg. Ref.:</b> | D14A/0179   |
| <b>Applicant:</b>                    | Aldi Stores (Ireland) Ltd   |
| <b>Type of Application:</b>          | Permission  |
| <b>Planning Authority Decision:</b>  | Grant with Conditions   |
| <b>Appellant(s):</b>                 | (1) John Rush Group<br>(2) Tesco Ireland Ltd<br>(3) Ardcolt Ltd<br>(4) Coltard  |
| <b>Type of Appeal:</b>               | Third Party vs Grant  |
| <b>Observers:</b>                    | Killiney SC Management Co.  |
| <b>Date of Site Inspection:</b>      | 18 <sup>th</sup> February 2015  |
| <b>Inspector:</b>                    | Hugh Mannion  |

## 1. SITE LOCATION AND DESCRIPTION

Sallynoggin is one of a number of villages now incorporated in the suburban area of south County Dublin lying between the sea and the N11. It is 3kms southwest of Dun Laoghaire and about 15kms southeast of Dublin city centre. The site has a stated area of 0.592ha and is currently occupied by a car sales/repair premises. The site is one of a number of commercial/warehouse type uses on a triangle of land located between Pearse Street, Sallynoggin Road and Thomastown Road/R118.

Immediately to the southeast along Pearse Street is a vacant one storey commercial building (formerly Maurice Walsh Carpets and Furniture). Beyond this is a green area/playing pitch associated with St Kevin's Primary School. Beside this is a large residential premises, which may be a parochial house, then the Holy Child Community School and then a Catholic church. Facing the Catholic church is the parade of shops which includes the closed 'Daybreak' supermarket referred in the grounds of appeal. From Church Place north along on the other side of Pearse Street are residential uses.

Immediately beside the site to the north is a household appliances business. There is a cluster of shops on the Sallynoggin Road opposite the intersection with Pearse Street. These include a fruit and vegetable shop, a 'Euro Saver' shop, a pizza take away and pharmacy; there are two vacant shop units in this line of retail units. This stretch of businesses turn the corner facing a small park (O'Rourke Park) and continues with a barber shop, a deli, a laundry, two take-a-ways, a ladies' hairdressers and a pet supplies shop. Behind these shops and accessed off Sallynoggin Road and Sallynoggin Park is a large Powercity outlet (electrical goods) with surface car parking between it and the rear of the retail uses.

To the east of the site and accessed from Sallynoggin Road is a Woodies DIY centre, a Chadwicks outlet (building, plumbing, DIY) with extensive car parking and then an interior design/household furnishings business. Between this last business premises and Glenageary roundabout to the northeast of the site (about 400m) is vacant land. On Glenageary roundabout between Glenageary Avenue and Glenageary Road is Glenageary Neighbourhood centre - a small shopping centre comprising a Centra store, Xtravision, a pet store and a take-away pizza business.

## 2. THE PROPOSED DEVELOPMENT

The proposed development comprises the demolition of the existing White and Delahunty Motors premises on site and erection of a single storey discount food store with off-licence sales (1,717m<sup>2</sup> gross floor area, 1,254m<sup>2</sup> net sales floor area), two fascia signs, one double sided pole sign, two poster frame signs at external trolley bay, revised vehicular access off Pearse Street, 85 car parking spaces, 21 bike spaces, an electricity substation and boundary treatments. All located at Pearse Street, Sallynoggin, Dun Laoghaire, County Dublin.

## 3. PLANNING HISTORY

Under **06D.235804** (D09A/0214) permission was refused on appeal against a grant of permission by the planning authority for mixed use neighbourhood centre on the Glenageary roundabout because the Board considered that the proposed development;

- when taken in conjunction with existing and permitted retail provision in the area and the proximity of this neighbourhood centre to Dun Laoghaire Town Centre the proposed development would result in a serious counter attraction to the established Town Centre and would have a significant adverse impact on the distribution and pattern of retail provision in the area.
- when taken in conjunction with other lands zoned for town centre development along Sallynoggin Road would give rise to traffic congestion along Sallynoggin Road and Glenageary Roundabout.

## 4. THE PLANNING AUTHORITY'S DECISION

The planning authority decided to grant permission subject to 15 conditions.

Initially the planning authority sought further information in relation to;

- (1) Revised traffic impact assessment.
- (2) Staff shower/changing facilities in accordance with the planning authority's cycling policy.
- (3) A revised pedestrian ramp at the Pearse Street entrance.

- (4) Details of access for service and delivery vehicles.
- (5) Suggestions for pedestrian permeability through the site during opening hours.
- (6) Amended car park layout and electrical charging facility.
- (7) Details of a revised wall on the Pearse Street boundary.
- (8) Details of a landscaping scheme for the site.

The applicant responded to this request on the 30<sup>th</sup> September 2014.

The planning authority's **Landscape Architect** reported that the landscape scheme was satisfactory.

The planning authority's **Transport Planning Section** reported that the parking provision complied with the Development Plan. The section reviewed the Further Information submitted and recommended a grant of permission subject to conditions.

**Drainage Section** reported no objection to the proposed development.

**Irish Water** made a submission recording no objection to the proposed development subject to conditions.

## 5. GROUNDS OF APPEAL

The grounds of appeal may be summarized as follows;

- The site is zoned 'NC' in the County Development Plan (CDP) with the objective "to protect, provide and/or improve mixed use neighbourhood facilities". The proposed development is premature pending the making of a Local Area Plan (LAP) for the area including the site which is an objective of the County Development Plan 2010-2016. A precedent for refusal in a similar case was already set in reference D14A/0113.
- The application makes an under provision of car parking. The County Development Plan distinguishes between sites within 500m of a QUC and those more distant. The site is

not within 500m of a QBC and therefore should provide car parking at 1 space/10m<sup>2</sup> whereas the standards applied is 1 space/20m<sup>2</sup> which has given rise to an under provision.

- The proposal does not support the policy objective of providing a mixed use (retail/office/residential) development for the site as envisioned by the Greater Dublin Area Retail Planning Strategy and the CDP.
- Discount foodstore is not recognized in The Retail Planning Guidelines 2012 (RPGs) and supermarket is described as a single level self-service store selling mainly food with a net retail floor space of less than 2,500m<sup>2</sup>. The RPGs use 'neighbourhood centre' to mean a small group of shops which include small supermarket. The proposed supermarket at 1,270m<sup>2</sup> is not a small supermarket as envisaged by the CDP. A development this size is more appropriately located in a District Centre; the planning authority took this view in a comparable application reference D11A/0602.
- The use of a very extensive catchment area used in the Retail Impact Assessment (RIA) to support the application undermines its overall claim to be a neighbourhood supermarket. There are other areas zoned "neighbourhood centre" in the area – Glenageary Neighbourhood centre to the north of the application site, Sallynoggin Road Lower Neighbourhood centre located on the north west of the application site and Church Place to the southeast. A nearby Londis and Daybreak have recently closed close to the site indicating that the RIA was overly optimistic in its assessment of the expenditure available to the proposed development.
- The proposed development will negatively impact on Dundrum and Dun Laoghaire Town Centres. The proposal is similar to D14A/0113 refused by the planning authority because; *inter alia*, its impact on Dun Laoghaire Town Centre. The application has not had regard to the sequential approach required by the RPS and has not considered the impact of falling population in the area.

- The proposal is a single storey box format with car parking located prominently to the front of the site which has not had regard to the advice set out in the Retail Design Manual accompanying the RPGs.

## **6. APPLICANT'S RESPONSE TO APPEAL**

The applicant responded to the appeal as follows;

- The four appeals are from commercial competitors and should be dismissed as vexatious.
- The planning authority has started preparation of an LAP which will be completed in the lifetime of the next CDP (i.e. 2016-2022) but it would be unfair to prevent redevelopment of the site pending the adoption of such an LAP.
- The proposed development provides 85 car spaces; 71 regular spaces, 5 for disabled drivers and 9 for parent/child parking. The proposal is within 145m of a bus stop and therefore the standard of 1 space/20m<sup>2</sup> of retail floor space has been applied. This parking provision is sufficient.
- The RPGs do not define what a small supermarket is. The proposed store is 1,254m<sup>2</sup> which is less than 1/3 of the 4,000m<sup>2</sup> the Guidelines set as the upper limit for convenience shops in Dublin. The application complies with the advice in relation to the size of shops in neighbourhood centres set out in the Retail Strategy for the Greater Dublin Area.
- The RPGs provide that where a planning authority is satisfied that retail developments accord with development plan policy no additional studies/sequential approach evidence need be submitted.

## **7. PLANNING AUTHORITY'S RESPONSE TO APPEAL**

The planning authority responded to the appeal stating that the proposed development complies with the policies and objectives set out the County Development Plan, is well designed and appropriately located on Pearse Street.

## 8. FURTHER SUBMISSIONS

Tesco commented on the other appeals as follows;

- The proposal is premature pending the adoption of an LAP,
- A standalone foodstore at this location will negatively impact on nearby higher order centres.
- The population in the area is declining,
- The standard of urban design adopted is unacceptably low.

## 9. OBSERVATIONS

The Killiney Shopping Centre Management Company made the following submission;

- The proposal is premature pending the adoption of a LAP for Sallynoggin.
- The proposal does not comply with the Neighbourhood Centre zoning of the site since it provides a single use development.
- The size of the proposed development is not a 'local' shop as envisaged for neighbourhood centres in the RPGs.
- The proposal includes an over-provision of car parking which detracts from the design standard required by the Retail Design Manual.

## 10. PLANNING POLICY FRAMEWORK

The **Dun Laoghaire Rathdown County Development 2010 – 2016** is the relevant County Development Plan for the area.

Policy UD1 Urban Design Principles provides that;

“It is Council policy to ensure that development is designed to a high qualitative standard and promotes the creation of good places. The Council will apply the guidance set out in the Urban Design Manual – A Best Practice Guide (2009), and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity,

variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, and detailed design”.

Policy RET 1 - Retail Planning Guidelines provides that;

It is the policy of the Council to have regard to the Retail Planning Guidelines for Planning Authorities (2005) in determining planning applications for retail development.

Policy Ret 7 - Neighbourhood Centres provides that;

“It is Council policy to encourage the provision of an appropriate mix, range and type of uses – including retail and retail services in areas zoned objective ‘NC’ subject to the protection of the residential amenities of the surrounding area”.

The most recent **Retail Planning Guidelines for Planning Authorities** was published in April 2012 and is accompanied by a Design Manual.

## **11. PLANNING ASSESSMENT**

This assessment will consider;

- (1) County Development Plan objectives for the site,
- (2) Retail planning policy in so far as it relates to the proposed development,
- (3) prematurity pending the making of a Local Area Plan,
- (4) Urban design.
- (5) Traffic and parking,

### **11.01 County Development Plan Policy**

**11.02** The site is zoned NC “to protect, provide for and/or improve mixed-use neighbourhood centre facilities” in the County Development Plan. ‘Discount food store’ is permitted in principle within this zone. Furthermore it is the policy of the planning authority (Policy Ret - 7) “to encourage the provision of an appropriate mix, range and type of uses

– including retail and retail services in areas zoned objective ‘NC’ subject to the protection of the residential amenities of the surrounding area”.

**11.03** When assessing if the proposed development would comply with the zoning objective it is appropriate to look at the area zoned for neighbourhood centre as a whole. There is already a mix of uses in the area zoned neighbourhood centre with a preponderance of comparison shopping outlets (furniture, household and garden wares). The proposal will add convenience shopping to this mix in a manner which the existing motor car sales/repair business does not. There is a significant residential hinterland for the proposed use which does not have a supermarket within close walking distance.

**11.04** I conclude that the proposed development accords with the zoning objective for the site and with the overall policy in relation a mix of uses within that zone.

### **11.05 Retail Planning Policy**

**11.06** The appeals make the point that ‘Discount food store’ is not recognized in The Retail Planning Guidelines 2012 (RPGs), that ‘neighbourhood centre’ means a small group of shops which include small supermarket but the proposed supermarket, at 1,270m<sup>2</sup> is not a small supermarket.

**11.07** The RPGs issued in 2001 and 2005 included definitions of ‘discount food store’ as a “single level, self-service store normally of between 1,000 – 1,500 square metres of gross floor space selling a limited range of goods at competitive prices, often with adjacent car parking”. This formula was included in the “permitted in principle” category for lands zoned neighbourhood centre in the County Development Plan when it was adopted in 2010. However this formula was not repeated in the revised RPGs in 2012. It is therefore understandable that the applicant – viewing the zoning provisions in the light of the rubric current in 2010 adopted the formula of ‘discount food store’. Furthermore the County Development Plan states as a policy objective (Policy RET9: Discount Food Stores) that ‘discount food stores’ are suited for location in Major Town Centres, District Centres and mixed use Neighbourhood Centres where they complement the multiplicity of uses.

**11.08** In relation to the size of the proposed supermarket it is clear that the use in the County Development Plan of the designation ‘discount

food store' was used in the same sense as it was in the 2005 RPGs; that such a store would normally be in the range 1,000 – 1,500 square metres of gross floor space. The proposed development, with a 1,717m<sup>2</sup> gross floor area, 1,254m<sup>2</sup> net sales floor areas, is not materially outside that range to a degree which warrants refusal of permission.

**11.09** It is an objective of the County Development Plan (RET 2) that the planning authority will have regard to Retail Planning Strategy for the Greater Dublin Area 2008-2016 and adopt a cautionary position in relation to future retail floor space requirements. The strategy aims at the provision of adequate and suitable retail provision for a changing population pattern, integrated with growth areas and public transport and the avoidance of over-provision in marginal locations which would undermine town centres.

**11.10** The appeals make the point that the proposal has not had regard to the retail planning strategy for the Greater Dublin Area, that it will negatively impact on Dundrum and Dun Laoghaire town centres, on Glenageary Neighbourhood centre to the north of the application site, the retail uses at Sallynoggin Road/Pearse Street junction and the retail uses on Church Place to the southeast.

**11.11** In accordance with the retail planning strategy for the Greater Dublin Area the planning authority has established a retail hierarchy as set out in Table 7.1 in the County Development Plan. Dundrum and Dun Laoghaire are categorised as 'major town centres' in the retail hierarchy and are described in the Plan as having 34,000m<sup>2</sup> and 23,000m<sup>2</sup> of retail floor space respectively and "they have a role beyond simply retailing – both have a vital social, cultural and employment function". Having regard to the location of the proposed development relatively distant from these centres, the relatively modest scale of the proposal, the zoning of the site in the County Development Plan and the quite different uses prevalent in the two designated 'major town centres' over those established and proposed in Sallynoggin neighbourhood centre I conclude that the proposal will not materially impact on the designated 'major town centres'.

**11.12** In relation to the local retail offer I noted during a site inspection the location of the former Daybreak premises at Church Place. It is not possible to draw firm conclusions in relation to why it failed except that it is remote from the cluster of uses on Sallynoggin Road and again is quite different in terms of the retail offer (essential groceries, food-to-go

and great tasting coffee)<sup>1</sup> than to that available at Aldi. In relation to the impact on Centra at Glenagreary roundabout it may be noted that the offer available in Centra differs somewhat from that of Aldi supermarkets and the RPGs make the point that retail planning policy should not be used to limit competition in the retail sector.

**11.13** The parade of shops on the other side of Sallynoggin Road include a fruit and vegetable shop, a 'Euro Saver' shop, a pizza take away and pharmacy, two vacant shop units, a barber shop, a deli, a laundry, two take-a-ways, a ladies' hairdressers and a pet supplies shop and a Powercity outlet (electrical goods). With the possible exception of the fruit and veg shop I do not consider that the proposed development will divert trade from these businesses and will encourage greater footfall in the area.

**11.14** Finally in relation to the view expressed in the appeal that the Retail Impact Statement (RIA) submitted with the application is inadequate I note the advice in the RPGs (see paragraph 4.4) that where an application has demonstrated to the satisfaction of a planning authority that it complies with the policies and objectives of a development plan and/or a retail strategy that, *inter alia*, no additional retail impact studies are required. In this case the site is zoned 'neighbour centre' where discount foot stores are permitted in principle; furthermore I consider that the RIA submitted with the application is reasonably robust and that its conclusion (see submitted RIA paragraph 4.3.3) that at present people in the Sallynoggin area must travel outside the area to do a weekly shopping is reasonable.

#### **11.15 Prematurity pending a Local Area Plan**

**11.16** The County Development Plan (paragraph 3.4.3) states that "it is the intention of the Council to prepare a Local Area Plan for the Sallynoggin area during the lifetime of the Development Plan. The detailed extent of the Local Area Plan boundary is still to be determined". The area zoned 'Neighbourhood Centre' is further marked as being subject to a 'specific local objective 30' and Chapter 17 of the Plan confirms that this indicates an objective on the part of the planning authority "To prepare a Local Area Plan for Sallynoggin".

**11.17** The appeal makes the point that redevelopment of the site is, therefore, premature pending the making of the LAP. The applicant

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<sup>1</sup> From their website <http://www.daybreak.eu/whoweare.html>

counters that it is unreasonable that an applicant should be delayed when there is no time scale for the making of an LAP<sup>2</sup>.

**11.18** The site is part of a larger block of land zoned for neighbourhood centre uses; the proposed development does not materially contravene that zoning and therefore does not contravene the County Development Plan. It is not possible to say what the proposed LAP will contain in relation to this site and the wider lands zoned for neighbourhood centre uses but what is certain, by virtue of Section 19(2) of the Act as amended, that it will not change that zoning objective for the site.

**11.19** Having regard to the zoning objective for the site and to the pattern of retail/commercial development in the area I conclude that the proposed development is not premature pending the adoption of a Local Area Plan in this instance.

### **11.20 Urban Design**

**11.21** The Plan commits the planning authority (Policy UD2: Design Statements) to have regard to the Urban Design Manual – A best Practice Guide (DoEHLG 2009) which accompanied the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities. The Plan (Policy RET 1 - Retail Planning Guidelines) commits the planning authority to have regard to the Retail Planning Guidelines 2005 – these have now been replaced by the Retail Planning Guidelines 2012 and the accompanying Urban Design Manual.

**11.22** The County Development Plan (see Policy UD1 Urban Design Principles) sets out the criteria to be applied in considering the urban design implications of development proposals as context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, and detailed design.

**11.23** The key principles for high quality urban design for retail uses are outlined in the Design Manual accompanying the RPGs 2012 as; respecting the physical, social and economic context of the proposed development, making a contribution to the vitality and viability of the area, improving access and connectivity, encouraging mixed use,

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<sup>2</sup> The applicant references a legal case *Hoburn Homes Ltd vs An Bord Pleanála* which he states is relevant to the present case. I attach a synopsis of that judgement but am not convinced it is relevant in the present case.

creating high quality public realm and adoption of a built form (scale and mass) which contributes to a high standard of urban design.

**11.24** The critique of the proposal set out in the appeal may be summarised as that the proposal is a single storey box format with car parking located prominently to the front of the site which will not contribute to a high standard of urban design as required by the Design Manual.

**11.25** Looking at the site layout plan (see drawing PA 0010 submitted to the planning authority 4<sup>th</sup> April 2014) it is evident that the site has been split into two; the proposed store is located on the north-western ½ of the site while the parking has been located on the south-eastern ½ of the site. There are, at present, two lines of car parking between the Pearse Street boundary and the front elevation of the White and Delahunty Motors premises. The proposed development provides eight ordinary parking spaces and five mobility-impaired spaces along this boundary. Given this distribution of parking within the site I conclude that the criticism of the layout set out in the appeal that the parking is predominantly to the front of the site is inaccurate.

**11.26** The proposal is a conventional 'box' format retail building – however in this respect it mirrors the height and scale of the existing building on site and the height and scale of the adjoining and nearby retail/commercial buildings. It may also be observed that the building line established by the adjoining kitchen appliances shop (shown as the panelling centre on drawing PA 0010) is replicated in the present application. I concur with the planning authority that the amended boundary treatment, submitted on the 30<sup>th</sup> September 2014 as further information, will soften the visual impact of the proposed development and would note in this regard the additional tree planting will contribute to the visual amenity for the area.

**11.27** In relation to improved connectivity the planning authority raised this issue (see item 5 of the further information request) asking the applicant to provide access to adjoining sites. The applicant responded that additional linkages to the front of the site would be of little additional value; I agree with this because an adequate footpath links the application site to adjoining sites. The applicant makes a further point that a pedestrian link through the rear of the site would link a rear lane associated with Woodies DIY store and would be unsafe. However, the applicant has offered, if Woodies were willing to cooperate such a link could be opened up. The planning authority

imposed condition number 4 requiring the reservation of parking space 10 and adjoining green space for such a connection.

**11.28** Following a site visit I can confirm that the area into which such a pedestrian access would lead into Woodie's overflow car park. Nonetheless this may change in the future and I support the planning authority's inclusion of a condition ensuring that future access could be provided.

**11.29** The proposed development includes three signs; two on the elevations and one free standing (see drawing PA0013) submitted with the application on the 4<sup>th</sup> April 2014). The two elevation signs are acceptable. The free standing sign is double sided internally illuminated sign 6m high. The planning authority imposed condition 2 which required the omission of this sign from the proposed development.

**11.30** Signage is an important contributor to the quality of the public realm in this type of application. The proposed free standing sign would add significantly to visual clutter in the area. I concur with the planning authority that the omission of this sign is in the interest of the visual amenity of the area and I recommend draft condition number 3 below requiring its omission from the proposed development. Having regard to the proximity of the proposed development to residential uses and in recognition of the proposal for an LAP for the area I would further restrict exempted advertising as provided for in draft condition number 4.

### **11.31 Parking Provision and Traffic**

**11.32** The appeals make the point that there is inadequate provision of car parking spaces and that the lower standard of car parking provision applicable alongside public transport corridors should not be applied as the site is not within 500m of such a facility. The application makes provision for 85 car parking spaces. The planning authority's Transport Planning Section reported that the parking provision complied with the Development Plan.

**11.33** Table 16.4 in the County Development Plan requires the provision of one space per 10m<sup>2</sup> gross floor area of retail-food provision or one space per 20m<sup>2</sup> in designated areas along public transport corridors. The plan (16.10.6) explains that this lower provision in designated areas alongside public transport corridors is a recognition that in these areas development can operate effectively with less

parking provision. Public transport corridors are quality bus corridor and DART stations.

**11.34** There are two bus stops immediately in front of the site on either side of Pearse Street (the 111 route from Dun Laoghaire to Loughlinstown Town Park and route 7 Mountjoy Square to Cherrywood). There is planned the Cherrywood to Dun Laoghaire QUC which will use the R118/Thomastown Road the Glenageary roundabout and Glenageary Road Upper. I tend to agree with the appellants that the bus stop on Glenageary Road is more than 500m from the site (a point made in the John Rushe Group appeal).

**11.35** Nevertheless having regard to the proximity of city bus based public transport to the site, the proximity of substantial areas of housing in the vicinity which will reduce the demand for car based trips and the desirability of not over-providing for car based transport I consider that the car parking provision is appropriate.

**11.36** The application was accompanied by a transport impact assessment (TIA). This concludes (paragraph 8.0) that the roads and junctions serving the site will operate satisfactorily having regard to the types and levels of traffic likely to be generated by the proposed development. Having regard to the quality of the road network serving the site, the relatively dense housing in the area, the public transport provision in the area and the form of development being proposed I agree with the conclusions of the TIA and conclude that the proposed development will not give rise to traffic congestion.

## **12. RECOMMENDATION**

Having regard to the foregoing I recommend a grant of permission.

### **Reasons and Considerations**

The proposed development is located on lands zoned for neighbourhood uses in the Dun Laoghaire-Rathdown County Council Development Plan 2010-2016 where discount food stores are permitted in principle. Having regard to the zoning objective for the site, to the patterns of residential and retail/commercial development in the area, to the availability of public transport close to the site and subject to compliance with the conditions set out below it is considered that the proposed development will not negatively impact on the retail function of other retail centres, will not injure the residential amenity or visual amenity of the area or give rise to traffic congestion and will otherwise

accord with the County Development Plan and with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 30<sup>th</sup> day of September 2014, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed free standing sign shown on drawing number PA0013 submitted to the planning authority on the 4<sup>th</sup> April 2014 shall be omitted from the proposed development.

**Reason:** In the interests of visual amenity.

3. Car parking space number 10 shown as 'potential future pedestrian connection to adjoining lands' on drawing PA 0010 submitted to the planning authority on the 30<sup>th</sup> September 2014 shall be reserved for future connection to adjoining lands.

**Reason:** In the interests of pedestrian permeability.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

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. All service cables associated with the proposed development shall be located underground.

**Reason:** In the interests of visual and residential amenity.

7. Water supply and drainage arrangements, including the 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.

8. Footpath along Pearse Street shall be dished in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. 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.

**Reason:** In the interests of sustainable waste management.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. 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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Hugh Mannion  
Planning Inspector  
26<sup>th</sup> February 2015