



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P19/376

Appeal by Brickiln Limited care of Stephen Ward Town Planning and Development Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 2nd day of October, 2019 by Clare County Council to grant subject to conditions a permission to Lidl Ireland GmbH care of Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a discount foodstore incorporating an off-licence area; a coffee shop; vehicular access from the Westbury Centre to include a raised, shared surface; car parking (including electric vehicle parking) and cycle parking; all boundary treatment and public realm and new pedestrian access points; ancillary mechanical plant; trolley bay structure; signage; ESB substation building and switch room and all site development works and services including all drainage and related underground works. Photovoltaic panels will also be located on the roof of the foodstore, all located to the north of the Westbury Centre, (Knockballnameath), Corbally, County Clare. (As amended by the further public notice received by the planning authority on the 10th day of September, 2019).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to: -

- (a) the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012,
- (b) the policies and objectives of the Clare County Development Plan 2017-2023 including the Settlement Plan for Athlunkard,
- (c) the pattern of development in the area, and
- (d) the nature, scale and design of the proposed convenience retail unit,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not be prejudicial to public health and would generally be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 2nd day of July, 2019 and the 4th day of September, 2019, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of foul and surface water, shall comply with the requirements of the planning authority for such works and services. In this regard detailed proposals for the disposal of foul and sewage wastewater shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of environmental protection, amenities, public health and safety.

5. The opening hours of the proposed discount foodstore and café shall be restricted to between 0800 hours to 2200 hours Monday to Sunday. Delivery shall not take place before 0700 hours Monday to Saturday or before 0800 hours on Sundays or public holidays. Deliveries shall not take place after 2200 hours on any day.

Reason: To protect the amenities of the area.

6. The external wall finishes of the structure shall be in accordance with the plans and particulars submitted with the application, unless otherwise agreed in writing with the planning authority. Details of the proposed roof shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

7. Comprehensive details of the proposed external lighting system to serve the development including the surface car park shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The agreed lighting system shall be fully implemented and operational prior to the opening of the development.

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

8. No advertisement or advertisement structure including advertising signs, flags, symbols, emblems, logos or other advertising other than the signs indicated in the plans submitted to the planning authority shall be erected or displayed on the building or within the curtilage of a site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. The landscaping scheme submitted to the planning authority shall be carried out within the first planting season following the substantial completion of the construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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.

Reason: In the interest of visual amenity.

10. 20 number bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure adequate bicycle parking is available to serve the development in the interest of sustainable transport.

11. Site development works and construction works shall be carried out only between the hours of 0700 to 1900 Monday to Friday and 0800 to 1400 hours on Saturday and not at all on Sunday or bank holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

12. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. Adequate provision shall be made to facilitate access to and use of the proposed development by people with disabilities. The access and use requirements shall be in accordance with the latest available guidelines from the National Rehabilitation Board at the time of the commencement of development.

Reason: To ensure that all reasonable facilities are provided for the convenience of people with disabilities.

14. No outdoor storage whether temporary or permanent shall take place without a further grant of planning permission.

Reason: In the interest of orderly development and to prevent unauthorised development.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

16. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of works to the Westbury Junction serving the site which will be necessary to facilitate the development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.