

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Meath County

**Planning Register Reference Number: TA/150598**

An Bord Pleanála Reference Number: PL 17.245996

**APPEAL** by Darragh Murtagh of 21 Straffan Crescent, Straffan Woods, Maynooth, County Kildare against the decision made on the 2<sup>nd</sup> day of December, 2015 by Meath County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a single storey discount foodstore (to include off-licence use) with a gross floor area of 1,757 square metres (net retail area 1,254 square metres). The development includes the erection of two number free-standing double-sided internally illuminated signs, one number internally illuminated gable sign and entrance glass signage. The proposed development will be served by 106 number car parking spaces. Vehicular access to the site will be provided from Jonathan Swift Street, pedestrian access is proposed from Watergate Street and Jonathan Swift Street. The proposed development includes all engineering works including a connection pipe for compensatory flood storage to the River Boyne, landscaping works, boundary treatments and site development works on the 0.79 hectare site. The sub-surface remains of Trim Town Wall (a protected structure) is located to the south east of and outside the application site at Watergate Street and Jonathan Swift Street, Trim, County Meath.

## **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 the nature and scale of the proposed development, the town centre zoning of the site in the Trim Development Plan 2014–2020, the central location of the site adjacent to the retail core of the town yet sufficiently removed from the historic town wall and other remains, it is considered that, subject to compliance with the conditions set out below including revisions to the design of the building, the proposed development would be in keeping with the retail strategy for the town, would not seriously injure the visual or other amenities of the town, would be acceptable in terms of traffic safety and convenience, would not give rise to an unacceptable flood risk and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the planning history of the site, the brownfield nature of the site, its strategic location adjacent to the town centre and retail core of Trim yet sufficiently removed from the sensitive historic centre of the town and were satisfied that, subject to revisions to the design of the building as provided for in the further information submitted to the planning authority and as required by condition attached to this Order, the proposed development would be acceptable in terms of the retail strategy for the town, would not seriously injure the amenities of the area or the historic fabric of the town and would 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 11<sup>th</sup> day of November, 2015, 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 design of the proposed building shall be modified to provide for the inclusion of an additional band of rustic stone finish located midway along the south-eastern elevation to match the stone finishes already proposed at either end of this elevation. Details of this modification together with detail of the colour and texture of all external materials and finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

3. The proposed two number free-standing advertising signs shall be omitted from the proposed development.

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

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. (a) Prior to commencement of development, details of spraying over a minimum of three successive years to result in the eradication of invasive alien species on-site specifically Japanese knotweed, shall be submitted to and agreed in writing with the planning authority.
- (b) If an alternative method of control is proposed then a detailed method statement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any works.

**Reason:** To protect the environmental and natural heritage of the area.

6. (a) All of the mitigation measures set out in the Natura Impact Statement submitted to the planning authority on the 12<sup>th</sup> day of June, 2015, as updated by the updated Natura Impact Statement submitted to the planning authority on the 11<sup>th</sup> day of November, 2015 shall be implemented in conjunction with the timelines set out, except as may otherwise be required in order to comply with the conditions attached to this order.
- (b) A suitably qualified Ecological Clerk of Works (ECoW)/(Project Ecologist) shall be appointed to monitor and ensure that all avoidance/mitigation measures outlined in the Natura Impact Statement, final Construction Environmental Management Plan and in the Invasive Alien Species Management Plan are carried out in accordance with best ecological practice and shall liaise with consultants, the site contractor, National Parks and Wildlife Service and Inland Fisheries Ireland (as necessary). A report on the implementation of these measures shall be submitted to the planning authority.

**Reason:** To protect the environmental and natural heritage of the area.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) 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 interest of visual and residential amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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

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

**Dated this            day of            2016.**