

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Kildare County

**Planning Register Reference Number: 15/402**

An Bord Pleanála Reference Number: PL 09.246696

**APPEAL** by Vinand Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin and by Tesco Ireland Limited care of Bilfinger GVA Planning and Regeneration Limited of 2<sup>nd</sup> Floor, Seagrave House, 19-20 Earlsfort Terrace, Dublin against the decision made on the 12<sup>th</sup> day of May, 2016 by Kildare 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:** Development comprising of the following: demolition of the existing buildings to the rear of and adjoining the Protected Structure (the Rye Vale Tavern) and demolition of the Zinc Venue nightclub/function room, change of use of the existing Rye Vale Tavern from public house/residential/office use to office use and associated conservation works to the building, reconstruction of rear and side walls of existing store/bar and solicitors office on Pound Street and change of use of part ground floor and first floor from lounge/nightclub to office use, the construction of a part single storey part two storey discount foodstore (to include off licence use) with a gross floor area of 1,820 square metres (including glazed corridor) and net retail area of 1,254 square metres to the rear of the existing office building on Pound Street. The proposed building has a maximum height of 11.19 metres. Access to the site will be provided via Pound Street and the development will be served by 104 number car parking spaces. The development includes the erection of one free standing double sided internally illuminated sign, two number internally illuminated gable signs, one number internally illuminated special buy sign and entrance glass signage. The proposed development includes all landscaping and site development works on the 0.8058 hectare site, including the provision of a

landscaped plaza area to the front of the proposed entrance to the store from Pound Street, all at The Rye Vale Tavern and 4/5 Pound Street, Leixlip, County Kildare. The Rye Vale Tavern is a Protected Structure, as amended by the revised public notice received by the planning authority on the 15<sup>th</sup> day of April., 2016 as follows: an increase in the proposed gross floor space from 1,820 to 2,005 square metres (including glazed corridor, trolley bay and increase in area of staff facilities), there is no change to the net retail area of 1,254 square metres; amendments to the proposed store elevations and façade including to the Pound Street Elevation; revised signage details and revised site layout including design amendments to the parking and landscaping.

## **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 existing land use on the site and existing site layout,
- (b) the 'Town Centre' land use zoning objective for the site in the Leixlip Local Area Plan 2010,
- (c) the proposed use of the protected Structure for office use,
- (d) the provision of a Discount Food Store and associated car parking to the rear of proposed buildings along Pound Street streetscape,
- (e) the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts, Heritage and the Gaeltacht in 2011, and

- (f) the Retail Planning Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in 2012,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the archaeological heritage and architectural heritage in the area, would enhance the retail offer in the town in a unique and high-profile setting in Leixlip Town Centre, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would in urban design terms enhance the public realm of the of Leixlip. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board completed a screening exercise, taking into account the screening report submitted with the application and the Inspector's report, and submissions on file, in relation to potential impacts of the site having regard to the nature and scale of the proposed development and characteristics of the Rye Water Valley/Carton Special Area of Conservation (Site Code 001398). No Appropriate Assessment issues arise and the Board concluded on the basis of the information available that the application for consent for proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the European site and in particular specific site number 001398 (Rye Water Valley/Carton Special Area of Conservation).

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of April, 2016 and the 15<sup>th</sup> day of April 2016, 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 developer shall fully comply with the following requirements as set out hereunder:-

- (a) In advance of works commencing on the site, the developer shall appoint a qualified and experienced conservation professional to oversee the project, and the appointed professional shall certify the repair works to the protected structure upon completion. The strategy of proposed works to the protected structure as outlined in the Architectural Heritage Response date-stamped 8<sup>th</sup> day of April, 2016 should be drawn up into a specification and methodology by the conservation professional, shall be submitted to the planning authority for approval prior to commencement of works.
- (b) The specified repair works to the protected structure, and boundary features shall be undertaken and completed to the satisfaction of the planning authority concurrent with construction of the retail outlet. The retail unit shall not be open to the public until such time as the required works to the protected structure and boundary features are completed to the satisfaction of the planning authority.
- (c) Prior to commencement of development, the developer shall provide an interior and exterior architectural inventory of B11-31 (National Inventory of Architectural Heritage 11804040) and research its architectural associations with B11-32. This is required to inform the proposed conservation and reinstatement works of the Protected Structure and shall be submitted for the written agreement of the planning authority.

**Reason:** To ensure the continued preservation of the Protected Structure and the Architectural Conservation Area.

3. All external finishes shall be in accordance with the revised drawings submitted on the 8<sup>th</sup> day of April, 2016.

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

4. (a) The proposed externally illuminated corporate sign on the side gable of the front elevation shall be omitted from the development.
- (b) Prior to the commencement of the development, the developer shall submit to, and approve in writing ALL signage and advertisements associated with the elevations of the proposed development.

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

5. Notwithstanding the provisions of the Planning and Development Regulations 2001 or any statutory provision amending same, 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, other than those agreed under condition number 4 above, unless authorised by a further grant of planning permission.

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

6. 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. Surface water run-off shall not be allowed to discharge onto the public road or onto adjoining properties. The development shall not become operational until such time as the storm sewer network has been installed and connected to the public storm sewer to the satisfaction of the planning authority.

**Reason:** In the interest of orderly development.

7. All service cables associated with the proposed development as revised (such as electrical, telephone, street lighting cables) and any existing power lines traversing and/or bounding the site, shall be run underground in ducting of appropriate size and quality within the site and shall follow the line of the access road into the site.

**Reason:** In the interest of orderly development and visual amenity.

8. The proposed development shall not be open to the public outside the hours of 08.00 to 21.00 Monday to Saturday inclusive, nor outside the hours 10.00 to 19.00 on Sundays or public holidays. Deliveries shall not take place before the hour of 08.00, Monday to Saturday inclusive, nor before the hour of 08.00 on Sundays and public holidays, nor after 19.00 on any day.

**Reason:** To prevent noise nuisance in the interest of the amenities of the area including residential amenity.

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

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

10. Parking and access arrangements for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of any works on site and shall include details of the proposed pedestrian crossing along Pound Street. All works shall be at the developer's expense.

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

11. The internal road network serving the proposed development including loading bay, junctions, parking area, footpaths and kerbs, and the surface finishes and markings, shall comply with detailed standards of the planning authority for such works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

12. (a) Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a detailed design for the provision of pedestrian crossing for the development. The cost of the design and implementation of these works shall be borne solely by the developer. The agreed pedestrian crossing shall be constructed and implemented prior to the opening of the development.
- (b) Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a detailed design for the provision of traffic calming measures for Old Hill, Pound Street and Rye bridge area. The cost and design of these works shall be borne solely by the developer. The agreed traffic calming measures shall be constructed and implemented prior to the opening of the development.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

13. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. No display or storage of goods, produce, waste, plant, packaging or crates, machinery or equipment shall be stacked or stored on this site at any time except within such buildings or storage areas as may be agreed in writing with the planning authority prior to commencement of development.

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

15. No shelving/advertising shall abut the glazed façade along the northeast elevation (to Pound Street). The glazing of all windows in the development shall remain transparent and free from advertising.

**Reason:** In order to deliver an attractive and animated frontage to the streetscape, to avoid advertising clutter and in the interests of visual amenity and preservation of the Architectural Conservation Area.

16. 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 including trial trenches and test pits, 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.



17. All solid household waste from the development shall be offered for collection to a waste contractor in possession of a valid waste collection permit either under the Waste Management (Collection Permit) Regulations 2001 or the Waste Management (Collection Permit) Regulations 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008 whichever may be relevant.

**Reason:** In the interest of public health, to avoid pollution and to ensure proper standard of development.

18. 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 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, 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.**