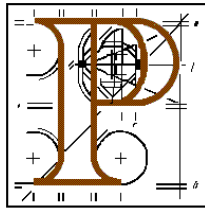


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Louth County

Planning Register Reference Number: 15/716

An Bord Pleanála Reference Number: PL 15.246710

APPEAL by Tesco Ireland Limited care of Bilfinger GVA of 2nd Floor, Seagrave House, 19-20 Earlsfort Terrace, Dublin against the decision made on the 13th day of May, 2016 by Louth County Council to grant subject to conditions a permission to Lidl Ireland GmbH care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (1) The demolition of existing single storey licensed discount foodstore with ancillary off-licence sales measuring 1,778 square metres gross floor space with a net retail sales area of 1,286 square metres, (2) the construction of a two-storey mono-pitch licensed discount foodstore with ancillary off-licence sales measuring 2,834 square metres gross floor space with a net sales area of 1,685 square metres, (3) redevelopment and reconfiguration of existing car park to provide 158 number parking spaces (and 10 number bicycle parking spaces), (4) the proposed development is to be accessed via existing pedestrian and vehicular accesses on the Industrial Estate Access Road, with the existing pedestrian access along Donore Road to be replaced with a relocated ramped access, and will be serviced via existing infrastructure connections, and (5) provision of associated free standing and building mounted signage, free standing trolley bay and enclosure, refrigeration and air conditioning plant and equipment, hard and soft landscaping, boundary treatments and all other associated and ancillary works above and below ground level. All on a site of 0.87 hectares at Lidl, Donore Road, Drogheda, County Louth.

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 existing pattern of development in the vicinity of the site, the zoning provisions of the site as set out in the Drogheda Borough Council Development Plan 2011-2017, the planning history of the site and the provisions of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012, it is considered that, subject to compliance with the conditions set out below, the proposed development 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 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 on the 20th 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 external wall finishes of the development shall be in accordance with plans and elevation drawings submitted, unless as otherwise agreed in writing with the planning authority. Roofs shall be blue black/dark grey in colour.

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

3. Comprehensive details of the proposed lighting system to serve the development 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 proposed development.

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

4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. (a) Landscaping shall be carried out in accordance with the 'Landscape Design Plan', as per Drawing Number 018014_DD_01 Rev A and Drawing Number 018014_LP_02 Rev A, submitted to the planning authority on the 20th day of April, 2016. The soft landscaping shall be completed prior to the opening of the proposed development to the public.
- (b) 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.

6. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

7. The following requirements of the planning authority shall be strictly adhered to:
- (a) Existing defective and settled paving flags and paving bricks across the site entrance shall be replaced on a sound structural base.
 - (b) Red tactile paving flags at the site entrance shall be replaced with buff coloured paving flags in accordance with Traffic Management Guidelines issued by the Department of Transport, Tourism and Sport in June, 2012.
 - (c) Prior to the opening of the proposed development to the public, the attenuation system and discharge control device shall be checked by a specialist and the discharge shall be set at greenfield rates (Qbar) and the discharge rate shall be confirmed by an assigned certifier.

Reason: In the Interest of orderly development and traffic safety.

8. The proposed 28 number bicycle parking spaces shall be provided within the site as indicated on 'Proposed Site Layout Plan', Drawing Number 1002 PL.3 submitted to the planning authority on the 20th day of April, 2016.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of orderly development.

11. 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 and to ensure a proper standard of development.

12. 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.

13. The proposed store shall not operate outside the hours of 08.00 and 22.00 Monday to Saturday inclusive and 09.00 and 21.00 hours on Sundays.

Reason: In the interest of residential amenity.

14. 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 traffic management measures.

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

15. 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. 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 provision of the Waste Management Plan for the Region in which the site is situated.

16. 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 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.

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

Dated this day of 2016.