

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Offaly County

Planning Register Reference Number: PL2/16/159

An Bord Pleanála Reference Number: PL 19.247229

APPEAL by Tesco Ireland Limited care of GVA of 2nd Floor, Seagrave House, 19-20 Earlsfort Terrace, Dublin and by Lidl Ireland GmbH care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo against the decision made on the 6th day of September, 2016 by Offaly County Council to grant subject to conditions a permission to the said Lidl Ireland GmbH in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development comprising: (1) the demolition of existing single storey discount foodstore with ancillary off-licence sales, with a total gross floor space of 1,262 square metres and a net retail sales area of 990 square metres; (2) the demolition of existing single storey office building measuring approximately 192 square metres on adjoining lands; (3) the construction of a two storey mono-pitch licensed discount foodstore (on an extended site of 0.71 hectares incorporating adjoining office site, increased from existing 0.577 hectares) with ancillary off-licence sales, with a total gross floor space of 2,624 square metres and a net retail sales area of 1,424 square metres; (4) redevelopment and reconfiguration of existing car park; (5) the proposed development is to be accessed via the existing main vehicular access on the Clonmullen Industrial Estate Road, with the closure of the existing secondary (northern) vehicular access to the site, and a new pedestrian access to Dublin Road, and will be serviced via existing infrastructure connections and (6) 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 at Dublin Road, Edenderry, County Offaly.

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, which replaces the existing store with an enhanced design and layout, the modest scale of the additional retail area to be provided relative to the level of existing retail in the vicinity, the Business/Employment zoning objective for the area as set out in the Edenderry Local Area Plan 2011-2017 whereby retail use is open for consideration, and the pattern of development in the vicinity generally, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to the provisions of the Development Plan or of the Local Area Plan, would not seriously injure the character and amenities of the area or of property in the vicinity, would not detract from the vitality or viability of the town centre, and would be acceptable in terms of traffic safety and convenience. 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 on the 12th day of August, 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.
 - (1) The eastern elevation to the car park shall be revised to alleviate the bulky and monolithic design in high quality materials.
 - (2) Suitable tree and/or hedgerow planting shall be provided to assist in screening the eastern elevation of the building.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ameliorate the poor design of the eastern elevation in the interest of visual amenity.

3. 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,

- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, and
- (e) details of the finishes to the area between the proposed boundary line and the public road along the R402.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 4. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 5. The proposed totem sign shall be reduced in scale to 4.5 metres in height and 1.2 metres in width. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 6. The proposed shopfront shall be in accordance with the following requirements:
 - (a) No additional signage other than that shown on the submitted drawings shall be erected on site.
 - (b) External roller shutters shall not be erected. Any internal shutters shall be only of the perforated type, coloured to match the shopfront colour.

- (c) No adhesive material shall be affixed to the windows or the shopfronts.

Reason: In the interest of visual amenity.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs other than those specifically authorised by this permission, (including any signs installed to be visible through the windows), advertisement structures, banners, awnings, canopies, flags, or other projecting elements shall be displayed or erected on the buildings 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.

8. The proposed development shall not operate outside the hours of 08:00 to 22:00 on Monday to Saturday, or 9:00 to 21:00 on Sundays and public holidays.

Reason: In the interest of clarity.

9. 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.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. All service cables associated with the proposed development (such as electrical, telecommunications and lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

12. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

13. A plan containing details for the management of waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

14. 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.

Reason: In the interest of sustainable waste management.

15. 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.

16. The developer shall pay to the planning authority a financial contribution of €36,736 (thirty six thousand, seven hundred and thirty six euro) 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. The application of any indexation required by this condition 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.

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.

17. The developer shall pay the sum of €14,960 (fourteen thousand, nine hundred and sixty euro) (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), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of improvement works to the Clonmullen Link Road junction with the R402 incorporating the upgrading of a roundabout to traffic signals. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: In the interest of the safety and convenience of pedestrian and vehicular traffic accessing the site, having regard to the increased traffic levels arising from the proposed development.

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

Dated this day of 2017.