



Planning and Development Acts 2000 to 2017

Planning Authority: Louth County Council

Planning Register Reference Number: 16935

Appeal by the Retail Grocery Dairy and Allied Trades Association (RGDATA) care of Tara Buckley of Rock House, Main Street, Blackrock, County Dublin against the decision made on the 20th day of February, 2017 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: Construction of a new discount foodstore with ancillary off-licence sales on an overall site measuring 0.93 hectares. The proposed development comprises:

1. Demolition of existing single storey licensed discount foodstore with ancillary off-licence sales measuring 1,633 square metres gross floor space with a net retail sales area of 1,159 square metres.
2. Construction of a two-storey mono-pitch licensed discount foodstore with ancillary off-licence sales measuring 2,906 square metres gross floor space with a net retail sales area of 1,690 square metres.

3. Redevelopment and reconfiguration of existing car park to provide 159 number parking spaces and extension of existing overall site area from 0.80 to 0.93 hectares.
4. The proposed development is to be accessed via existing vehicular access, and will be serviced via existing infrastructure connections.
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, public lighting, surface water attenuation, cycle parking, pedestrian access, boundary treatments and all other associated and ancillary development and works above and below ground level,

all at Lidl, M1 Retail Park, 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

It is considered that the proposed development, having regard to the pattern of development in the area, the Guidelines for Planning Authorities on Retail Planning issued by the Department of Environment, Community and Local Government in April 2012, the established convenience retail use on site and the Louth County Retail Strategy 2015 to 2021 and subject to compliance with the conditions set out below would be an appropriate form of development at this location, would not seriously injure the amenities of the area or of property in the vicinity 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, 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 net retail sales area for the proposed development shall not exceed 1,690 square metres.

Reason: In the interest of clarity.

3. The external wall finishes of the development shall be in accordance with plans and elevation drawings submitted with the application, 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 the proper planning and sustainable development of the area.

4. 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 commencement of development. The agreed lighting system shall be fully implemented and operational, prior to the opening of the commercial development.

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

5. 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. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs other than those authorized by this grant of permission, advertisement structures, banners, awnings, canopies, flags, or other projecting elements shall be displayed on the building or erected within the curtilage of the site, without a prior grant of planning permission.

Reason: In the interest of visual amenity.

6. (a) Landscaping shall be carried out in accordance with the landscape plan indicated in drawing number 036716-LP-01 Revision B submitted to the planning authority on the 23rd day of December, 2016. The soft landscaping shall be completed prior to the opening of the commercial development.
- (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.

7. 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.

8. Details of all cycle parking to be provided on site shall be agreed in writing with the planning authority prior to commencement of development and shall be incorporated in the form of a "Sheffield stand" cycle parking bay as indicated on drawing number 1400 Revision PL1 submitted to the planning authority on the 23rd day of December, 2016.

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

9. Site development and construction works shall be carried out only between the hours of 0800 hours to 2000 hours Monday to Friday and 0800 to 1600 hours on Saturday and not at all on Sundays or Bank Holidays. Deviation from these times will 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. 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.

11. 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.

12. 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.

13. 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.

14. The proposed store shall not operate outside the hours of 0800 and 2200 Monday to Saturday inclusive and 0900 and 2100 hours on Sundays.

Reason: In the interest of residential amenity.

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 noise management measures and traffic management measures.

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

16. Details of all boundary treatment along the perimeter of the site and along all boundaries shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

