



An
Bord
Pleanála

Board Order
PL 17.248301

Planning and Development Acts 2000 to 2017

Planning Authority: Meath County Council

Planning Register Reference Number: RA/160805

Appeal by GFK Investments Limited care of Charles Hulgraine Architects of 6 Orchard Avenue, Clonsilla, Dublin and by others and by Express Check Out (Trim) care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 9th day of March, 2017 by Meath County Council to grant subject to conditions a permission to the said Express Check Out (Trim) in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of a two-storey shop, ancillary single storey dwelling and a palisade fence (total demolition circa 181 square metres gross floor area) and the construction of a one-two-storey (circa 8.95 metres overall height) retail development (total gross floor area of circa 3,370.6 square metres) in the form of a convenience supermarket (circa 2,107 square metres gross floor area), four number comparison retail units (circa 169 square metres, circa 109 square metres, circa 136 square metres, and circa 202 square metres respectively), all at ground floor level, gym facility (circa 565 square metres) at first floor with associated ground floor access lobby area (circa 50 square metres), metering switchroom (circa nine square metres), Electricity Supply Board substation (circa 14 square metres) and self-service laundry (9.6 square metres). The anchor supermarket unit will provide

for a net retail floor area of circa 1,390 square metres (gross floor area), including off licence facility, goods store, delivery and loading dock, office accommodation, service yard and entrance lobby. The development shall also provide for 155 number car parking spaces, 48 number bicycle parking spaces, advertising structures and signage (circa 62.2 square metres), new pedestrian connections, new retail square, refuse storage and recycling areas, trolley bays, new vehicular entrance via Navan Road, junction upgrade works and all associated site development, site services and landscape works. All at Navan Road, Dunboyne, County Meath (bounded generally by Old Fairgreen, The Meadows, and Saint Mary's Court Estates.

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 Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012,
- (b) the policies and objectives of the Meath County Development Plan 2013-2019 and the Dunboyne, Clonee and Pace Local Area Plan 2009-2015,
- (c) the existing pattern of development,
- (d) the nature, scale and design of the proposed retail development, and
- (e) the extant permission for a mixed-use development on the site which included retail uses (under An Bord Pleanála appeal reference number PL 17.233530, planning register reference number DA/802292 and extension of time planning register reference number DA/14033),

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would comply with the scale and type of retailing identified for these lands in the applicable planning policy for the area, 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 compatible with the future development of the remainder of the site for residential purposes. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board adopted the Inspector's report in relation to Appropriate Assessment screening and concluded that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and concluded that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

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 6th day of February, 2017 and on the 14th day of February, 2017, 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 proposed 22 number car parking spaces and the laundry unit located along the eastern boundary of the site shall be omitted and this area shall be included as part of the Phase 2 residential development. Revised drawings showing compliance with these requirements, including boundary treatments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To improve the scope for a high quality residential scheme at this location.

3. The proposed retail units shall not operate outside the hours of 0800 to 2200 Monday to Saturday inclusive, nor outside the hours of 1000 to 2100 on Sundays or public holidays. Deliveries shall not take place outside of the hours of trading and shall take place within the confines of the site only.

Reason: To protect the residential amenities of the area.

4. Details, including samples, of the materials, colours and textures of all the external finishes, including external glass, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, samples shall be erected on site where required by the planning authority.

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

5. 133 number car parking spaces shall be provided within the site. The layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate off-street parking provision is available to serve the proposed development.

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 interests of amenity and of traffic and pedestrian safety.

7. Comprehensive details of the proposed external lighting scheme to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All external lighting shall be directed away from the public road and from residential properties in the vicinity. Lighting shall be minimised outside of business hours.

Reason: To protect residential amenities and in the interest of traffic safety.

8. The demolition of the existing building on site and 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, off-site disposal of construction/demolition waste and location of proposed on-site car parking and site compound arrangements.

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

9. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, 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, in particular recyclable materials, in the interest of protecting the environment.

10. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location (residential properties at Saint Mary's Court) between 0800 and 2200 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

11. The proposed shopfronts shall be in accordance with the following requirements:
 - (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
 - (b) lighting shall be by means of concealed neon tubing or by rear illumination,
 - (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
 - (d) external roller shutters shall not be erected. Any internal shutter shall be only of the perforated type, coloured to match the shopfront colour, and
 - (e) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

12. Water supply and drainage arrangements, including the disposal of foul and surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, detailed proposals for the disposal of foul and surface water shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

13. The landscaping scheme as submitted to the planning authority on the 6th day of February, 2017 shall be carried out within the first planting season following substantial completion of external construction works. 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.

14. All service cables associated with the proposed development (such as electrical, telecommunications and 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.

15. The developer shall ensure that access is made available to the remainder of the landholding identified within the planning application for the construction of residential development.

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

16. (a) The signalised junction shall not be permitted. A standard priority T junction shall be provided with a pedestrian crossing facility provided on the access road. The type and location of the pedestrian crossing shall be agreed in writing with the planning authority prior to commencement of development.
- (b) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the proposed contrasting materials, signage and lighting to be used to delineate between vehicular and pedestrian/bicycle movements such that pedestrian and cyclist movements have priority.

Reason: In the interests of traffic and pedestrian/cyclist safety and visual amenity.

