



An
Bord
Pleanála

Board Order
PL 19.248906

Planning and Development Acts 2000 to 2017

Planning Authority: Offaly County Council

Planning Register Reference Number: PL2/16/354

Appeal by Lidl GmbH care of The Planning Partnership of The Coach House, Dundanion, Blackrock Road, Cork against the decision made on the 22nd day of June, 2017 by Offaly County Council to refuse permission for the proposed development.

Proposed Development: Demolition of the existing Lidl Licenced Discount Foodstore (1,255 square metres gross floor area with 997 square metres net retail sales area) and construction of a new mono-pitched Licenced Discount Foodstore with ancillary infrastructure and associated site development works (all totalling 2,680.5 square metres gross floor area and ranging in height equivalent from one to two storeys), at this site of approximately 1.110 hectares, The construction of the proposed new Licenced Discount Foodstore (2,624 square metres gross floor area) comprises of a retail sales area with ancillary off-licence use and bakery (total net retail sales area of 1,424 square metres), entrance pod, public facilities (including lobby and toilets), staff facilities, operational office, storage (including cold storage), stairs and lift to first floor, plant room and delivery area, all at ground floor level; staff welfare (including toilets, change rooms and staff canteen area), roof terrace,

meeting room, IT room, cleaning room, stairs and lift from ground floor, all at first floor level; corporate signage consisting of two number building-mounted corporate internally illuminated signs, one number free-standing internally illuminated totem pole sign at entrance, three number wall-mounted externally illuminated poster panel display boards, and one number free-standing externally illuminated poster display board; one number trolley bay covered structure (56.5 square metres gross floor area); 142 number surface car parking spaces (six number disabled, 12 number parent and child, and 124 number regular); 20 number motorcycle and 24 number bicycle parking spaces; primary vehicular and pedestrian access to the proposed new Licenced Discount Foodstore development will be maintained from the existing vehicular and pedestrian entrance, via the 'Northern Link' (local distributor) Road from the Tullamore Road; secondary pedestrian access will be provided via a new dedicated pedestrian entrance from the Tullamore Road adjacent to the southern boundary of the site; and boundary treatments, hard and soft landscaping, services (including one number below ground attenuation tank) and all other ancillary and associated site development works above and below ground level, all at Tullamore Road, Townparks, Birr, 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 location and existing use of the site, the pattern of development and the character of the area, and the nature, extent and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not represent a poor quality of urban design or seriously injure the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. (a) 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 25th day of April, 2017 and the further information submitted on the 29th day of May, 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.

- (b) The proposed development shall be carried out in accordance with the 'applicant's preferred option' as illustrated in drawing number 1002 PL.14, submitted to the planning authority on the 25th day of April, 2017.

Reason: In the interest of clarity.

2. The proposed development shall be amended to provide for a set-back of not less than nine metres from the south-western boundary of the site. Continuous screen planting of indigenous trees and shrubs shall be provided along this boundary. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: 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.

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 development 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 road works associated with the proposed development including the setting out of the entrances, paving and surface finishes shall be carried out and completed in accordance with the requirements of the planning authority.

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

6. The proposed shopfront to the foodstore 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) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of permission.
- (c) External roller shutters shall not be erected. Any internal shutters shall be only of the perforated type, coloured to match the shopfront colour.
- (d) No adhesive material shall be affixed to the windows or the shopfronts.

Reason: In the interest of visual amenity.

7. No advertisement or advertisement structure other than those shown on the drawing 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 permission.

Reason: In the interest of visual amenity.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, no items associated with refrigeration, ventilation or air conditioning shall be erected or placed on any external surface of the proposed structures without the prior written agreement of the planning authority. Details relating to any items associated with refrigeration, ventilation or air conditioning proposed on any external surface shall be submitted to and agreed with the planning authority and shall also indicate clearly precautions, that is, containment to avoid excessive noise or nuisance to adjoining properties.

Reason: In the interest of the amenity of the area.

9. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of public health and to ensure a proper standard of development.

10. Prior to commencement of development, proposals for the location and form of all public lighting shall be submitted to and agreed in writing with the planning authority. These shall include details of design of individual lamp standards and details of the likely intensity of lighting.

Reason: In the interest of orderly development.

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

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

12. A waste management plan including the provision for the storage, separation and collection of all waste, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the permitted use.

Reason: In the interest of public health and the amenities of the area.

13. 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.

14. 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 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 2017