



An
Bord
Pleanála

Board Order PL 25M.249398

Planning and Development Acts 2000 to 2017

Planning Authority: Westmeath County Council

Planning Register Reference Number: 16/6230

Appeal by Tesco Ireland Limited care of GVA Planning of 2nd Floor, Seagrave House, 19-20 Earlsfort Terrace, Dublin against the decision made on the 18th day of September, 2017 by Westmeath County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a single storey discount foodstore (to include off-licence use) with a gross floor area of 1,757 square metres (net retail area 1,254 square metres). The development includes the erection of one free standing double sided internally illuminated pole sign, one single sided internally illuminated gable sign, one single sided entrance glass sign and one poster sign. Access to the development will be from the R446 and the proposed development will be served by 90 number car parking spaces. The proposed development includes all landscaping, boundary treatment and site development works on the 2.2-hectare site, all to north of the R446 and east of the existing Tesco Supermarket, Kinnegad, County Westmeath. Further public notices were received by the planning authority on the 22nd day of August, 2017 which included the following: The provision of a pedestrian and cycle linkage from the proposed development at Relief Road (R446)

through to Haven Pharmacy, Main Street (R148), an extension to the site boundary to facilitate the connection between the proposed site and Main Street and additional landscaping works.

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 zoning objectives for the area and the pattern of development in the area, 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 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the Appropriate Assessment Screening Report submitted with the planning application, the report of the Inspector and the nature, scale and location of the proposed development, the Board is satisfied 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. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

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 22nd day of August, 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 in accordance with agreed conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

A shared footpath/cycleway shall be provided along the roadway to the east of Gildea's pharmacy, linking to Main Street. The two car parking spaces at the southern end of the roadway shall be removed.

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: In the interest of traffic safety.

3. The direct vehicular access point from the R449 shall be closed once the service road access from the roundabout to the west has been constructed.

Reason: In the interest of traffic safety.

4. The proposed retail unit shall not operate outside the hours of 0800 to 2200 Monday to Saturday inclusive, nor outside the hours of 1000 to 2200 on Sundays or public holidays.

Reason: To protect the amenities of the area.

5. 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.

6. (a) Advertisement signs shall be as shown on the drawings submitted with the application.

(b) No additional advertisement, advertisement structure, freestanding sign, or other projecting elements including flagpoles or banners, shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

8. 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 permission.

Reason: To protect the visual amenities of the area.

9. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground.

Reason: In the interest of visual amenity.

10. 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 traffic and pedestrian safety.

11. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the following:
- (a) Details of all proposed hard surface finishes including samples of the 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 the proposed species and setting. This shall include additional planting at the boundary between the retail unit and the open space zoned lands to the east.
 - (c) Details of proposed street furniture including bollards, lighting, fixtures and seating.
 - (d) Details of proposed boundary treatment at the perimeter of the site including heights, materials and finishes.
 - (e) Details of temporary landscaped areas on the open space zoned lands to the east of the retail unit, as indicated on drawing number 11.31.115 received by An Bord Pleanála on the 15th day of November, 2017.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

12. 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, protection of watercourses, storage of materials, and off-site disposal of construction/demolition waste.

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

13. The developer shall facilitate the archaeological appraisal of the site and provide for the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site (including archaeological testing) and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material,

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. Prior to commencement of development, land required by the planning authority for the construction of the roundabout and associated development on the western boundary of the site (as indicated in the lodged documentation) shall be reserved free from development and shall be marked out on site in consultation with the planning authority.

Reason: In the interest of traffic safety and to prevent the development of this area prior to its use for future road improvements.

15. 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.

