



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 17/469

Appeal by Tesco Ireland Limited care of GVA Planning and Regeneration Limited of 4th Floor, 2-4 Merrion Row, Dublin and by Lidl Ireland GmbH care of McCutcheon Halley of 22/23 Pembroke Street Upper, Dublin against the decision made on the 2nd day of January, 2018 by Wicklow County Council to grant subject to conditions a permission to Lidl Ireland GmbH in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a two-storey building to accommodate a discount foodstore (supermarket) and commercial office space, shared facilities and undercroft parking. The proposal includes the relocation of the existing entrance on Boghall Road and the construction of an entrance on the Killarney Business Park Road and new link road through the AO Smith Site, all on a 1.13 hectares site. The proposed development will comprise the following elements:

- (1) Demolition of the existing industrial premises (circa 4,638 square metres) and security hut (circa 14 square metres);

- (2) Two-storey unit to accommodate a discount foodstore (circa 1,498 square metres), office accommodation (circa 815 square metres), shared facilities (circa 124 square metres) and undercroft parking (1,853 square metres) with a maximum height of circa 10.06 metres including:
- (a) Discount foodstore includes a nett sales floor area of circa 977 square metres including ancillary off-licence sales area, two number entrances (circa 277 square metres), exit corridor (circa 10 square metres), bakery (circa 51 square metres), freezer (circa 36 square metres), warehouse (circa 96 square metres), administration office (circa 10 square metres), storage (circa three square metres), lobby (circa six square metres), IT and CCTV rooms (combined circa 20 square metres), lift (circa 10 square metres) and welfare facilities (circa four square metres),
 - (b) Office accommodation including office space 1 and 2 (combined circa 541 square metres), entrance (circa 45 square metres), two number staircore (combined circa 31 square metres), lift (circa 10 square metres), two number facility rooms (combined 41 square metres), reception (circa 54 square metres), three number lobbies and corridor (combined circa 93 square metres),
 - (c) Shared facilities including canteen (circa 58 square metres) and welfare facilities (66 square metres),
 - (d) Undercroft with 65 number car parking spaces;
- (3) Repositioned pedestrian and vehicular access at Boghall Road and a new pedestrian and vehicular access at Killarney Road Business Park road and link road (circa 217 metres) through the AO Smith Site;

- (4) The proposed development also provides for surface level car parking (75 number spaces) and bicycle parking (70 number spaces), external loading dock (circa 45 square metres), service yard area, one number external plant room (circa 42 square metres), nine number advertising signs (total area circa 48.455 square metres), retaining wall (circa 31.17 metres length and max circa 2.24 metres high), hard and soft landscaping, lighting, attenuation and drainage and all ancillary site development works,

all at AO Smith Site, Boghall Road, Bray, County Wicklow.

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, its location on a brownfield site and the zoning objectives for this area as set out in the Bray Municipal District Local Area Plan 2018 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the opinion of the planning authority and it is considered that, the proposed development represented an acceptable level of development on the site and would not prejudice the objectives of the Master Plan which includes the adjoining lands.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment 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 on the 1st day of December, 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 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.

3. 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.

4. (a) A minimum of 134 number car parking spaces shall be provided within the site. Each space shall be satisfactorily surfaced and lined with white durable material.
- (b) The surface car park shall be used to facilitate the parking demand generated by the proposed development and the future development of the remainder of the lands within opportunity site no. 7 (as delineated in the Bray Municipal District Local Area Plan 2018). A minimum of 37 number spaces shall be open and available for use at all times by the staff and customers of any development within the opportunity site. These spaces shall not be reserved solely for use by the proposed Lidl/office development.
- (c) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a plan of the surface car park detailing the 37 number spaces that are to be made available to meet the requirements of (b) above.

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

5. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority detailed proposals for the design and implementation of the pedestrian link between the proposed development and the adjoining neighbourhood centre. Unless otherwise agreed in writing with the planning authority, the agreed works shall be completed prior to the occupation of the development.

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

6. Prior to commencement of development, the new access road from the Killarney Business Park Road serving this site shall be completed to the written satisfaction of the Road Authority and shall be open and available for use.

Reason: To ensure that multiple access points are provided for users of the proposed development, to enhance permeability through the site and in the interest of proper planning and sustainable development.

7. 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.

8. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details of the retaining wall to the plaza at the south-east corner of the site and its relationship with the underlying sewers. The details submitted shall include a method statement to demonstrate how the proposed retaining wall can be constructed without interfering with the existing sewers. All details shall comply with the written requirements of the planning authority.

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

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

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. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities, 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.
- (b) This plan shall provide for a screened bin store, the location and design of which shall be included in the details to be submitted.

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

12. 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.

Reason: In the interest of visual amenity.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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.

15. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the upgrade of Killarney Road/Boghall Road Junction. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

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

Dated this day of 2018.