



Planning and Development Acts 2000 to 2018

Planning Authority: Galway County Council

Planning Register Reference Number: 17/1320

Appeal by Lidl Ireland GmbH care of The Planning Partnership, McHale Retail Park, Castlebar, County Mayo and by RGDATA of Mentec House, Pottery Road, Dún Laoghaire, County Dublin against the decision made on the 29th day of January, 2018 by Galway County Council to grant subject to conditions a permission to the said Lidl Ireland GmbH in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new Discount Foodstore with ancillary off-licence sales. The proposed development comprises: 1) The demolition of existing single storey licensed Discount Foodstore with ancillary off-licence sales measuring 1,760 square metres gross floor space with a net retail sales area of 1,286 square metres; 2) The construction of a single storey mono-pitch licensed Discount Foodstore with ancillary off-licence sales measuring 2,482 square metres gross floor space with a net retail sales area of 1,670 square metres; 3) Redevelopment and extension of existing carpark, and extension of existing overall site area from 0.67 to 1.12 hectares; 4) The closure of existing vehicular access and creation of pedestrian access; 5) The redeveloped site will be accessed via proposed upgraded shared vehicular

access to Steeltech Sheds and permitted filling station, forecourt and 'drive thru' facility (Planning Register Reference Number 16/437 refers)- permission to be sought for same under separate concurrent planning application; and 6) Provision of associated car parking, 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, boundary treatments. connections to services, and all other associated and ancillary development and works above and below ground level, development at Galway Road, Tuam, County Galway.

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 scale and nature of the existing development on the site and to the scale, nature and limited extent of increased net retail sales area; to the site location within the development area of Tuam Town, the zoning objective BE, Business and Enterprise and policies and objective in the Tuam

Local Area Plan 2011- 2017, and to the established pattern and character of existing development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the vitality and viability of Tuam Town centre, would not seriously injure the visual amenities of the area and would be acceptable in terms of pedestrian and 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 as amended by the further plans and particulars submitted on the 19th day of January, 2018, 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 development shall not open for business until the access road permitted under An Bord Pleanála appeal reference number ABP-300997-18 (planning register reference number 17/1321), has been completed to the written satisfaction of the planning authority and that the works to the regional road R942, for which a financial contribution is required under condition number 6 of that permission, have been completed.

Reason: In the interest of orderly development.

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 and shall relate to the access permitted under An Bord Pleanála appeal reference number ABP-300997-18 (planning register reference number 17/1321). 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. The car park shall include a permeable surface.
 - (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. Palisade fencing shall not be permitted to the front of the building along the north, north-east or north-west boundaries.

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

Reason: In the interest of visual amenity.

4. 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.

Reason: To ensure adequate servicing of the development and to prevent pollution.

5. 20 number bicycle parking spaces shall be provided within the site in a covered stand. The layout and demarcation 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 bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements other than those shown on the submitted drawings, shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

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

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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.

8. 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.

9. No goods, raw materials or waste products shall be placed or stored between the front of the building and the road.

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

10. 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: -

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate queuing of construction traffic on the adjoining road network.

- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

11. The developer shall pay to the planning authority a financial contribution of €49,640 (forty nine thousand, six hundred and forty euro) 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. The application of any indexation required by this condition 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.

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.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.