



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: RA/180255

Appeal by Maura Murphy Jensen of Georgian House, Main Street, Dunshaughlin, County Meath and by Paul Healy care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin against the decision made on the 12th day of March, 2019 by Meath 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: Proposed development will consist of the demolition of the existing building on site and the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1,638 sq.m. (net retail area 1,152 sq. m.). The development includes the erection of 2 no. free standing double sided internally illuminated signs, 1 no. internally illuminated gable sign, 1 no. poster sign and entrance glass signage. The proposed development will be served by 90 no. car parking spaces. The proposed development includes vehicular access from Lagore Road and pedestrian access from Main Street. The proposed development includes all engineering works, landscaping works, boundary treatments and site development works on the 0.66 hectare site as amended by the further public

notice received by the planning authority on the 13th day of February, 2019 and the 14th day of February, 2019 all at Lagore Road and Main Street, Dunshaughlin, County Meath.

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

The subject site is situated directly adjoining Dunshaughlin Town Centre. It is considered that the proposed development would comply with the zoning objective for the site, and having regard to its detailed design and subject to compliance with the conditions set out below, would be acceptable in terms of urban design, pedestrian and traffic safety, would not be prejudicial to public health, and would not adversely affect archaeological heritage or the character of the area or protected species. 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 6th day of February 2019, 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. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
 - (a) boundary treatment along the public road, including footpaths, cycleways, drainage and public lighting, and
 - (b) detailed design of the Lagore Road/St. Seachnaill's Road junction.

Reason: In the interest of traffic safety.

3. A Road Safety Audit (4 stages) shall be completed and incorporate all recommendations into the proposed development. Should this result in changes to the submitted layout, the revisions shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

4. Other than the signage shown on the submitted drawings and 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 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: To protect the visual amenities of the area.

5. 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.

6. Mitigation measures set out in the Archaeological Testing Report, submitted to the planning authority on the 6th day of February, 2019, shall be implemented in full.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

7. Mitigation measures set out in the Bat Assessment submitted to the planning authority on the 6th February 2019, shall be implemented in full.

Reason: In the interest of nature conservation and biodiversity.

8. The site, including the car parking area and boundaries, shall be landscaped, in accordance with details submitted to the planning authority on the 6th day of February, 2019, final details of which shall be agreed in writing with the planning authority prior to the commencement of development and shall include a timescale for implementation. 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.

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. 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.

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

11. 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.

12. The noise level shall not exceed 55 dB(A) rated sound level (Leq, 15 minutes) at the nearest noise sensitive locations between 0800 and 2000 hours, Monday to Friday inclusive, and between 0800 and 1400, on Saturdays, and shall not exceed 45 dB(A) at any other time. There shall be no clearly audible tonal component or compulsive component in the noise emission from the site at any noise sensitive location. 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 amenities of property in the vicinity of the site.

13. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

14. 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) details of the timing, routing and number of construction traffic vehicles to and from the construction site and associated directional signage,
- (b) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (c) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil (including any soils which are found to be contaminated),
- (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and
- (e) details of site security fencing and hoardings;

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

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

15. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

16. 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, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

17. No development, exempted or otherwise, shall be erected over the public sewer, drain or watermain.

Reason: In the interest of public health.

18. The hours of operation shall be between 0800 hours and 2200 hours Monday to Saturday and between 1000 hours and 2200 hours on Sunday and public holidays.

Reason: In the interest of the amenities of property in the vicinity.

19. All existing overhead wires bounding or crossing the subject site shall be undergrounded as part of the site development works/Lagore Road improvement works to the requirements of the relevant Utility Companies.

Reason: In the interests of visual amenity.

20. Ten per cent of the parking spaces serving the proposed development shall be provided with electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.”

Reason: in the interest of sustainable transportation

21. 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.

22. 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 road infrastructural improvement works on Lagore Road over the life of the operation of the development. 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.

Terry Ó Niadh

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

Dated this day of 2019.