



Planning and Development Acts 2000 to 2019

Planning Authority: Carlow County Council

Planning Register Reference Number: 19/36

Appeal by Patrick Dillon of 2 Eastwood, Bagenalstown, County Carlow and Tom Connolly care of Braniff Associates of 5 Windsor Avenue North, Malone Road, Belfast, Northern Ireland against the decision made on the 23rd day of January, 2020 by Carlow County Council to grant subject to conditions a permission to Lidl Ireland GmbH care of Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a single storey supermarket including an off-licence sales area (Gross Floor Area (GFA) of 2,268 square metres; a coffee shop (GFA 210 square metres); plaza and enhanced public realm and landscaping and single point of vehicular access and egress off and to the Royal Oak Road; an ESB sub-station building (GFA 23 square metres); bin storage unit of (circa GFA 6 square metres); the provision of car and cycle parking and two electric vehicle charging spaces; trolley bay (GFA 38 square metres); boundary treatments, hard and soft landscaping, drainage and underground services and associated site development works as required. The development includes all signage, all at Royal Oak Road, Moneybeg, Bagenalstown, County Carlow, as amended by the revised public

notice received by the planning authority on the 19th day of December, 2019 as follows: a revised layout of the proposed development including a smaller supermarket of 1,530 square metres (with off-licence sales area) and larger coffee shop of 250 square metres, retaining trees along Hurley's Lane and enhanced treatment along this boundary and enhanced public realm and landscaping across the wider site. Movement of the proposed access further west and the relocation of the access to West House. The development now also includes revised treatment off the foodstore and coffee shop with revised hard and soft landscaping.

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 provisions of the Retail Planning Guidelines issued by the Department of the Environment, Community and Local Government in May 2012, the Carlow County Development Plan 2015-2021, the Muine Bheag/Royal Oak Local Area Plan 2016-2022 and the 'A' Town Centre zoning that applies to the site, to the location of the site within an established retail/urban development and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the existing retail, residential or 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. 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 10th day of December 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. The proposed development shall be amended as follows:
 - (a) The boundary walls on the western and southern boundaries shall consist of random rubble stone walls of two metres in height.
 - (b) Full details of the pergola feature shall be provided.
 - (c) The two Electric Vehicle Parking spaces shall be located adjacent to the plaza area, replacing proposed parking spaces.
 - (d) Suitably covered bicycle parking spaces shall be provided.

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 visual amenity and in the interest of sustainable transport provision.

3. Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/finishes of the two units in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.

Reason: In the interest of visual amenity.

4. (a) Full details of all shopfront/coffee shop signage shall be submitted for the written agreement of the planning authority prior to the operation of these units.
- (b) Signage shall only be illuminated during the hours of operation of these units.

Reason: In the interests of visual and residential amenity.

5. 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.

6. No external security shutters shall be erected on the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

Reason: In the interest of visual amenity.

8. Opening hours of the supermarket and the coffee shop shall be between Monday – Sunday 0900 hours (9 a.m.) to 2100 hours (9 p.m.). There shall be no alterations to these times unless authorised by a further grant of planning permission.

Reason: In the interest of clarity and in order to protect the residential amenities of the area.

9. No deliveries shall be taken at or dispatched from the premises outside the hours of 0900 to 2000, Monday to Sunday.

Reason: To protect the residential amenities of the area.

10. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the junction with the public road to the north of the site, shall be in accordance with the detailed standards of the planning authority for such works.
- (b) A Stage 3 Road Safety Audit in relation to all road works including the junction with the public road, shall be prepared and submitted for the written agreement of the planning authority prior to the commencement of development. Any necessary revisions and/or additions shall be submitted to, agreed in writing with, the planning authority.

Reason: In the interests of amenity and of traffic and pedestrian safety.

11. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

12. Water supply and drainage arrangements, including the 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.

13. Prior to commencement of development, the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

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

Reason: In the interest of orderly development and to protect the visual amenities of the area.

15. Measures shall be implemented to prevent the spread of Alien Invasive Species during the construction phase of development. These shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the protection of biodiversity.

16. To ensure full implementation of the proposed landscape plan, the developer shall be required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate shall be signed off by the Landscape consultant when all works are completed and in line with the submitted landscape drawings and shall be in accordance with the Arboricultural Assessment Report in relation to tree/hedgerow retention, protection and monitoring. This completion certificate shall be submitted to the planning authority for written agreement upon completion of works.

Reason: In the interest of amenity.

17. The developer shall facilitate 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,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works,

- (c) carry out licenced metal detection surveys (including the field boundaries to be removed), develop an archaeological and artefact strategy on the basis of the results and in consultation with the Department of Culture, Heritage and the Gaeltacht and the National Museum of Ireland, agree protective measures in advance of site preparation and construction works to ensure the preservation/ protection of archaeological features (burnt mound material) and archaeological monitoring of topsoil stripping (licenced under the National Monuments Acts 1930 to present) and

- (d) a detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard.

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.

18. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity.

19. 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, noise management measures and off-site disposal of construction/demolition waste.

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

20. 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.

21. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

22. 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.

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

Dated this day of 2020.