



Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: 19/251

Appeal by RGDATA of Ground Floor, 71 Lower Baggot Street, Dublin against the decision made on the 10th day of September, 2020 by Galway City Council to grant subject to conditions a permission to Lidl Ireland GmbH care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a part single storey, part two-storey mixed-use development totalling 2,694 square metres gross floor space, including: a licensed discount food store supermarket with ancillary off-licence sales measuring 2,154 square metres gross (net retail sales area of 1,377 square metres), a café/restaurant measuring 197 square metres, a barbers measuring 80 square metres, a nail bar measuring 20 square metres, a physiotherapy clinic measuring 56 square metres, and associated communal areas measuring 187 square metres; and the provision of associated car parking, free standing and building mounted signage, free standing trolley bay and enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft

landscaping, cycle parking, boundary treatments, vehicular and pedestrian accesses, drainage infrastructure and connections to services/utilities, and all other associated and ancillary development and works above and below ground level, all at The junction of Bóthar Stiofáin and Western Distributor Road, Galway, as revised by the further public notice received by the planning authority on the 16th day of January, 2020 and the 14th day of August, 2020.

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 pattern of development in the area, to the provisions of the Galway City Development Plan 2017 - 2023, to the 'CI' zoning objective for the site, to the planning history of the site and to the nature, layout and design of the proposed development, as submitted with further information to the planning authority on the 24th day of July, 2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate land use and design response at this location, would not seriously injure the amenities of the area or of property in the vicinity, would not adversely impact on the vitality or viability of convenience retail stores in the wider area or in Galway City Centre and would be acceptable in terms of pedestrian and traffic safety. 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 30th day of December, 2019 and the 24th day of July, 2020, 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall comply with the National Pollinator Plan, shall use only indigenous deciduous trees and plant species, and 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;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species, densities, plant sizes and settings;
 - (c) details of trees to be retained on the site and their protection during construction works;
 - (d) details of proposed street furniture, including bollards, lighting fixtures and seating;
 - (e) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes; and
 - (f) details of appropriate ecological and management strategy for the landscaping, including proposals to obviate the need for chemical intervention.

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.

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

The developer shall employ a suitably qualified landscape architect to oversee the implementation and certification of the agreed landscaping scheme. On completion of works, the landscape architect shall submit a report certifying the works undertaken.

Reason: In the interests of visual amenity and the proper planning and sustainable development of the area.

3. Details including samples of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. (a) No amalgamation of units or subdivision of any unit shall take place without a prior grant of planning permission.
- (b) Details of the opening times of the retail units and café shall be agreed in writing with the planning authority prior to the commencement of development.
- (c) Details of the nature of the activities to be carried out in each unit shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the retail units.
- (d) All loading and unloading facilities for the café and retail units within the development shall take place entirely within the confines of the car parking area/service yard and shall not occur on the public road.
- (e) Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of orderly development.

5. The hours of operation of the main retail unit shall be between 0800 and 2200 hours from Mondays to Sundays inclusive. Any 24-hour operation shall be restricted to four weeks of each calendar year specifying the specific dates/periods which shall be submitted to, and agreed in writing with, the planning authority in advance of commencement of trading. Any period of 24-hour operation shall be confined to times around the Christmas and Easter holiday period.

Reason: In order to protect the residential amenities of the area.

6. Drawings setting out the position of the off-licence element within the main store shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Any extension to the off-licence area, or any proposed off-licence element at any other unit within the proposed development, shall be the subject of a separate grant of planning permission.

Reason: In the interest of orderly development.

7. All signage details associated with the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details of all external seating associated with the café shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the café unit.

Reason: In the interest of orderly development.

8. Details of the proposed piece of artwork, as set out in Drawing Number 3-L186-01-02, 'Site Layout Plan', Rev. B, received by the planning authority on the 24th day of July, 2020, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development and the agreed artwork shall be installed prior to the making available by developer for occupation of the proposed development.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive and between the hours of 0800 and 1300 on Saturdays. No building works shall be carried out on Sundays or public holidays. Deviation from these times will only be permitted in exceptional circumstances where prior written approval has been received from planning authority.

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

10. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement a litter management plan and a recycling plan for the site and the immediate surrounding area.

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

11. Prior to the commencement of development, details of all plant machinery, filters, extraction vents or odour control units to be used in connection with the development shall be submitted to, and agreed in writing with, the planning authority. These shall include details of any proposed sound attenuation measures to be incorporated within the plant and machinery, ducting, filters or extraction vents to be incorporated into the building. All plant shall not extend above roof level.

Reason: In the interests of residential amenity.

12. The internal road network serving the proposed development including turning bays, junction, parking areas, footpaths and kerbs together with the access road to the service area shall be in accordance with the detailed standards of the planning authority for such works.

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

13. Any alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developer's expense having firstly obtained the agreement in writing from the planning authority or other bodies responsible for such utilities before any such alterations are carried out.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

14. 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.

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

Reason: In the interest of public health.

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

Reason: In the interests of public safety and residential amenity

17. 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, landscaping 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.

18. 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.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2021.