

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/1066

Appeal by the Carton Court Residents Association care of Frank O'Shea of 45 Carton Court, Maynooth, County Kildare and by Lidl Ireland GmbH care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo against the decision made on the 20th day of April, 2021 by Kildare 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 new discount foodstore supermarket with ancillary off-licence sales on an extended site. The proposed development comprises: (1) demolition of existing single storey discount foodstore (with ancillary off-licence use) measuring 1,753 square metres gross floor space with a net retail sales area of 1,286 square metres, (2) construction of a single storey (with mezzanine plant deck) mono-pitch (with flat roof loading bay) discount foodstore (with ancillary off-licence use) measuring 2,268 square metres gross floor space with a net retail sales area of 1,420 square metres, (3) redevelopment/reconfiguration of existing and extended site layout and car parking with revised vehicular access junction, and additional pedestrian access to Straffan Road, and (4) provision and

renewal of boundary treatments, free-standing and building mounted signage, covered trolley bay, refrigeration and air conditioning plant and equipment, hard and soft landscaping, public lighting, electric vehicle charging infrastructure, roof mounted solar panels, cycle parking, modification and extension of existing drainage, utility and services infrastructure and connections, relocation of substation, and all other associated and ancillary development and works above and below ground level at Lidl, Straffan Road, Maynooth, County Kildare. The proposed development was revised by further public notices received by the planning authority on the 2nd day of February, 2021 in relation to further information lodged which included submission of a revised noise and vibration impact assessment, adjustment of delivery hours to formally omit night time deliveries, enhancement of boundary treatments and associated acoustic barrier, removal and internalising of the external plant/equipment compound within the building, relocation of ESB substation, enhancement of pedestrian and cycle facilities within the site and along the link road, and enhancement of hard and soft landscaping and public lighting.

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 Maynooth Local Area Plan 2013-2019, the Kildare County Development Plan 2017-2023, the existing retail use on site, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of zoning, layout, and design, and would not seriously injure the amenities of the area including property in the vicinity. 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 to the planning authority on the 25th day of January 2021 and the 22nd day of March 2021, and by the further plans and particulars received by An Bord Pleanála on the 16th day of June 2021, 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.

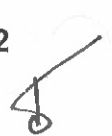
2. Delivery times shall be restricted to between 0800 hours and 2200 hours Monday to Saturday, and between 1000 hours and 2200 hours on Sundays. No delivery activity of any kind shall take place outside these hours.

Reason: In the interest of residential amenity.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a revised floor plan and elevation drawing clarifying the treatment of the external northern façade of the plant compound.

Reason: In the interest of clarity.

4. (a) Noise from the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits:
 - 55 dB(A) between 0800 and 2200 hours daily,
 - 45 dB(A) at any other time.
- (b) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location. Suitable mitigation measures which remove tonal or impulsive components arising from trolleys or any other source in the development shall be included in the development.



- (c) A detailed noise study, with recommendations, shall be carried out by a competent noise/environmental consultant within three months of the development being in full operation and at any other time as may be specified by the planning authority. The noise study shall be submitted to the planning authority for written approval.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

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

Reason: In the interest of visual amenity.

6. Details of all signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. (a) Prior to commencement of development, the developer shall submit a revised landscape plan for the written agreement of the planning authority for the additional open space area resulting from the revised site layout plan received by An Bord Pleanála on the 16th day of June 2021. Landscaping detail shall otherwise be as submitted to the planning authority on the 25th day of January 2021.

- (b) The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works.
- (c) Notwithstanding subsection (b) above, the landscaping and acoustic mitigation works shown on drawing number 064520_DD_01 (Plant Area Detail) submitted to the planning authority on the 25th day of January 2021 shall be provided prior to the operational phase of the proposed development.
- (d) All planting shall be adequately protected from damage until established. 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 residential and visual amenity.

- 8. 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.



9. Site development and building works shall be carried out only between the hours of 0700 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.

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. 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. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points and ducting shall be provided for all remaining car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the operational phase of the development.

Reason: In the interest of sustainable transportation.

13. Electric charging facilities shall be provided for cycle parking and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: In the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric cycles.

14. 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. The developer shall identify a suitable area within the development for the provision of bring banks. This bring bank area should be in accordance with the following:

- (a) There shall be a concrete plinth for 12 recycling receptacles.
- (b) There shall be a set-down parking area, fencing and any other suitable hard and soft landscaping required and associated signage.
- (c) The area shall be sited away from residential areas.



- (d) Consideration shall be given to turning requirements of HGVs used to service such banks and the potential noise generated by the banks from their usage.
- (e) Prior to commencement of development, a design drawing for the bring bank area shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of sustainable waste management.

- 16. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground throughout the site.

Reason: In the interests of visual and residential amenity.

- 17. 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.



Terry Ó Niadh

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

Dated this 26th day of January, 2022.

