

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3865/20

Appeal by Drive Investment Funds Public Limited Company of 70 Sir John Rogerson's Quay, Dublin against the decision made on the 3rd day of June, 2021 by Dublin City 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 demolition of the existing building immediately south of "The Range" store and the construction of a single storey discount foodstore (supermarket) with ancillary off-licence sales area. Provision of 75 surface level car parking spaces within the application red line boundary, including two electrical vehicle (EV) charging spaces (parking outside the application red line boundary is operational and therefore does not form part of this application); boundary treatments; 12 cycle stands (space for 24 bicycles); trolley bay canopy; hard and soft landscaping; ESB substation building and external mechanical plant areas; site lighting and connections to drainage and on site drainage infrastructure including attenuation tank; roof mounted photo-voltaic panels; all advertising signage. Access to the proposed development is via the two existing operational access points on the

Clonsaugh Road, used by "The Range". All ancillary works to facilitate the development. All at property adjacent and generally south of "The Range" store, Clonsaugh Road, Coolock, Dublin.

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:

- (a) the policies and objectives, as set out in the Dublin City Development Plan 2016 – 2022, including 'District Centre' zoning attributed to the site and the uses normally acceptable under this zoning,
- (b) the nature, scale, and design of the proposed retail development, and
- (c) the "Retail Planning Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in April 2012,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would comply with the nature and type of development identified for these lands in the applicable planning policy for the area, would not seriously injure the urban design of the area and would be acceptable in terms of traffic safety and car parking. 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 7th day of May, 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. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed development 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.

3. (a) Advertisement and corporate signage shall be as shown on the drawings submitted to the planning authority.
- (b) No additional advertisement, advertisement structure, freestanding sign, or other projecting elements including flagpoles or banners, shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.
- (c) The display area for alcohol products shall be limited to the area indicated on the submitted drawings.
- (d) Notwithstanding exempted development provisions of the Planning and Development Regulations 2001, as amended, there shall be no advertising of the sale of alcohol products on the façade/frontage of the premises.
- (e) There shall be no display of alcohol products or advertising of the sale of alcohol products on or near both the entrance and/or windows.

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

4. A minimum of four accessible parking bays shall be provided.

Reason: In the interest of public safety.

5. The demolition of the existing building on site and the construction of the proposed development shall be managed in accordance with a Demolition and Construction Management Plan and Construction Traffic 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 and off-site disposal of construction/demolition waste.

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

6. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0700 and 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.

7. The proposed electrical substation shall be located along the western boundary of the site (Option A) as shown on Drawing Number 4876-PLANT@A1 submitted to the planning authority. The details of the substation, including screening, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and biodiversity of the area.

8. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority with the application, and as amended by the further plans and particulars submitted to the planning authority on the 7th day of May, 2021, including the works on the lands zoned 'Z9' south of the site, shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

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

9. Public lighting on site, including light associated with signage, shall comply with the specification of the plans and particulars lodged with the application and as amended by the further plans and particulars submitted to the planning authority on the 7th day of May, 2021. The level of illumination shall be reviewed at any time by the planning authority and any adjustments shall be made to the satisfaction of the planning authority at the developer's expense.

Reason: In the interest of residential amenity.

10. 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.

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

Reason: In the interests of orderly development and the visual amenities of the area.

12. 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.

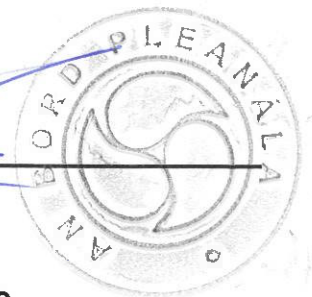
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 21st day of September 2021.