



Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: PL 21/263

Appeal by Surlis's Supervalu care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 4th day of November, 2021 by Sligo County 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: Development consisting of provision of a new discount foodstore supermarket with ancillary off-licence sales comprising: the demolition of the existing Henry Tyres (Unit number 1) and K. & B. Supplies (Unit numbers 2-4) buildings and associated and ancillary site clearance works; change of use and amalgamation of existing Unit numbers 5-7 (measuring circa 905 square metres) to builders providers and retail warehousing use and associated and ancillary development and works; the construction of a single storey (with mono pitch roof and internal mezzanine plant deck) licensed discount foodstore supermarket with ancillary off-licence sales measuring approximately 2,186 square metres gross floor space with a net retail sales area of approximately 1,415 square metres; the provision of associated car parking and internal traffic and pedestrian circulation routes,

free standing and building mounted signage, covered trolley bay, refrigeration and air conditioning plant and equipment compound, an ESB substation, roof mounted solar panels, public lighting, hard and soft landscaping, cycle parking, boundary treatments, new/relocated vehicular and pedestrian access, modification and extension of existing drainage, utility and services infrastructure and connections and all other associated and ancillary development and works above and below ground level, all at Circular Road, Tubbercurry, Co. Sligo (site of existing Henry Tyres, Circular Road, Tubbercurry, County Sligo, F91 CK49 and K. & B. Supplies, Circular Road, Tubbercurry, County Sligo, F91 FP82)

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.

Reasons and Considerations

Having regard to the Retail Planning Guidelines for Planning Authorities, published by the Department of the Environment, Community and Local Government in April 2012, the provisions of the Sligo County Development Plan 2017-2023, the location of the site and proximity and linkages to the town centre of Tubbercurry, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact adversely on the vitality or viability of the town centre, would be acceptable in terms of pedestrian and traffic safety and convenience, would represent an appropriate design response to the site's context, would not seriously injure the visual amenities of the area and 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 received by the planning authority on the 11th day of October 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. Prior to the commencement of works, the developer shall submit and agree in writing with the planning authority, revised proposals for the elevation to Circular Road as depicted in the Proposed S4-S4 Section in drawing number 1201 received by the planning authority on the 7th day of July, 2021, to include the extension of the proposed stone finish along the extent of the road frontage, or such other durable finish as may be agreed by the planning authority.

Reason: In the interest of visual amenity.

3. All of the environmental, construction, and biodiversity-related mitigation measures as set out in the Natura Impact Statement and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of clarity and of the protection of the environment during the construction and operational phases of the development.

4. A minimum of 10% of the proposed car parking spaces included in this development shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fit out of charging points. Details of how it is proposed to comply 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 sustainable transportation.

5. Details 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 visual amenity.

6. Details of all external signage 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. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme 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 and settings,
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes of perimeter walls.

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

Reason: In the interests of visual and residential amenity.

8. Prior to the commencement of development, the following shall be submitted to, and agreed in writing, with the planning authority:

- (a) operational traffic management provisions, inclusive of vehicular entrance controls, footpath connectivity, cycle access provisions, traffic calming measures, and road signage, and
- (b) on-site parking provisions, including layout and finishes to parking.

Reason: In the interests of traffic safety and orderly development.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and 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. The developer shall enter into water and wastewater connection agreements with Uisce Éireann prior to the commencement of development.

Reason: In the interest of public health.

12. Public lighting shall be provided in accordance with a scheme, which shall include design details for a bat friendly lighting 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.

13. 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 recyclable materials 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.

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 noise management measures and traffic management measures, inclusive of HGV delivery routes, construction parking, and storage areas.

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

15. 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. 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.

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

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 the 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.



Stephen Brophy

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

Dated this 11th day of July 2023.

