

An
Bord
Pleanála

Board Order
ABP-312878-22

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 21/143

Appeal by RGDATA care of Stephen Ward Town Planning and Development Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 2nd day of February, 2022 by Cavan County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (A) Site clearance and demolition of all existing structures on site of circa 313 square metres; (B) construction of a single storey discount foodstore (to include off licence use) with a gross floor area of circa 1,824 square metres (net retail area 1,333 square metres); (C) new vehicular/pedestrian access from Station Road (including connection for proposed future access to adjoining lands); (D) provision of a pedestrian/cycle access from Market Street including, relocation of information signage, removal of a lean-to structure (modern additions) and removal of the boundary wall relating to the Court House building, a protected structure (number CV17027); (E) 89 number car parking spaces and 10 number bicycle spaces; (F) erection of one number internally illuminated, double sided, free standing, identification sign located adjacent to the proposed vehicular entrance to the

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car park, two number illuminated entrance wall signs adjacent to the Station Road vehicle access and the Market Street pedestrian/cycle access; one number single-sided internally illuminated gable sign on the north-east gable, one number single-sided window sign at entrance door (north east elevation); (G) 90 square metres of solar panels provided at roof level and (H) all landscaping/lighting, boundary treatment, engineering and site development works (including a single storey ESB substation and switch room circa 21 square metres), all at a site of circa 0.9 hectares located on lands to the rear of Station Road and Market Street, Cootehill, County Cavan and lands within the curtilage of the Court House building (a protected structure). Further public notices were received by the planning authority on the 11th day of January, 2022.

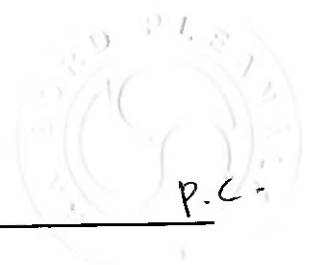
Decision

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, the Architectural Heritage Protection Guidelines, the Design Manual for Urban Roads and Streets, the Cavan County Development Plan 2022-2028 and the Cootehill Local Area Masterplan, it is considered that the applicant has demonstrated the need for a proposed discount food store and thus its appropriateness, as Cootehill has a low level of convenience retail floorspace at present and it consequently experiences considerable expenditure leakage to other towns. This proposal would, subject to compliance with the conditions set out below, fulfil the zoning objective for the site, which lies within the town core and would be in accordance with national and local retail policies that seek to ensure that new retail development is located within the shopping cores of town centres. The proposed development would be compatible with the maintenance of the conservation interest of protected structures in the vicinity of the site and the overlapping Town Centre Architectural Conservation Area. The proposed development would not seriously injure the visual amenities of the area and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

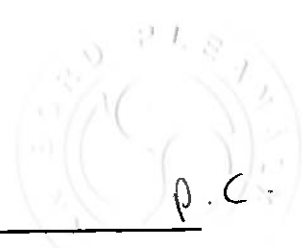


Conditions

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 15th day of December 2021 and by the further plans and particulars received by An Bord Pleanála on the 28th day of March 2022, 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) Existing tourist information signage shall be re-sited and the new location and details of this tourist signage shall be agreed in writing with the planning authority prior to the commencement of the development.
 - (b) All signage on the proposed food store and within the site shall be agreed in writing with the planning authority prior to the commencement of the development. The signage shall not include totem signs.
 - (c) The manner in which the dismantled stone pier from the south-western boundary of the Courthouse grounds would be reused shall be agreed in writing with the planning authority prior to the commencement of the development.



- (d) No additional 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.

Revised drawings showing compliance with the requirements of (a), (b), (c) and (d) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

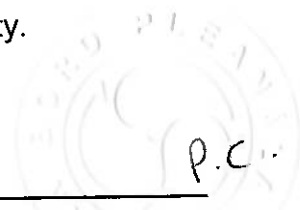
Reason: In the interest of the visual amenities of the area.

4. The external plant installed beside the north-western elevation of the proposed discount food store building shall be the subject of acoustic housing to ensure that the noise level does not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling.

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

5. Comprehensive details of the proposed external lighting system to serve the development including the surface car park shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The agreed lighting system shall be fully implemented and operational prior to the opening of the development.

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



6. 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.

7. Opening hours of the proposed discount food store shall be restricted to between 0800 hours to 2200 hours Monday to Sunday. Delivery shall not take place before 0700 hours Monday to Saturday or before 0800 hours on Sundays or public holidays. Deliveries shall not take place after 2200 hours on any day.

Reason: In the interest of residential amenity.

8. The applicant shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930 – 2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her consent. The following additional requirements shall apply:
- (a) The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
 - (b) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.

- (c) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, local Government and Heritage.
- (d) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required, the Department of Housing, Local Government and Heritage will advise the applicant/developed with regard to these matters.
- (e) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department of Housing, Local Government and Heritage.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other archaeological interest.

9. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

10. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. (a) The landscaping scheme shown on the Landscape Plan and Planting Schedule drawing number 21-558-SDA-DR-PD-GF-001, as submitted to the An Bord Pleanála on the 28th day of March, 2022 shall be carried out within the first planting season following substantial completion of external construction works.

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.

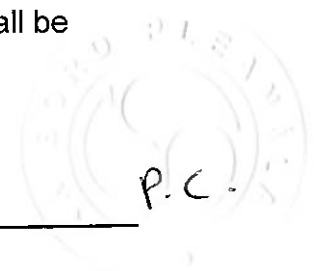
- (b) A plan of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In the interests of residential and visual amenity.

12. 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 off-site disposal of construction/demolition waste.

Reason: In the interests of environmental protection, amenities, public health and safety.

13. 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.

14. Prior to the opening of the junction between the proposed vehicular access to the site and Station Road (R190), a Stage 3 Road Safety Audit of the junction shall be submitted to, and agreed in writing with, the planning authority. Any recommendations made by this Audit shall be fully implemented and the cost of the same shall be borne by the developer.

Reason: In the interest of public safety.

15. Prior to the commencement of the use of the discount food store, the on-site access road shall be constructed to the south-western boundary of the site in accordance with the detailed standards of the planning authority for such works.

Reason: To ensure that access is available to lands beyond the site in accordance with the objectives of the Cootehill Local Area Masterplan Part 2.

16. All the car parking spaces shall be made available without payment for a minimum period of three hours for as long as the discount food store remains on the site, unless otherwise agreed in writing with the planning authority.

Reason: In order to promote linked trips in the interest of the vitality and viability of the town centre.



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.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 15 day of November 2023.

