



An  
Bord  
Pleanála

**Board Order**  
**ABP-313132-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 21/248**

**Appeal** by Tommy Hickson care of Hickson Supermarkets Limited of Super Valu Tullow, Bridge Street, Tullow, County Carlow and by Ray Flynn care of Flynn's Garage (Tullow) Limited of Dublin Road, Tullow, County Carlow against the decision made on the 28<sup>th</sup> day of February, 2022 by Carlow 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:** Single storey extension to the existing single storey discount food store (permitted under planning register reference number 05/82 and amended under planning register reference number 06/286), including off-licence use, on the northern elevation by circa 240 square metres. The gross floor area of the store will increase from 1,348 square metres (net retail area of 907 square metres) to 1,588 square metres (net retail area of 1,147 square metres). The proposed development includes reconfiguration of the car park and a reduction of 23 number spaces, a new canopy to replace existing, new entrance lobby within the extension and replacement of existing pole sign and entrance sign with a new pole sign and entrance sign, all associated landscaping and site development works, all on a site of approximately 0.45 hectares at Aldi Discount Foodstore, Dublin Road, Tullow, County Carlow.

## 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 provisions of the Carlow County Development Plan 2022-2028 and the Tullow Local Area Plan 2017-2023 (extended), the established food store use of the site, and the scale of the development and quantum of retail, as proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development works and associated car parking arrangements would not seriously injure the amenities of the area or of 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 proposed 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 1<sup>st</sup> day of February, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

3. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

4. 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 or public holidays. Deviation from these times shall 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.



5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6. 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 and surface water management.



7. 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.



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**Joe Boland**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *13<sup>TH</sup>* day of *September* 2023.