



An
Bord
Pleanála

Board Order ABP-315651-23

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/1509

Appeal by Damien O'Reilly of 2 Oakridge Crescent, Dunboyne, County Meath, by Lidl Ireland GmbH care of Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, Dublin and by Others against the decision made on the 18th day of January, 2023 by Meath County Council to grant permission subject to conditions 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: Development will consist of: construction of a single storey discount foodstore of 2,200 gross floor area (GFA) with a net sales area of 1,409 square metres with an ancillary off-licence sales area; car parking for 119 cars including accessible spaces, cycle parking and electric vehicle parking spaces (circa 20% of spaces will be wired for future EV parking). The store will include photovoltaic panels at roof level; trolley bay with cycle parking; bin store and new ESB Substation building as well as a pedestrian and cycle link connecting to the northern boundary in line with the current termination of the existing pedestrian path extending along the eastern elevation of the Supervalu store to the northern boundary of the subject site. There is also provision for future pedestrian and vehicle link from the proposed access road to lands to the east of the application site. The construction of a single storey café unit (165 square metres) positioned adjacent to a proposed plaza area

which together are located in the existing car park area to the west of Saint Peter and Saint Paul's Church ('The Church'). The vehicular entrance to the development will be approximately in the same location as the entrance to the existing car park, west of The Church. The existing ESB substation in this area will remain in place. The café will also have an enclosed bin store. The construction of a new car park (53 spaces) located to the north-east of The Church and for its exclusive use. It will be connected to the internal grounds of The Church via a two-way connection. The main entrance and exit will be onto the access road serving the proposed foodstore. This access road in turn will have a footpath along its east side, running parallel with The Church boundary. There will also be a crossing point from the existing pedestrian connection on the north-west boundary of The Church. For clarity the majority of the existing north-east, walled, boundary of The Church is proposed for removal along most of its length to facilitate the operation of the new Church car park. The application also includes works and road markings to improve traffic management related to vehicular access to and from the site on Main Street. A right turn lane is proposed on Main Street with works to the public space located to the south-west of Main Street including alterations to kerb lines; minor relocation of one disabled parking space and relocation of bollards and other works to footpaths as required. On the north side of the green the reduction in car park numbers and re-marking out of three parking spaces; widening of footpath; additional road markings including building out the kerb line at the north east corner of the green. The removal of parking spaces along the east side of the green and kerb relining. The installation of a four-arm staggered signalised junction with controlled pedestrian crossings on Main Street at the south east of the green and removal of parking spaces and kerb buildouts to facilitate improved public realm space and achieve required forward visibility of the proposed traffic signals and crossing points. On-street parking spaces removed from around the green area and Main Street will be accommodated within the two parking areas to be located to the east of the proposed café building and south of the proposed foodstore. All drainage to facilitate the development; boundary treatment and retaining structures; all hard and soft landscaping; bin storage units; and all other works necessary to allow for the undertaking and completion of the development. All signage on the proposed foodstore including a standalone sign at the main entrance to the development; and

all site lighting at lands to the west and north of Saint Peter and Saint Paul's Catholic Church, Main Street, Dunboyne, County Meath.

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 site's zoning objective, its identification in the Meath Retail Strategy 2020-2026 as a Retail Opportunity Site, its location within an existing urban area, 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 and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of built heritage and traffic safety and convenience. 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, 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. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment Report, the Flood Risk Assessment and the Tree and Vegetation Survey Assessment, Management and Protection Measures, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. Prior to commencement of development a pre-construction Mammal Survey shall be carried out on the site, by a suitably qualified ecologist, and submitted for the written agreement of the planning authority, unless otherwise agreed with the planning authority.

Reason: In the interest of wildlife protection.

4. A pedestrian/cycle route shall be constructed up to the boundary of the site with lands to the north-east of the appeal site. A drawing showing this proposed route shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of sustainable travel.

5. Prior to commencement of development, the location, design/construction and specification of the signalised junction shall be submitted to and agreed in writing with the planning authority. The facility shall be in place and operational prior to the occupation of the development. All alterations to the public road shall be constructed in accordance with the requirements of the planning authority, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of pedestrian and traffic safety.

6. Prior to commencement of development the developer shall agree in writing final details of all materials to be used in the public realm, including the appropriate reuse of historic limestone paving, with the planning authority.

Reason: In the interest of visual amenity.

7. Prior to the occupation of the supermarket and café buildings hereby permitted, details of all advertising signage, including the proposed colour and finish and level of illumination (lux) of the signage shall be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no 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 retail units 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.

9. Deliveries to the Supermarket shall be restricted to between the hours of 0600 to 2200 Mondays to Saturdays inclusive and between 0700 to 2000 hours on Sundays and Bank Holidays.

Reason: To protect residential amenity.

10. Prior to commencement of development the developer shall agree in writing with the planning authority the requirement for a piece of public art within the site. All works shall be at the developer's expense.

Reason: In the interest of place making and visual amenity.

11. The scheme shall be landscaped in accordance with the landscape scheme submitted to the planning authority on the 18th day of November 2022 unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following the substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

12. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

13. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

14. 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 agreed in writing with the planning authority.

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

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove, and

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. 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.

17. The developer shall enter into water and wastewater connection agreements with Usice Éireann, prior to commencement of development.

Reason: In the interest of public health.

18. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

19. 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.

20. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021)

including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

21. 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 interest of public safety.

22. The café development hereby permitted shall be used solely as a bistro/café/coffee shop/restaurant and for no other class of use within Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended). For the avoidance of doubt this permission does not include a use for the sale of hot food for consumption off the premises i.e. as a takeaway.

Reason: To cater for orderly development and in the interest of sustainable development.

23. 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.



Stephen Brophy

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 30th day of May 2024