



Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 22/60522

Appeal by Lidl Ireland GmbH care of The Planning Partnership of Upper Chapel Street, Castlebar, County Mayo against the decision made on the 10th day of February, 2023 by Galway County Council to refuse a permission for the proposed development.

Proposed Development: The construction of a Discount Foodstore Supermarket with ancillary off-licence sales. The proposed development comprises: 1) The construction of a part single part two-storey Discount Foodstore with ancillary off-licence use (with part flat-roof part mono-pitch roof) measuring circa 2,248 square metres gross floor space (reduced from 2,261 square metres at application stage) with a net retail sales area of 1,460 square metres; 2) Construction of a vehicular access point to the Galway Road and associated works to carriageway including modification of existing footpaths, removal of central median and creation of right-turn lane and associated and ancillary works; and, 3) Provision of associated car parking, pedestrian access, pedestrian link through site facilitating potential future connection, free-standing and building-mounted signage, free-standing trolley

bay cover/enclosure, roof mounted refrigeration and air conditioning plant and equipment, roof-mounted solar panels, hard and soft landscaping, cycle parking, boundary treatments, drainage infrastructure and connections to services/utilities, electricity sub-station and all other associated and ancillary development and works above and below ground level. All at Galway Road, Claregalway, County Galway, as amended by the revised public notice received by the planning authority on the 14th day of December, 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 provisions of the Galway County Development Plan 2022 - 2028 and the Town Centre/Infill Residential zoning objective for these lands, to the location of the subject site within the town centre of Claregalway and to the existing pattern of development in the vicinity of the site, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of properties in the vicinity, would not be detrimental to the character and amenity of the area, would not result in a risk of flooding to the site and adjoining properties and would be acceptable in terms of pedestrian and traffic safety. 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 14th day of December 2022, and by the further plans and particulars received by An Bord Pleanála on the 7th day of March 2023, 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. Revised plans and drawings setting out the repositioning of the store to provide a five-metre buffer area between the proposed store and the eastern site boundary of the detached dormer dwelling to the north-east shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of adjoining residential amenity.

3. A revised and 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;
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, to include the maximum retention of the existing boundary stone wall feature.

Reason: In the interests of visual and residential amenity.

4. Delivery times shall be restricted to between 0800 and 2200 hours from Mondays to Saturdays inclusive and between 1000 and 2200 hours on Sundays. No delivery activity shall take place outside these hours.

Reason: In the interest of residential amenity.

5. Details of the materials, colours, and textures of all the external finishes to the 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 signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Signage shall be bilingual (Irish and English) and comply with the requirements of Policy Objective GA 6 Signage within An Gaeltacht and DM Standard 20: Shopfronts, as set out in the Galway County Development Plan 2022 - 2028.

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

7. Public lighting shall be provided in accordance with a 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.

8. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the planning authority for approval prior to commencement of development.
- (b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Urban Roads and Streets (DMURS) and with any requirements of the planning authority for such road works.
- (d) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.
- (e) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works which shall be submitted to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.
- (f) The developer shall demonstrate full adherence to DM Standard 31 of the Galway County Development Plan 2022 - 2028 in relation to facilities for bicycle parking.

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

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

9. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, 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.

10. 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. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. 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.

11. The construction of the development shall be managed in accordance with a Construction and 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:
- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;
 - (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the Construction Management Plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

12. 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 transport.

13. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. A detailed surface water design proposal that incorporates an element of Sustainable Urban Drainage System (SUDS) measures, if feasible, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. The developer shall enter into water and/or and wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interests of clarity and public health.

15. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground throughout the site.

Reason: In the interests of visual and residential amenity.

16. 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.



Joe Boland

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

Dated this *12th* day of *March* 2024.