



An
Bord
Pleanála

Board Order PL 17.247835

Planning and Development Acts 2000 to 2017

Planning Authority: Meath County Council.

Planning Register Reference Number: LB160330.

Appeal by Roger and Liz Pickett and others care of The Cottages, Seabank, Coast Road, Bettystown, County Meath and by others against the decision made on the 8th day of December, 2016 by Meath 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: Demolition of the existing building on site with a floor area of 1,115.4 square metres and the construction of a single storey discount foodstore (to include off-licence use) with a gross floor area of 1,729 square metres (net retail area 1,254 square metres). The development includes the erection of one number free-standing double sided internally illuminated sign, one number internally illuminated gable sign on the east elevation, one number poster sign at entrance and entrance glass sign on south elevation. The proposed development will be served by 104 number car parking spaces. Access to the site will be provided from Strand Road (R150). The proposed development includes all engineering works, landscaping works including revisions to bus lay by, bicycle parking, boundary treatments and site development works on the 0.78 hectare site, all at Strand Road, (R150), Laytown, County Meath, as revised by the further public notice received by the planning authority on the 18th day of November, 2016.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to (a) “The Retail Planning Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in April, 2012, (b) the policies and objectives of the Meath Development Plan 2013-2019 and the East Meath Local Area Plan 2014-2020, including the ‘B1 - Commercial/Town or Village Centre’ zoning attributed to the site with a stated objective to “protect, provide for and/or improve town and village centre facilities and uses” and the uses normally acceptable under this zoning which include ‘shop-local and ‘shop-major’; and to the action/recommendation set out in the Meath Retail Strategy 2013-2019, ‘to support the provision of small to medium scale convenience retail development in Laytown to support the needs of the local community’, (c) the brownfield nature of the site and pattern of development in the area and (d) the nature, scale and design of the proposed retail development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would comply with the scale and type of retailing identified for these lands as set out in the applicable planning policy for the area, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of 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 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 submitted on the 14th day of November, 2016 and the 18th day of November, 2016, 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 retail unit shall operate only between the hours of 0800 and 2100 from Monday to Saturday inclusive and between the hours of 1030 and 1900 on Sundays, Bank and public holidays.

Reason: In the interest of residential amenity.

3. No deliveries shall be taken at, or dispatched from, the premises outside the hours of 0700 to 2100 from Mondays to Saturdays, nor outside the hours of 0900 to 1900 on Sundays, Bank or public holidays.

Reason: In the interest of residential amenity.

4. Details, including samples, of the materials, colours and textures of all the external finishes, including external glass, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, samples shall be erected on site where required by the planning authority.

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

5. 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 amenities of property in the vicinity of the site.

6. Details of mitigation measures to soften the visual appearance of the northern elevation 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.

7.
 - (a) Advertisement signs shall be as shown on the drawings submitted with the application, save the omission of the totem pole sign from the development and replacement by a low level sign at the entrance adjoining Strand Road. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) No additional advertisement, advertisement structure, freestanding sign, or other projecting elements including flagpoles or banners, shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. Public lighting on site, including light associated with signage, shall not cause excessive glare or distraction to road users or adjoining property owners. The level of illumination shall be reviewed at any time by the planning authority and any adjustments shall be made to the satisfaction of the planning authority at the developer's expense.

Reason: In the interest of residential amenity.

9. The bus bays shall be constructed to National Transport Authority standards and shall be operational prior to the first opening of the store. Details of the design and location of the bus shelter and bollards shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety.

10. No items associated with refrigeration ventilation or air conditioning apart from the low noise fridge condenser units shall be erected or placed on any external surface without the prior written agreement of the planning authority.

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

11. The demolition of the building on site and 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 public safety and residential amenity.

12. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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.

13. Water supply and drainage arrangements, including the 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.

14. The landscaping scheme shown on drawings numbers 16-433-PD-01 (Soft Landscape Plan and Planting Plan) and 18-433-PD-02 (Planting Details), as submitted to the planning authority on the 14th day of November, 2016 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 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.

Reason: In the interest of visual amenity.

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.

Testing shall be carried out prior to commencement of development and a schedule shall be submitted to, and agreed in writing with, the planning authority.

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.

