

The Planning Partnership
McHale Retail Park
Castlebar
Co. Mayo
F23 TD25

NOTIFICATION TO GRANT PERMISSION
PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER

Final Grant Order No.:	0510	Date of Final Grant:	15-May-2023
Decision Order No.:	0364	Date of Decision:	05-Apr-2023
Register Reference:	SD22A/0312	Date:	09-Mar-2023

Applicant: Lidl Ireland GmbH

Development: Construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use (with mono-pitch roof and overall building height of c. 6.74 metres) measuring c. 2, 207sq.m gross floor space with a net retail sales area of c. 1, 410sq.m; Construction of a vehicular access point to Main Street Upper and associated works to carriageway and including partial removal of boundary wall / facade, modification of existing footpaths / public realm and associated and ancillary works including proposed entrance plaza area; Demolition of part of an existing rear / southern single storey residential extension (and related alterations to remaining structure) of Kelly Estates building; The original Kelly Estates building (a protected structure - Eircode: D22 Y9H7) will not be modified; Demolition of detached single storey accommodation/ residential structure and ancillary wall/ fence demolitions to rear of existing Kelly Estates building; Demolition of existing single storey (stable) building along Main Street and construction of single storey retail /cafe unit on an extended footprint measuring c. 118sq.m and associated alterations to existing Main Street boundary facade; Renovation and change of use of existing (vacant) two storey vernacular townhouse structure to Main Street, and single storey extension to rear, for retail/commercial use (single level throughout) totalling c. 61sq.m; Repair and renewal of existing Western and Eastern burgage plot tree and hedgerow site boundaries; Provision of associated car parking, cycle parking (and staff cycle parking shelter), pedestrian access routes and (ramp and stair) structures (to / through the southern and western site boundaries to facilitate connections to potential future development), free standing and building mounted signage, free standing trolley bay cover /enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft landscaping, boundary treatments and divisions, retaining wall structures, drainage infrastructure and connections to services/ utilities, electricity Substation and all other associated and ancillary development and works above and below ground level including within the curtilage of a protected structure.

Location: Main Street Upper, Newcastle, Co Dublin

Time extension(s) up to and including:

Additional Information Requested/Received: 19-Sep-2022, 09-Jan-2023 / 02-Dec-2022,
09-Mar-2023

A Permission has been granted for the development described above, subject to the following conditions.

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 2nd December 2022 and Clarification of Further Information received on 9th March 2023, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. External Finishes and Materials
Prior to the commencement of construction on site, samples of all proposed external finishing materials shall be submitted to and approved in writing by the Planning Authority and sample panels of 2m x 2m of the materials shall be erected on site and once approved, retained for the duration of development for quality control purposes. Development shall be carried out in accordance with the approved samples.
REASON: In the interest of visual amenity and environmental quality.
3. Roadway, Path and Car Parking Finishes and Materials
Notwithstanding the submitted details, prior to the commencement of construction of any of the road, pavement, cycleway, parking bay or other hard landscaped areas within the site hereby approved, samples of all proposed external surface finishing materials shall be submitted to and approved in writing by the Planning Authority and sample panels of 3m x 3m of the materials shall be erected on site and once approved, retained for the duration of development for quality control purposes. Development shall be carried out in accordance with the approved samples.
REASON: In the interests of amenity and to ensure the provision of high quality materials are used for public spaces within the area.
4. Goods Deliveries.
Goods deliveries to all commercial uses shall not be permitted between the hours of 22.00 hours and 07.00 hours, unless otherwise agreed in writing with the Planning Authority.
REASON: In the interest of residential amenities of the area.
5. Hours of Operation.
The opening hours of the Discount Foodstore Supermarket shall be Monday to Sunday from 08:00 hours to 22:00 hours, unless otherwise agreed in writing with the Planning Authority.
REASON: In the interest of visual and residential amenity, and the proper planning and sustainable development of the area.
6. Prior to the commencement of development, the developer/landowner shall submit for the written agreement of the Planning Authority, a detailed phasing schedule for the permitted development which clearly demonstrates that the demolition works, public plaza, retail/café unit and retail/unit shall be completed and made available for occupation prior to the opening of the discount retail supermarket unit. The sequence in which works are carried out shall be subject to the written agreement of the Planning Authority.
REASON: In the interest of clarity and to ensure that development occurs at an acceptable pace and adheres to the key principles of the proper planning and sustainable development of the area.

7. Retail/Commercial Units:

- (i) No planning permission is hereby granted for the application of any vinyl manifestations to the glazing of the northern, southern and western elevations of the retail/café unit and the southern, eastern and northern elevations of the retail/commercial unit. The glazing to all windows shall be kept free of all stickers, posters and advertisements.
 - (ii) The internal configuration and fit out of the retail/café unit and the retail/commercial unit shall be arranged in such a manner so as to keep all internal shop fittings, including shelving etc away from windows along the northern, southern and western elevations of the retail/café unit and the southern, eastern and northern elevations of the retail/commercial unit.
 - (iii) Prior to the occupation and opening of the retail/café unit and retail/commercial unit on Main Street, the Applicant shall provide details of the intended operator of the 2 No. units.
 - (iv) Unless otherwise agreed in writing, the operational hours of the retail/café unit and retail/commercial unit on Main Street shall be Monday to Saturdays from 08:00 hours to 22:00, 7 days per week.
 - (v) Prior to the occupation and opening of the retail/café unit and retail/commercial unit on Main Street, the Applicant shall provide for the written agreement of the Planning Authority full details of proposed signage to include plan and elevational drawings demonstrating signage lettering, logo dimensions, colours, materials, finishes and illumination type.
- REASON: In the interests of the proper planning and sustainable development of the area.

8. Signage Not Internally Lit.

The proposed signage shall not be internally illuminated unless otherwise agreed with the Planning Authority.

REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.

9. Restrictions on Signage.

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

REASON: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.

10. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

- 11. (i) Prior to commencement the applicant/developer shall submit for the written agreement of the Planning Authority the design and construction details of the pedestrian toucan crossing at the Athgoe Road, to be constructed by the applicant/developer at their own expense.
- (ii) Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority.
- (iii) Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

(iv) 100% of the parking spaces shall be constructed to be capable of accommodating future charging points as outlined in as outlined in SDCC CDP section 12.7.5.

(v) A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.

REASON: In the interest of the proper planning and sustainable development of the area.

12. Archaeological Monitoring.

Prior to the commencement of development on site, the developer/applicant shall discharge the following conditions:

(i) The developer shall engage a suitably qualified archaeologist to monitor (as an extension of Licence No. 22E0840 under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks and/or dredging within the greenfield portion of the development site. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

(ii) Provide an updated Method Statement for the licensed archaeological monitoring, to be approved by the Department of Housing Local Government and Heritage, will include methodology for the preservation of features that were discovered during testing under Licence No. 22E0840.

(iii) Should additional archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with this Department, regarding appropriate mitigation [preservation in-situ/excavation].

(iv) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with this Department, shall be complied with by the developer.

(v) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

13. Demolition Works

Prior to the commencement of development the Applicant shall submit A Method Statement for the written agreement and approval of the Planning Authority detailing the proposed demolition of the rear extension to Kelly Estates (a Protected Structure RPS Ref. 229). The Method Statement should include;

- A Schedule of Works and Methodology for the proposed work to the existing two-storey vernacular townhouse.
- Proposed works to existing stone boundary walls to provide for new access points to Main Street Upper. Details should be included for the repair and making good of all original historic boundary walls adhering to best practice and using traditional method and materials.
- Due to the Protected Structure (Kelly Estates RPS Ref. 229), the existing vernacular townhouse and boundary walls all of which provide architectural significance within the subject site a Safety Statement should also be included as part of the Method Statement detailing how the Protected Structures and existing historic elements will be protected during the proposed development.

14. Glint/Glare Assessment regarding Aviation.

Prior to the commencement of development, the applicant/owner shall submit the following to the Planning Authority:

(a) Written confirmation that the applicant has forwarded a Glint and Glare Assessment which considers the predicted effect of the proposed solar panels on sensitive aircraft receptors of the proposed development to the Irish Aviation Authority.

(b) The written agreement of the Irish Aviation Authority and/or the Air Corps Traffic Service, which states that:

(i) The proposed construction works - inclusive of cranes - will not affect the safety, efficiency or regularity of aircraft generally and/or of Air Corps operations.

(ii) The proposed development - inclusive of the solar panels - will not affect the safety, efficiency or regularity of aviation operations or the emergency services (e.g. Coast Guard helicopters) operated in the vicinity of Tallaght Hospital.

REASON: In the interests of public safety, protecting the environment and in the interests of the amenities of the area.

15. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

16. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

17. Environmental Health Department

(i) Full consultation shall take place with the Environmental Health Department prior to the commencement of any food business operation at the site.

(ii) A grease trap shall be provided on the drainage system for any waste water leaving the kitchen and dish wash areas of any food premises.

(iii) A suitable location for the storage of refuse is to be provided

REASON: In the interest of public health and safety, the proper planning and sustainable development of the area.

18. Construction Noise and Hours.

(i) No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 08:00 hours on weekdays and 09:00 hours on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays. Any work outside of these hours shall only be permitted following a written request to the Planning Authority and subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unwanted noise outside the hours stated above.

(ii) Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

(iii) Once under construction the site is to be surrounded by a solid hoarding to a minimum height of 2.4m as specified in the acoustic report reference 22/0557R01 and dated 20th of July 2022.

(iv) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

(v) The building services plant area located on the roof of the development must be enclosed with a 2 metres high boundary wall as specified in the acoustic report reference 22/0557R01 and dated 20th of July 2022.

(vi) Following commencement of the development the applicant is required to submit an Acoustic Verification report to South Dublin County Council. The report must confirm whether the development complies with Councils noise criteria relevant to this proposal:

Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time.

(a) Acoustic design criteria or performance specifications that have arisen from the acoustic report or any subsequent acoustic assessment shall be finalised and verified by a suitably qualified acoustic consultant.

(b) The acoustic verification report must assess the impact of noise associated with deliveries with respect to existing and future receivers. Where modifications are required to reduce the noise impact these must modifications must be included as clear recommendations for the subject development.

(c) This Acoustic Verification report should comprise of noise monitoring data at any noise sensitive locations. It should also include the cumulative noise level whereby the existing noise levels are included in assessment of the developments overall impact.

(v) The developer shall ensure that adequate community consultation is carried out prior to construction commencing on site. This should include distribution of information in the form of a letter or leaflet to all surrounding receivers including residential and commercial. All nearby receivers must be provided with the following information:

-Overall schedule of works to include approximate timeframes

-Name and contact details of contractor responsible for managing complaints

-Hours of operation- including any scheduled times for heavy machinery

Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby receivers are informed prior to works commencing.

(vi) A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

(vii) Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

(viii) The applicant shall put in place a pest control contract for the site for the duration of the construction works.

(ix) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public

place in the vicinity.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

19. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

20. Protection of Existing Hedgerows and Trees

- In order to ensure the protection of hedgerows and trees to be retained within the site, the applicant shall implement all recommendations contained within the Arboricultural Report.

- Tree and Hedgerow protection must conform to BS5837:2012, must be fit for purpose and commensurate with the nature of Development and the expected day-to-day activities of the site works.

- Tree and Hedgerow Bond and Arboricultural Agreement:

- Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €50, 000.00 with the Planning Authority. This is to ensure the protection of trees and hedgerows on and immediately adjacent to the site to make good any damage caused during the construction period.

REASON: In the interest of visual amenity.

21. Construction Waste Management Plan.

All construction waste arising from the development of the site as approved shall be managed in accordance with all relevant statutory provisions and an agreed site specific Construction Waste Management Plan. All such waste shall be kept to a minimum, segregated where appropriate, and disposed/recovered at a waste facility authorised under the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, to accept the categories of waste.

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site the applicant, owner or developer or any other person with an interest in the land to which the development as approved relates shall lodge with the Planning Authority for written agreement:

A site specific Project Construction Waste and Demolition Management Plan that accords with the requirements both of the Council's Waste Management Section and the Council's Waste Enforcement and Licensing Section.

All construction and demolition waste shall be managed in accordance with this plan which 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 2006 and the provision of the Waste Management Plan for the Dublin Region. The plan shall include details to the satisfaction of the Council's Waste Management Section and the Council's Waste Enforcement and

Licensing Section for all 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 Eastern-Midland Region.

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

The plan should also be informed by any Construction Traffic Management Plan required to be prepared and agreed that addresses intended construction practice for the development, including hours of working, construction traffic access route and noise management measures and details of measures to protect watercourses on or adjoining the site from the spillage or deposit of clay, rubble, waste or other debris.

In addition, copies of waste disposal/recovery records, including waste collector dockets/invoices and weighbridge dockets, shall be maintained on site during construction activity and made available, at all reasonable times, for inspection by Authorised Persons as appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the development works, in accordance with the European Communities (Shipment of Hazardous Waste Exclusively within Ireland) Regulations 2011. Waste operations shall only be carried out at such time as authorisation pursuant to the Waste Management Act 1996, as amended, has been obtained. Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interests of public safety, compliance with Development Plan Policy and sustainable waste management.

22. Taking-in-Charge:

The applicant shall submit and agree in writing with SDCC Public Realm Section what will be taken in charge by SDCC. This shall include written statement by the applicant and a public open space drawing map clearly demonstrating what is proposed for taking in charge by SDCC. If a management company is taking in charge public open space the management company's details shall be submitted with the written confirmation and a detailed drawing. SDCC are be unable to take in charge areas that require, excessive resources in terms of maintenance. The use of herbicides is avoided by SDCC in residential areas.

REASON: To ensure that designs, materials and specifications shall meet with the requirements of the Local Authority and the Development Agency and in the interests of proper planning and sustainable development.

23. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €254, 015.10 (Two Hundred and Fifty Four Thousand and Fifteen Euro and Ten Cent), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public

infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTES :

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

NOTE: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto www.localgov.ie and click on BCMS link.

- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.

M. Crowley

_____15-May-2023
for Senior Planner