

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

Dundalk Town

Planning Register Reference Number: 08/240

An Bord Pleanála Reference Number: PL 55.234919

APPEAL by Sharon McArdle of 12 Francis Street, Dundalk, County Louth and by Hilda Kirk of 23 Seatown Place, Dundalk, County Louth against the decision made on the 15th day of September, 2009 by Dundalk Town Council to grant subject to conditions a permission to Des McCreesh care of Denis Williams Consulting Engineers Limited of Block 2, Quayside Business Park, Mill Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development comprising (a) demolition of existing single and two storey commercial buildings and storage sheds, (b) construction of a four storey office building complete with an underground car park for 81 number cars and surface parking for 21 number cars and (c) site development works including a vehicular entrance at Seatown Place and a pedestrian only entrance from Ramparts Road with a pedestrian bridge over the Ramparts River, all at the former Rice's Buildings Merchants yard at Seatown Place, Dundalk, County Louth. (As amended by the revised public notice received by the planning authority on the 31st day of August 2009).

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 the zoning objective for the site and location of this town centre site, the provisions of the current Dundalk Town Development Plan and the scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the character of the area or of the Architectural Conservation Area, would not seriously injure the amenities of residential 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 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 the 19th day of August, 2009, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The site shall remain open and permeable to pedestrians from Ramparts Road to Seatown Place during normal business hours unless otherwise agreed in writing with the planning authority. The precise detail and design of pedestrian gateways and the business hours shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: To ensure the development accords with the permission and to address permeability through the site.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) The plan shall be to a scale of not less than 1:500 and show the exact design details of the boundary treatment to the Ramparts River.
 - (b) All landscaping and planting shall be undertaken in the first planting season following the commencement of the development.

Reason: In the interest of residential and visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed 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.

5. 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.

6. No external security shutters shall be erected on any of the commercial premises unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. The site access, internal vehicular circulation arrangements and car parking shall be in accordance with the requirements of the planning authority. Prior to commencement of development, details showing the following shall be submitted to and agreed in writing with the planning authority.

- (a) Full details of safe crossing points for pedestrians, for access throughout the development.
- (b) Full details of intended traffic calming measures.
- (c) Drawings detailing the layout and geometry of the entrance to the development at Seatown Place.
- (d) A revised layout plan indicating the car parking in accordance with the design requirements set out in the development plan.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. Prior to the commencement of development, the developer shall submit details of all proposed advertising signs or devices for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

9. (a) Prior to the commencement of development, the developer shall submit details of all proposed external lighting sources, to include scaled drawings indicating the position and type, manufacturer's specifications and/or brochure, strength of lighting source and duration of lighting source and duration of daily use, for the written agreement of the planning authority.
- (b) Night time artificial lighting of the development shall be confined to the minimum extent necessary for security and operational reasons. Any lighting to the eastern boundary shall be adequately hooded and aligned to avoid spillage outside the site.

Reason: In the interest of visual and residential amenity.

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.

Reason: In the interest of sustainable waste management.

11. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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 residential amenities of property in the vicinity.

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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.

13. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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

Dated this day of 2010.