



An
Bord
Pleanála

Board Direction
BD-017266-24
ABP-318988-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/08/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the 'commercial and business' zoning which applies to the site in the Louth County Development Plan 2021 – 2027, as varied, under which coffee shop/tea room and garden centre use is stated to be generally acceptable in principle, it is considered that, subject to compliance with the conditions set out below, the proposed development would result in the reuse and refurbishment of the existing vacant building on site, would be acceptable in terms of quantum of floor area, would not seriously injure the amenities of the adjoining sites and would be acceptable in terms of traffic and pedestrian 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 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 permission hereby permitted shall relate solely to the use of the premises and proposed structures as a garden centre, café and children's play area only. No other use whether exempted development or otherwise, shall be hereby permitted without the prior written agreement of the planning authority and where the planning authority considers that the change of use is material or pertains to a different use class, such will require a further planning application.

Reason: In the interests of orderly development and to ensure compliance with adjoining land use zoning of the Louth County Development Plan 2021-2027, as varied.

3. The hours of operation shall be from 0900 to 1800 hours Monday to Sunday, unless otherwise agreed with the planning authority.

Reason: In the interest of amenity.

4. No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001, as amended, other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the

curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority details for the disposal of surface water from the site.

Reason: To prevent flooding and in the interest of sustainable drainage.

6. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and all lighting shall be set out and directed/cowled to minimise any overspill on adjoining roads.

Reason: In the interest of amenity and public safety.

7. 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. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with, the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of

working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

9. 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 proper planning and sustainable development.

10. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.

11. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network and (b) Include any specific requirements if appropriate.

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

12. The landscaping scheme shown on drawing number 7814-L-2000, as submitted to the planning authority on the 14th day of November, 2023 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 of [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 residential and visual amenity.

13. The applicant/developer shall comply with the following:
 - (a) adequate visibility shall be made available and maintained as indicated on submitted Proposed Sightlines Drawing No. MCSR-WMC-ZZ-XX-DR-C-102 for a minimum of 65 metres on either side of the entrance from a point 2.4 metres back in from the edge of the road carriageway over a height of 1.05 metres above road level and no impediment to visibility shall be placed, planted or allowed to remain within the visibility triangle. The area within the visibility splay shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter. No work shall commence on site until the visibility splays have been provided,
 - (b) a minimum separation distance of 20m shall be provided between the existing and proposed access to ensure minimal encroachment on the visibility requirements,

- (c) entrance gates shall be set back to prevent traffic congestion on the public road.
- (d) the proposed access road within the development shall be surfaced with an impermeable surface (e.g., concrete, dense bitumen macadam, etc.) and drained via patent type surface water lockable gullies or surface water drainage channels to a separate surface water drainage system. Gully chambers, where proposed, shall be provided at the minimum rate of one gully chamber per 200m². No road gully chamber to be built directly "online" on any drainage pipeline and shall be connected to main drainage pipelines via separate 150mm diameter branch connections. Manhole covers and frames, located in areas subject to vehicular traffic, shall be heavy-duty type to the current IS EN standards. Minimum strength is D400. Only clean uncontaminated water from all hard standing areas, including roofs, within the site shall be discharged to the surface water drainage system. Gully chambers to be lockable and located and constructed in such a manner as to prevent ponding occurring,
- (e) car parking areas shall be constructed in permeable block paving or similar approved,
- (f) uncontrolled crossing points shall be in accordance with the requirements of Design Manual for Urban Streets 2022 (Section 4.3.2 Pedestrian Crossings). Guidance on the use of tactile paving may also be taken from Section 13.3 of the Traffic Management Guidelines (2003) and the UK Guidance on the use of Tactile Paving Surfaces (2005). The existing entrance shall be upgraded as per this condition,
- (g) the road layout as per the submitted vehicle swept path analysis shall be put in place, to allow for movements large vehicles such as emergency vehicles, eight-wheeled refuse lorries and other larger type delivery vehicles so they can safely manoeuvre through (access and egress) the entire site entrance and including the access roads and turning/parking areas within the development,

- (h) electric vehicles charging points and the associated infrastructure shall be installed in accordance with Section 7.6.2 Electric Vehicles and Section 13.16.9 Charging Points for Electric Vehicles of Louth County Council Development Plan 2021 – 2027, (as varied).

Reason: In the interests of traffic and pedestrian safety.

- 14. Flood prevention measures shall be as per the submitted Flood Risk Assessment Report, completed by Waterman Moylan Consulting Engineers dated October 2023.

Reason: In the interest of orderly development.

- 15. 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.

Board Member

Patricia Calleary

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Date: 19/08/2024