

An
Bord
Pleanála

Board Order
ABP-315389-22

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22682

Appeal by MBBC Foods (Ireland) Limited care of Hamill Architects Limited of Unit T2, Dungannon Enterprise Centre, 2 Coalisland Road, Dungannon, County Tyrone against the decision made on the 24th day of November, 2022 by Louth County Council to grant subject to conditions a permission to BPM GP3 Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (i) The provision of a new single storey drive-thru restaurant/café within the north-eastern portion of the main car park serving the existing retail park. The proposed development will comprise: (a) provision of a vehicular access and exit point to the north and a pedestrian entrance along the south-eastern elevation of the building; (b) the provision of a total of 17 number car parking spaces to serve the proposed development (including one number accessible parking space); (c) the installation of signage on the buildings external elevations; (d) the provision of a new access road, pedestrian crossing and a pedestrian circulation area surrounding the proposed pedestrian entrance; (e) the provision of a single storey bin store

(10.5 square metres) to the north-west; (f) the installation of a speaker/order post and height restriction barrier adjacent to the vehicular entrance point; and (g) the provision of external signage including a totem sign adjacent to the proposed vehicular entrance, an external seating area, menu boards, a collection window, landscaping, footpaths, boundary treatments, lighting and all ancillary works necessary to facilitate the proposed development; (ii) The proposed development will necessitate amendments to the existing M1 Retail Park car parking layout, including the removal of 76 number existing car parking spaces (net loss of 59 number spaces in total) as amended by the revised public notices received by the planning authority on the 4th day of November, 2022 which includes (a) a revised site area and red line boundary with the application site now comprising an area of 1,830 square metres; (b) the layout and location of the proposed drive-thru unit has been revised, with the building now being adjacent to the eastern spine road within the existing M1 Retail Park car park; (c) revisions to the proposed access road with vehicular access and exit point now provided along the western site boundary; (d) provision of a revised car parking layout comprising 17 number car parking spaces (including one number accessible parking space); (e) provision of a pedestrian access point along the southern site boundary; (f) relocation of the proposed external seating area, bin store, height restriction barrier, speaker/order post and menu boards; and (g) revised hard and soft landscaping and signage; (h) the revised design will necessitate amendments to the existing M1 Retail Park car parking layout, including the removal of 71 number existing car parking spaces (net loss of 54 number spaces in total) at M1 Retail Park, Mell, Drogheda, County Louth.

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:

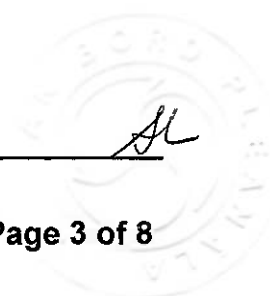
- (a) the location, nature, scale and design of the proposed development,
- (b) the provisions of the Louth County Development Plan 2021-2027 and,
- (c) the specific characteristics of the site and surrounds,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, is acceptable in terms of the traffic safety and convenience of pedestrians and road users and 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 further plans and particulars received by the planning authority on the 4th day of November, 2022, 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. Details of the materials, colours and textures of all the external finishes shall be in accordance with the submitted drawings and specifications. Any amendments shall require the prior written approval of the planning authority.

Reason: In the interest of visual amenity.

3. The hours of operation shall be:

Monday – Wednesday: 0800 hours to 1900 hours

Thursday and Friday: 0800 hours to 2030 hours

Saturday: 0800 hours to 1900 hours

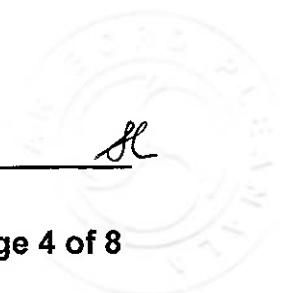
Sunday: 0900 hours to 1900 hours

Any changes to these specified times shall require the prior written agreement of the planning authority.

Reason: In the interest of orderly development.

4. Apart from the signage permitted with this permission, no advertising signs, or devices shall be erected outside the premises without a prior grant of permission. No display of goods or materials or advertising boards shall take place on the adjoining footpaths.

Reason: In order to prevent advertising clutter and in the interest of visual amenity.



5. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved hard and soft landscaping scheme (as submitted on the 4th day of November, 2022) shall be implemented in full in the first planting season following the commencement of the development. Any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenities.

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

Reason: To ensure the development is carried out and completed to an acceptable construction standard.

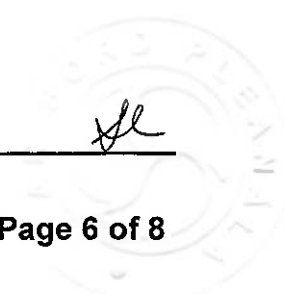
7. The development shall comply with the following requirements of the planning authority:
 - (a) The height restriction barrier shall have an opening mechanism to allow for servicing of the site by box vans etc.
 - (b) Drop kerbs and tactile paving slabs at pedestrian crossing points shall be provided in accordance with Traffic Management Guidelines published by the Department of Transport in September 2019 (updated May 2022).

- (c) Signing and lining shall be in accordance with the traffic signs manual published by the Department of Transport in February 2021 (updated October 2021).
- (d) The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road/footpath arising from the construction work and shall either make good any such damage to the satisfaction of the planning authority or pay to the council the cost of making good any such damage on a demand thereof issued by the Council.
- (e) All necessary measures, as may be determined by the planning authority, shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition, immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out the road/footpath cleaning work.

Reason: In the interest of traffic safety.

- 8. 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.



9. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 residential amenities of property in the vicinity.

12. 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.




Stewart Logan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 30 day of January 2024