



An
Bord
Pleanála

Board Order
ABP-315897-23

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22716.

Appeal by Emily Hickey of Besda, Bryanstown Village, Dublin Road, Drogheda, County Louth against the decision made on the 30th day of January, 2023 by Louth County Council to grant, subject to conditions, a permission to Andante Investments Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with the plans and particulars lodged with the said Council.

Proposed Development: The development will consist of (i) construction of a commercial development comprising a single storey builders merchants building with ancillary staff facilities at mezzanine level (556.5 square metres), a single storey warehouse building (995 square metres) and a security hut (11 square metres); (ii) provision of two number parking bays comprising a total of 17 number car parking spaces and five number bicycle parking spaces; (iii) creation of new vehicular entrance along northern site boundary off existing access road off Mathews Lane South and (iv) all associated site development works including landscaping boundary treatments and SuDS drainage works necessary to facilitate the development, all on lands to the immediate south of

Lidl and to the immediate west of John McCabe Nissan within Donore Road Industrial Estate, 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 the zoning objective that applies to the area ('E1 – General Employment') as set out in the Louth County Development Plan 2021-2027, the nature and scale of the proposed development, which comprises a builders merchants in an existing business park and serviced area, and the pattern of development in the surrounding vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, or give rise to traffic hazard or obstruction of road users. 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 received by the planning authority on 9th day of January 2023, 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. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a revised site layout plan showing details of:
 - (a) all proposed car parking spaces repositioned to be within the site,
 - (b) a new footpath and tactile paving provisions along the northern boundary of the site,
 - (c) two number accessible parking spaces in compliance with Chapter 13.16.7 (Disabled Parking) in the Louth County Development Plan 2021-2027, as varied,
 - (d) the distance between the edge of road and the entrance gates in compliance with Chapter 13.16.19 (Road Gradients) in the Louth County Development Plan 2021-2027, as varied.

Reason: To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety and of visual amenity.

3. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:
- (a) collection and disposal of construction waste,
 - (b) surface water run-off from the site,
 - (c) on-site road construction,
 - (d) environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures, and
 - (e) the location of petrol interceptors so that the surface drainage of any area surrounding metering pumps, dispensers and tanker delivery points or the drainage of any petrol spillages or water contaminated with petrol shall be prevented from entering any water course, public drain or sewer.

A record of daily checks, that the construction works are being undertaken in accordance with the CEMP, shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of landscape and environmental protection.

4. 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 Environmental Protection Agency'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 sustainable waste management.

5. The warehouse element of the development permitted shall constitute a single planning unit to be used for Class 5 purposes only, that is, use as a warehouse or as a repository, as so defined in the Planning and Development Regulations 2001, as amended, and for no other class of use specified in Part 4 of Schedule 2 of the Regulations, unless authorised by a further grant of permission. Any associated offices and staff facilities shall be incidental to the permitted use.

Reason: In the interest of clarity and to prohibit an unacceptable change of use.

6. 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.

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

Reason: To protect the visual amenities of the area.

8.
 - (a) Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
 - (b) Details of SuDS measures shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of public health.

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following: -

- (a) details of all proposed hard surface finishes, including of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street fixtures, including bollards, lighting, road signage; and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

10. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

11. 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 with the proposed development.

Reason: In the interests of public safety and residential amenity.

12. The hours of operation of operation shall be restricted to between the hours of 0700 to 1700, Mondays to Saturdays inclusive, unless otherwise agreed in writing with the planning authority and, if deemed necessary, subject of a separate grant of permission.

Reason: In the interest of clarity.

13. 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 amenities of property in the vicinity.

14. The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting 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 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 developers 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.

Eamonn James Kelly

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Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *24th* day of *April*, 2024.