



Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22921

Appeal by Carroll Village Retail Management Services Limited care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin against the decision made on the 12th day of June, 2023 by Louth County Council to grant, subject to conditions, a permission to Aviva Life and Pensions Ireland DAC care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for partial demolition of the existing shopping centre building and the construction of a new four-storey Primary Care Centre including (a) General Practitioners Surgery, (b) Pharmacy Unit and (c) HSE accommodation, external plant area, relocation of existing site access, car parking and set down area, erection of access control barriers, new totem sign, general wall mounted signage, new elevational treatment to north facade of the Carroll Village Shopping Centre, site lighting, hard and soft landscaping and all associated site works, at Carroll Village Shopping Centre, The Long Walk, Dundalk, County Louth. The proposed development was revised by further public notices received by the planning authority on the 22nd day of May 2023.

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

The Board considered that, having regard to the planning objectives and policies pertaining to this development as set out in the Louth County Development Plan 2021-2027 and subject to compliance with the conditions set out below, the proposed development is appropriate at this location, and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board decided that the matter of car parking is adequately addressed by condition requiring the provision of adequate carparking as per the requirements and calculations of the planning authority in respect of the development plan, in advance of commencement of development.

Furthermore, the Board agreed with the planning authority that the revised drawings, details and information showing the public realm space integrated and considered in conjunction with the public footpath at the southern boundary, and the activation generated by the development at this location, would help to animate the street which would adequately support the D1 Regeneration Zoning objective for the site

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by the further plans and particulars received by the planning authority on the 22nd day of May 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. The use of the building/premises shall be in accordance with the site notice description of proposed development, that is primary care centre including GP surgery, pharmacy unit and HSE accommodation. No other uses shall be carried out without the prior consent of the planning authority, or the grant of a separate planning permission for the alternative use.

Reason: In order to regulate the development.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be in accordance with the plans and particulars submitted with the application and further information, unless otherwise agreed with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Functioning electronic vehicle charging stations/points shall be provided in accordance with the revised plans submitted, with ducting provided for all other spaces.

Reason: To provide for and future proof the development such as would facilitate the use of electric vehicles.

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 shall be implemented fully in the first planting season following commencement of development and finalised prior to the occupation of any units in the primary care centre hereby granted planning permission. 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 amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

7. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall be in accordance with the engineering services report submitted with the application, and shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

10. Prior to the occupation of any unit within the primary care development, all roadways/cycle paths and footpaths serving the said units shall be finished with permanent durable surface course. The roadway shall be applied with line marking and road signage as per submitted drawings.

Reason: In the interest of traffic safety and orderly development.

11. Prior to the occupation of any unit within the primary care development, the street lighting serving the proposed development shall be operational.

Reason: In the interest of traffic safety and orderly development.

12. Prior to the occupation of any unit within the primary care development, the developer shall ensure that all parking spaces, including ambulance spaces, shall be properly constructed on a durable permanent surface, are available and laid out to the satisfaction of the planning authority.

Reason: In the interest of traffic safety and orderly development.

13. The construction of the proposed 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 all intended construction practice for the proposed development, including, but not limited to, noise management measures and off-site disposal of construction/demolition waste.

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

14. All necessary measures, as determined by the planning authority, shall be taken by the developer to prevent the deposit or spillage of clay, rubble or other debris on adjoining 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 of road/footpath cleaning work.

Reason: In the interest of traffic safety and orderly development.

15. (a) The developer shall, if directed by the planning authority, monitor and record noise levels – Leq’s and any other levels which may be requested by the planning authority (L max et cetera) during construction stage.
- (b) The developer shall, if directed by the planning authority, monitor and record the total dust emissions arising from all on site operations associated with the proposed development during construction stage.
- (c) The number and location(s) of the monitoring and recording stations for sound and dust deposition necessary to comply with the requirements of part (a) and (b) of this condition shall be in accordance with the requirements of the planning authority for such monitoring of sound and dust deposition.
- (d) The planning authority shall be afforded access at all reasonable times in order to inspect, examine and check or to have inspected, examined and checked, all apparatus and equipment used or required to carry out monitoring of noise.
- (e) The developer shall pay to the planning authority a sum of money, if required, as a contribution towards the costs incurred by the said authority in carrying out, or having carried out, check monitoring and recording of any, or all, of the matters required to be monitored and recorded by part (a) and (b) of this condition. The amount of contribution and arrangements for payment of such contribution shall be agreed between the developer and the planning authority.

Reason: In the interest of proper planning and sustainable development of the area and in the interest of residential amenity.

16. Prior to commencement of development, the developer 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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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.

17. A Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall provide, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters and surfacewaters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

18. (a) 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

19. The transmitted ground vibration arising from any piling carried out on the site, when measured on the foundations of the house nearest the location of the piling and not owned by the developer or on a part of the house in close contact with the foundations, shall not exceed a peak particle velocity of five millimetres per second in any one of the three mutually orthogonal planes.

Reason: In the interest of noise mitigation and orderly development.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority

and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

21. 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.

Liam Bergin

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

Dated this 21st day of August 2024.