



An
Bord
Pleanála

Board Order ABP-317657-23

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 221020

Appeal by Derek Moran care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork against the decision made on the 6th day of July, 2023 by Louth County Council to grant permission, subject to conditions, to Propchain Solutions Limited care of Brady Hughes Consulting of 26 Magdalene Street, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for four commercial units in a 2,309.9 square metres single storey building with a maximum height of 9.8 metres, as follows: Unit 1 - Retail unit with gross floor area of 92.1 square metres and a net retail sales area of 81.8 square metres. Unit 2 - Retail unit with a gross floor area of 98 square metres and a net retail sales area of 87 square metres. Unit 3 - Coffee shop/restaurant with a gross floor area of 121.8 square metres and a net area of 104.4 square metres, and Unit 4 - Convenience/foodstore retail outlet with a gross floor area of 1,998 square metres and a net retail sales area of 1,257.5 square metres, including off-licence, stores, staff facilities, toilets together with a service yard and delivery area. Two number bin and one number bike stores and two number trolley bays: 98.5 metres gross floor area ancillary to the four number commercial units. The proposed development also includes for a total of 177 number car parking spaces, bicycle parking spaces, a new service access off Ballymakenny Road, public open space with associated landscaping, boundary treatments, all

associated access roads, footpaths and cycle facilities, foul and surface water drainage and public lighting at Ballymakenny Road, Yellowbatter, Drogheda, County Louth as revised by the further public notices received by the planning authority on the 19th day of June, 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

Having regard to the provisions of the Retail Planning Guidelines issued by the Department of the Environment, Community and Local Government in May 2012, the location of the proposed development within the Northern Environs of Drogheda, the relevant policy objectives, standards and requirements for this area as set out in the Louth County Development Plan 2021-2027 (as varied), the 2006 Masterplan for the area which supports the delivery of up to 2500 square metres of Convenience retail at this location to meet the needs of future residents, the extent of permitted, constructed and under construction residential development in the area and the need to ensure that residential development is delivered in tandem with social and community infrastructure and services in accordance with Policy Objective SS11 of the development plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objectives for the area as set out in the development plan and with the Retail Strategy for the County and would not seriously injure the visual or residential amenities of the area 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 received by the planning authority on the 19th day of June, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The hours of trading shall be restricted to the hours between 0700 and 2200 Mondays to Sundays and public holidays, unless otherwise agreed in writing with the planning authority prior to the commencement of trading, and if deemed necessary by the planning authority, subject of a separate grant of permission.

Reason: In order to regulate the development in the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed structures/buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. (a) A maximum of 116 number car parking spaces shall be provided within the site to serve the proposed development. Each space shall be satisfactorily surfaced and lined with white durable material.
- (b) The remaining 61 number car parking spaces are hereby not permitted. These lands may be subject to separate future application(s) to meet the parking demands of the area or for other such uses as may be deemed appropriate.
- (c) Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development, visual amenity and proper planning and development.

6. A minimum of 20% of the permitted car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

7. The landscaping scheme shown on drawing number DWG.01, as submitted to the planning authority on the 22nd day of December 2022 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 visual amenity.

8. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

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

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 reducing waste and encouraging recycling.

10. 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: collection and disposal of construction waste, surface water run-off from the site, and environmental management measures during construction including noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP and 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 residential amenities, public health, safety and environmental protection

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority, a site layout plan detailing the area of the site that is to be 'Taken in Charge' by the local authority (access road and footpaths) and the portion of the site that is to remain in private control.

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

13. 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.

Reason: In the interests of visual and residential amenity.

14. The internal road network serving the proposed development including turning bays, junctions, parking areas, cycle paths, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

15. 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. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interest of amenity and public safety.

16. Drainage arrangements including the attenuation and 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 details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

17. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the National Monument Service (NMS) a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation preservation in-situ/excavation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

18. 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.



Marie O'Connor

Member of An Bord Pleanála

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

Dated this 20 day of December 2024