



An
Bord
Pleanála

Board Order ABP-318988-24

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 23/60458

Appeal by Phyllis Kirk of Reaghstown, Ardee, County Louth against the decision made on the 12th day of January, 2024 by Louth County Council to grant subject to conditions a permission to Glebe Botanical Limited care of Stephen Ward Town Planning and Development Consultants of Jocelyn House, Jocelyn Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Refurbishment and upgrade and a change of use and extension of the existing building on site to provide for a garden centre, a café and a children's activity centre with associated outdoor display areas and polytunnels. The existing and permitted vehicular entrance off the R171 (Tallanstown Road) will be used for access for private cars and the public to the development. A new dedicated vehicular entrance for servicing and staff is proposed onto the R171 north of the existing permitted vehicular access. The proposed development also provides for all associated site development works, including resurfacing of hardstanding areas, internal road, car parking bay markings and lighting to the car park areas, landscaping, boundary treatment and car parking. Permission is also sought for associated signage to buildings, all at site of Former McCabe's Car Showroom Garage, The Glebe, Ardee, 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 '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 re-use 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 proposed 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 proposed 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 interest 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 Mondays to Sundays, 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 planning 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 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 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 with, the planning authority prior to 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 proposed development, including 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 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 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 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 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 properties in the vicinity.

11. Prior to commencement of development, the developer shall enter into connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network, which shall include any specific requirements, if appropriate.

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

P.C.

12. The landscaping scheme shown on drawing number 7814-L-2000, as received by the planning authority, 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 developer shall comply with the following requirements:
- (a) Adequate visibility shall be made available and maintained as indicated on the submitted Proposed Sightlines drawing number 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 250 millimetres 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 20 metres shall be provided between the existing and proposed access to ensure minimal encroachment on the visibility requirements.
 - (c) The entrance gates shall be set back to prevent traffic congestion on the public road.

P.C.

- (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 200 square metres. No road gully chamber shall be built directly "online" on any drainage pipeline and shall be connected to main drainage pipelines via separate 150-millimetre-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. The minimum strength shall be D400. Only clean uncontaminated water from all hardstanding areas, including roofs, within the site shall be discharged to the surface water drainage system. Gully chambers shall be lockable and located and constructed in such a manner as to prevent ponding occurring.
- (e) The 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 the 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 of 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 the Louth County Development Plan 2021-2027, as varied.

Reason: In the interest 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.

P.C.

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.



Patricia Calleary

Member of An Bord Pleanála

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

Dated this 20 day of August 2024.