



Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Planning Register Reference Number: 19414

Appeal by Rockfield Residents Association care of Ann Marie Brennan of 6 Rockfield Court, Hoey's Lane, Dundalk, County Louth and by Glenwood Residents Association care of Environmental Heritage Planning Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 7th day of October, 2019 by Louth County Council to grant subject to conditions a permission to Torca Developments Limited care of McGill Planning Limited of 45 Herbert Lane, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for development on a site circa 1.56 hectares, for the construction of 67 number dwelling units (within nine number blocks ranging in height from one to four storeys) comprising of 23 number one-bedroom apartments and 13 number two-bedroom apartments; 14 number two-bedroom duplex units; seven number three-bedroom duplex units and one number four-bedroom duplex unit; four number one-bedroom houses and five number three-bedroom houses. Total residential gross floor area

circa 5522.2 square metres. New vehicular and pedestrian accesses via the Dublin Road to the south-west and Glenwood to the north, new pedestrian access via Rockfield to the north-east and Glenwood to the north; all associated site development works, services provision, car parking, cycle parking, bin stores, open space, vehicular/pedestrian access, landscaping and boundary treatment works, all at Dublin Road, Dundalk, County Louth, as revised by the further public notice received by the planning authority on the 19th day of September, 2019.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the residential zoning objective for the site, as set out in the Dundalk Development Plan 2009 - 2015 (as extended), the policies and objectives of the Louth County Development Plan 2015-2021, the National Planning Framework, 2018 – 2040, the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)” issued by the Department of the Environment, Heritage and Local Government in May 2009, the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in March 2018 and the “Design Manual for Urban Roads and Streets” issued by the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government in 2019 and to the overall scale, design and layout of the proposed development, 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 the amenities of property in the vicinity, and would be acceptable in terms of pedestrian and 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 submitted on the 19th day of September, 2019, 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 proposed development shall be amended as follows:
 - (a) The pitched roof element of the four-storey element of Block 1 shown on the revisions to the elevations as submitted on the 19th day of September, 2019 shall be omitted and replaced with a flat roof.
 - (b) Details including the height of the privacy screens proposed to the balconies of the apartments/duplexes shall be agreed with the planning authority and these shall be permanently fitted with obscure glazing prior to the first occupation of the units and, thereafter, shall be maintained.
 - (c) Details of all site boundary treatment shall be submitted to, and agreed in writing with, the planning authority.

- (d) Rear garden boundaries shall consist solely of concrete block walling, rendered on both sides and capped, or of concrete post and panel fences.

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 visual and residential amenity.

- 3. Details of the materials, colours and textures of all the external finishes to the proposed blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 4. The site shall be landscaped in accordance with the landscaping details submitted with the application and the Landscape Masterplan Drawing Number 100A submitted to the planning authority on the 19th day of September, 2019.

- (a) The areas of open space shown on submitted drawings shall be reserved for such use and shall be landscaped in accordance with the detailed requirements of the planning authority. The open space areas indicated shall be laid out and landscaped prior to the making available by the developer for occupation of any of the units.

- (b) Existing trees and hedgerows shall as far as possible be retained along the site boundaries including the boundary with the Teagasc site and the cul-de-sac in Glenwood and measures shall be put in place for their protection.
- (c) The developer shall retain the services of a suitably qualified landscape architect throughout the duration of the site development works. The developer's landscape architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.
- (d) 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.

- 5. Prior to the commencement of development, a bat survey shall be carried out. In the event that bats are found detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and to prevent flooding.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

8.
 - (a) The roads and traffic arrangements serving the site (including road signage and traffic calming), shall be in accordance with the detailed requirements of the planning authority for such works, and shall be carried out at the developer's expense.
 - (b) The internal road network serving the proposed development including access, turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works.
 - (c) The proposed pedestrian accesses shall comply with the detailed standards of the planning authority for such works.

Reason: In the interests of pedestrian and traffic safety.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

10. No additional development shall take place above roof parapet levels of the blocks, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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 within the proposed development.

Reason: In the interests of visual and residential amenity.

12. Proposals for a naming and numbering scheme and associated signage for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

13. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

14. 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 noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

16. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open spaces 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 or maintenance 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 and maintenance of the development until taken in charge.

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

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2020