



An
Bord
Pleanála

Board Direction
BD-015888-24
ABP-315242-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/03/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, including HOU 11, 15 and 17, the town centre location of the site, which is in proximity to a wide range of community services and social facilities; the pattern and character of existing development in the area; and the design, scale and layout including public and communal open space of the proposed development on what is a centrally-located, urban, brownfield site; it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, would be acceptable in terms of pedestrian and traffic safety, would constitute an acceptable form of development and use at this Protected Structure and would not seriously injure the amenities of surrounding properties or seriously detract from the character or built heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>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 14th January 2022, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>That prior to the commencement of development, details of the following shall be submitted to and agreed in writing with the Planning Authority:</p> <p style="padding-left: 40px;">a) The provision of a privacy strip 1.5m in depth alongside the rear (eastern side) of Apartment B6.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The development shall be carried out in accordance with the Conservation Methodology Statement Addendum, and Revised Conservation Appraisal Report, received by the planning authority on the 12th October 2022.</p> <p>Reason: To protect the architectural heritage in the interests of the common good and the proper planning and sustainable development of the area.</p>
4.	<p>Prior to the commencement of development on the protected structures the applicant/developer shall submit for the written agreement of the planning authority confirmation that:</p> <p style="padding-left: 40px;">a) the construction phase for the development will be monitored by a suitably qualified conservation architect (minimum Grade 2) with conservation expertise and accreditation, and</p> <p style="padding-left: 40px;">b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.</p>

	<p>Reason: To secure the authentic preservation of the protected structures and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
5.	<p>a) The temporary widening of the existing vehicular site access from Castle Road shall be permitted and facilitated for the duration of the construction phase only, with all original stonework and related items numbered and retained for future reinstatement in its original location and form following completion of the development. All works shall be supervised by an onsite conservation architect.</p> <p>b) Details of the procedures to be followed in respect of the temporary widening of the site access and subsequent reinstatement of the wall shall be submitted in a method statement to the planning authority, and agreed in writing, prior to the commencement of development.</p> <p>Reason: In order to protect the character of this protected structures and in accordance with best practice conservation practice.</p>
6.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall:</p> <p>Include a plan to scale of not less than 1:500 showing –</p> <p>a) Existing trees, hedgerows, shrubs, stone walls, etc., specifying which are proposed for retention as features of the site landscaping.</p> <p>b) The measures to be put in place for the protection of these landscape features during the construction period.</p> <p>c) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</p> <p>d) Details of boundary planting.</p>

	<p>e) Details of any roadside/street planting.</p> <p>f) Hard landscaping works, specifying surfacing materials, SuDS measures, furniture, and finished levels.</p> <p>g) Full details of play equipment and seating within the play area.</p> <p>h) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>The landscaping measures must be carried out within the first planting season following substantial completion of external construction works.</p> <p>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, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
7.	<p>Prior to the commencement of development on the protected structures samples of materials and/or workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement.</p> <p>Reason: In the interest of the protection of architectural heritage.</p>
8.	<p>a) Prior to the commencement of development, the applicant shall submit details (design and materials) of the proposed commemorative plaque(s) in relation to the historic and cultural importance of the site and its associated buildings for the written agreement of the planning authority. Elevation drawings should also be submitted to illustrate the location and scale of the proposed commemorative plaque(s).</p> <p>b) The existing statue of St. Joseph and crucifixes associated with the convent building shall be removed in such a manner as to enable</p>

	<p>them to be recorded, photographed and their appropriate historical archival in the care of a museum.</p> <p>c) The equipment and machinery associated the former laundry building shall be removed in such a manner as to enable them to be recorded, photographed and their appropriate historical archival in the care of a museum.</p> <p>Reason: In the interest of proper planning and to ensure the cultural and historic importance of the site is acknowledged.</p>
9.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), 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 hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>

11.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<p>a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in accordance with the road design standards of Transport Infrastructure Ireland.</p> <p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>a) A Mobility Management Plan shall be completed within six months of the opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the planning authority.</p> <p>b) Prior to commencement of development, the developer shall submit a developed Construction Traffic Management Plan for the written agreement of the planning authority.</p> <p>c) Details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>d) Details of an automated pedestrian warning system to alert pedestrians of vehicles exiting the development onto Castle Road shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p>

	<p>e) The permitted garden of commemoration shall remain be open to the public during daylight hours (9am-6pm, 7-days a week)</p> <p>Reason: In the interest of public safety and visual and residential amenity.</p>
14.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, 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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
15.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
16.	<p>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:</p> <ul style="list-style-type: none"> 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 nature and location of archaeological material on the site and the impact of the proposed development on such archaeological material. <p>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</p>

	<p>archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
17.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
18.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
19.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

20.	<p>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.</p> <p>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.</p>
21.	<p>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 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 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

Board Member



Peter Mullan

Date: 21/03/2024