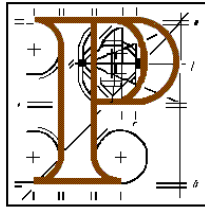


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Louth County

Planning Register Reference Number: 15/285

An Bord Pleanála Reference Number: PL 15.245454

APPEAL by Frank Holmes care of P. Herr and Associates of 2 Jocelyn Place, Dundalk, County Louth against the decision made on the 12th day of August, 2015 by Louth County Council to grant subject to conditions a permission to Fallstar Construction Limited care of Van Dijk Architects of Mill House, Mill Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of four number blocks of Student Housing three storeys in height and comprising 21 units, each containing 9 rooms (total 189 rooms), a 127 room Nursing Home two storeys in height with ancillary facilities, a Research, Development and Training Centre five storeys in height and with a gross floor area of 12,286 square metres, all with associated parking, roof-top plant including optional solar/photovoltaic panels and all associated site development works, landscaping and boundary treatments at Greenpark Inner Relief Road, Marshes Upper, Dundalk, County Louth as amended by the revised public notice received on the 21st day of July, 2015 by the planning authority.

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 nature of proposed uses on site and the zoning objectives relating to the site to provide for education, recreation, enterprise and innovation as set out in the Dundalk and Environs Development Plan 2009-2015, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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 submitted on the 21st day of July, 2015, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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 proposed student accommodation shall be used solely for the accommodation of students associated with the Dundalk Institute of Technology and shall not be used as residential accommodation for any other purpose without a prior grant of permission.

Reason: In the interest of residential amenity.

5. Details of all boundary fencing or walling around the perimeter of the site and along common boundaries with adjacent sites shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Details of the proposed phasing associated with the development, including timescales, provision of infrastructure, boundary treatment, landscaping and parking associated with each of the land uses proposed, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. Proposals for a street name/unit name for each of the proposed buildings together with associated signage shall be submitted to, and agreed with, the planning authority prior to commencement of development. Thereafter all estate and street signs shall be provided in accordance with the agreed scheme. No advertisement/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement for the proposed names.

Reason: In the interest of urban legibility.

9. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building/within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity. [

10. All service cables associated with the proposed development (such as electrical, telecommunications and television cables) 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.

11. 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 student house.

Reason: In the interest of amenity and public safety.

12. Details, including their location, design and signage, of proposed bin storage and cycling facilities to be provided at the proposed development shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and to protect the environment in the vicinity of the development from litter.

13. The internal road layout and network serving the proposed development, including turning bays, junctions, parking area, footpaths and kerbs, and access road to the service area, shall be in accordance with the detailed standards of the planning authority for such works.

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

14. Car parking spaces shall be provided within the site in accordance with the requirements of the planning authority. The locations and layout of these spaces and how they are assigned to the individual land use proposed shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure adequate off-street car parking provision is available to serve the development.

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

16. The proposed development shall incorporate the provision of a left hand turn filter for vehicles exiting the development onto the N52. The construction of the filter lane shall be completed within five years from the date of commencement of the construction of development, or as otherwise agreed with the planning authority.

Reason: In the interest of traffic safety.

17. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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.

19. 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

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

Dated this day of 2016.