

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Louth County

Planning Register Reference Number: 16/62

An Bord Pleanála Reference Number: PL 15.246845

APPEAL by Churchtown and District Community Alert Group care of Clive Finlay of Stormanstown, Ardee, County Louth and by others against the decision made on the 8th day of June, 2016 by Louth County Council to grant subject to conditions a permission to Care (Ireland) Limited care of A1 Design Services of Millockstown, Ardee, County Louth in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (1) Retention of a bay window and velux rooflights to the dwellinghouse, retention of the residential accommodation in the attic of the house and permission for change of use of the entire house to an early intervention centre for children, ages 3 years to 10 years, (2) retention of a dormer style garage building and permission for change of use of the garage to two number single bedroom respite units ancillary to the main house and (3) upgrading of a wastewater treatment system and an extension of the existing soil polishing filter and associated site works, all at Glack and Mountrush, 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.

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 and limited scale of the proposed development, the fact that the proposal involves the re-use of an existing dwelling for use as a residential based intervention and assessment centre for children and the need for such a facility as described by the applicant, it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the visual, residential or other amenities of this rural area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, would not materially contravene the provisions of the Louth County Development Plan 2015-2021 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board accepted the need for the proposed facility as presented by the applicant and considered that, in light of the nature and specific age group and needs of the children to be assessed, the proposed development was acceptable in this rural area. The Board concurred with the planning authority in concluding that the proposed development falls within the 'exceptional circumstances' category in relation to the general presumption against nursing homes/analogous services in the open countryside. Accordingly, the Board concluded that the proposed development would not materially contravene the provisions of the Louth County Development Plan 2015–2021.

CONDITIONS

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of May, 2016, 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 Early Intervention and Assessment Centre for children shall cater only for children between 3 and 10 years of age inclusive and shall cater only for children undergoing assessment prior to placement with foster families or in an alternative facility to cater for the needs of the children in a longer term residential setting. The facility shall not be used as a long term residential care centre or for children of any other age.

Reason: In the interests of clarity in respect of the scope and nature of the facility as documented in submissions from the applicant.

3. The proposed change of use of the garage to residential is not permitted. The garage structure shall be used as a garage or for the purposes of storage only. It shall not be used for human habitation and shall not be converted to provide two independent residential units as shown on the plans and particulars submitted with the application and appeal documentation.

Reason: In the interest of clarity.

4. A comprehensive landscaping plan for the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This landscaping strategy shall be prepared by a suitably qualified landscape architect and shall provide for landscaping of general outdoor areas, both hard and soft landscaping for areas reserved as play areas, supplementary planting along site boundaries and measures to address the visual impact of the fire escape by means suitable screen planting. The agreed scheme shall provide for replacement planting in respect of any planting that fails in the first season. Landscaping shall be permanently retained as part of the development.

Reason: In the interest of visual amenity.

5. Prior to the occupation of the development, close circuit cameras shall be provided and made operational. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety and security.

6. 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: In the interest of public health.

7.
 - (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 8th day of February 2016, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
 - (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the proposed development and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the proposed development and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the proposed development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

- 8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

9. 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.

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

Dated this day of 2016.