

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Louth County

Planning Register Reference Number: 16/428

An Bord Pleanála Reference Number: PL 15.247713

APPEAL by Olive Johnston of Seapoint, Termonfeckin, Drogheda, County Louth against the decision made on the 24th day of November, 2016 by Louth County Council to grant subject to conditions a permission to John Cooney of Seapoint, Newtown, Termonfeckin, County Louth in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing single storey dwellinghouse and replacement with two-storey/dormer style dwellinghouse, provision of off-street parking area, installation of proprietary wastewater treatment system/percolation area and associated site works at Seapoint, Newtown, Termonfeckin, 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 pattern of development in the vicinity, and to the nature and scale of the proposed development, as modified in the submission to the planning authority on the 8th day of November, 2016, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health nor lead to a risk of flooding, and would be acceptable in terms of pedestrian and traffic safety. 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 8th day of November, 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 proposed flat roof to the rear of the dwelling shall not be used as a terrace or amenity area, and the landing window on the southern elevation facing this roof shall be so designed that it is not capable of giving access to the flat roof area.

Reason: In the interest of protecting the residential amenities of adjoining properties.

3. Adequate visibility shall be made available and maintained for a minimum distance of 75 metres in both directions from the proposed entrance at a point 2.4 metres back from the edge of the road carriageway over a height of 1.05 metres above the road level measured from the edge of the carriageway and no impediment to visibility shall be placed, planted or allowed to remain within the visibility triangle.

Reason: In the interest of pedestrian and traffic safety.

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

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

5. Details of the proposed external finishes of the dwellinghouse shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The pitched roof shall be blue-black in colour, using slates or flat profile tiles only, and the ridge tiles shall be the same colour as the roof.

Reason: In the interest of visual amenity.

6. The car parking area to the front of the site shall be constructed of permeable materials, and surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

7. The site shall be landscaped using only indigenous deciduous trees and hedge species in accordance with the details submitted with the application. This shall include the following:
 - (a) The establishment of a hedgerow along all side and rear boundaries of the site.
 - (b) 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 sized species, unless otherwise agreed in writing with the planning authority.

The landscaping shall be carried out within the first planting season following commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding landscape in the interest of visual amenity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. (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 23rd day of June, 2016, and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). 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 dwellinghouse 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 dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) The invert of the tertiary filter shall be at least 0.5 metres below existing ground level to ensure a minimum of 900 millimetres above the fluvial flood level.
- (f) Within three months of the first occupation of the dwelling, 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 Environmental Protection Agency document.

Reason: In the interest of public health.

10. 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 the 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 2017.