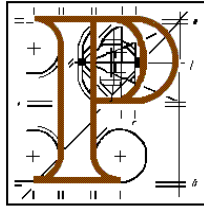


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Louth County Council

Planning Register Reference Number: 17/363

An Bord Pleanála Reference Number: ABP-300043-17

Appeal by Louth Environmental Group of 91 Saint Nicholas Avenue, Dundalk, County Louth and by Brid Rogers and Eamonn and Joanne Murphy care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 29th day of September, 2017 by Louth County Council to grant subject to conditions a permission to Emaoifrob Limited care of Future Analytics Consulting Limited of 23 Fitzwilliam Square (South), Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition and clearance of all existing industrial structures and hard surfacing at the former Eircom, adjoining house and open space sites and the development of a new mixed use scheme comprising residential dwellings, a crèche and community facilities, public open space, upgraded vehicular access and road junction, all associated ancillary works including site development works, hard and soft landscaping and boundary treatments. The residential dwellings will include 122 number units: 84 number houses (42 number two-bed, 34 number three-bed and eight number four-bed) in 10 number different house types and 38 number apartments (12 number one-bed and 26 number two-bed) in three number different apartment types. The crèche (ground floor) and community rooms (first floor) building will have a total floor area of 552 square metres with a 194 square metres outdoor play area. Planning permission is also sought for the widening of the access road onto Demense Road and junction upgrade works (new staggered, signalised traffic junction) at the intersection with Demense Road and The Long Walk, all at Demesne Road, Dundalk, County Louth, as amended by the further public notice received by the planning authority on the 5th day of September, 2017.

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 location of the subject site within the Town Centre of Dundalk, a priority development area as shown on the Core Strategy Map of Dundalk and Environs Development Plan 2009-2015, the policy of the Core Strategy of Louth County Development Plan 2015-2021 to prioritise sustainable development at appropriate locations within Dundalk as one of the economic drivers for the County, the Town Centre Mixed Use zoning of the majority of the subject site, the stated objective of which is to provide for mixed use development, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May 2009, to the pattern of development in the area 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 amenities of property in the area 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 5th day of September, 2017, 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. Prior to the commencement of development, a Parking Management Plan shall be prepared for the site and shall be submitted to, and agreed in writing with, the planning authority. The plan shall provide for the following:
 - (a) a maximum car parking provision of 145 number car parking spaces,
 - (b) the reservation of car parking facilities solely to serve the proposed development. One clearly identified car parking space shall be assigned permanently to each residential unit and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission,
 - (c) details of how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed,
 - (d) the location of disabled access car parking, at least four number of which shall be located within close proximity of the proposed four number single storey dwellings (unit numbers 16, 17, 36 and 37), and
 - (e) the location of cycle parking spaces.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the proposed crèche development.

3. The living room window in Apartment Type X1 in the southern apartment block shall be permanently fitted with obscure glazing. Furthermore, the southern screen on the Type X 1 apartment balconies shall be raised to 1.8 metres in height and fitted with permanently obscured glazing or similar.

Reason: In the interest of residential amenity.

4. Prior to the commencement of development, details to be submitted to and agreed in writing with the planning authority, shall show the ground floor of the proposed community crèche building revised to incorporate the 44 square metres proposed community room into the proposed crèche, and for use solely by the crèche.

Reason: In the interest of facilitating the orderly operation of the proposed community crèche.

5. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of orderly development.

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 and to ensure a proper standard of development.

7. The internal road network, public footpaths within and outside the proposed development site, including car parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

Reason: To ensure a satisfactory standard of development.

8. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. Public lighting shall be provided in accordance with a scheme, 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. The landscaping scheme shown on the Landscape Plan drawing number 169-DD-01 as submitted to the planning authority on the 5th day of September, 2017 shall be carried out within the first planting season following substantial completion of external construction works. 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.

Reason: In the interest of residential and visual amenity.

11. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of the proposed southern boundary. This shall include boundaries between rear gardens and boundaries to the proposed 'Open Space 3' as shown on the Landscape Plan drawing number 169-DD-01 submitted to the planning authority on the 5th day of September, 2017.

Reason: In the interest of residential privacy.

12. 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 interest of the proper planning and sustainable development of the area.

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. 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.

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.

15. 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. 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 2018.