



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 18404

Appeal by John Duffy of Cookstown, Ardee, County Louth against the decision made on the 24th day of October, 2018 by Louth County Council to grant subject to conditions a permission to Ashdale Care Centre Ireland Limited care of F. J. Coyle and Associates of 3 High Street, Monaghan, County Monaghan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use of existing private dwelling house to boutique hotel with ancillary internal and minor elevational alterations, removal of existing effluent treatment system, decommissioning of existing percolation area, installation of new proprietary wastewater treatment system and polishing filter and all associated works at Glack Townland, 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 scale of the proposed development and the fact that the proposal involves the re-use of an existing dwelling house for use as a boutique hotel, it is considered that, subject to compliance with the conditions 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 and would not materially contravene the provisions of the Louth County Development Plan, 2015 to 2021. 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 in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1st day of October 2018, 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. This permission is for the use as detailed in the application and any change from this use shall require a further planning application. For the avoidance of doubt, the dining room shall be reserved for the use of the hotel guests unless authorised by a further grant of planning permission.

Reason: In the interest of clarity and of orderly development.

3. 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.

4. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 28th day of May 2018 and the 1st day of October, 2018, and in accordance with the requirements of the Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the hotel, 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 in accordance with the standards set out in Environmental Protection Agency documents.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised entrance arrangements as follows, including any traffic management provisions to be provided during construction works and upon operation of the hotel.
 - (a) A revised entrance design that provides full visibility of 75 metres at a setback of three metres from the edge of the carriageway at a height of 1.05 metres to 0.6 metres in each direction.
 - (b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water shall discharge onto the public road or adjoining properties.

- (c) Assurance that all surface water from the proposed development will be appropriately disposed of within the boundaries of the site and that no surface water will flow onto the public road or adjoining properties.
- (d) Surface treatments for the entrance, the driveway, vehicle circulation and car parking area.
- (e) The access driveway to the proposed development shall be of an adequate width along its entirety to accommodate the movement of two vehicles passing in opposite directions.
- (f) Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public roadway or footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of planning authority or pay to the planning authority the cost of making good any such damage.

Reason: In the interest of road safety.

6. The landscaping scheme, as submitted to the planning authority on the 1st day of October, 2018, shall be enhanced to include more robust planting and to include additional semi-mature tree specimens. A revised landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and 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 three years from the completion of the development 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.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. A lighting scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include details of lighting at the entrance, along the driveway, for the car parking areas and within the main grounds of the hotel complex.

Reason: In the interests of visual 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.

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

Dated this day of 2019.