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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 18156**

**Appeal** by the Headford Residents Association, The Paddock Residents and The Rise Residents care of Joseph P. Osborne Consulting Engineers of Jocelyn Place, Dundalk, County Louth against the decision made on the 14<sup>th</sup> day of November, 2018 by Louth County Council to grant subject to conditions a permission to Tom MacGuinness care of Michael Goan of Fumbally Exchange, 5 Dame Lane, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolish an existing disused light industrial unit (995 square metres) and develop an 88 bed nursing home and all necessary support facilities at Farndreg, Headford, off Mount Avenue, Dundalk, County Louth. The proposed development will be four storeys in height (ground, first and second floors with a setback self-contained specialist care unit on a reduced footprint on the third floor) and consist of 5,545 square metres of accommodation and ancillary facilities including 80 en-suite single bedrooms and an eight bedroom specialist Alzheimer's facility, social areas, dining areas and treatment rooms. The residential accommodation will be supported by ancillary facilities and site works including reception and administration offices, laundry and catering facilities, staff facilities, hard and soft landscaping

and car parking. (As amended by the further public notice received by the planning authority on the 24th day of October, 2018).

## **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 zoning objective for the overall site, as set out in the Dundalk and Environs Development Plan 2009-2015, to the nature of the proposed development and to the pattern of development in the area, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of properties in the vicinity, would be acceptable in terms of scale and form and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development 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 determined that the proposed development, by reason of scale, positioning on site, and associated layout including landscaping, would be sufficiently distant from the neighbouring Farndreg House and would not have an adverse impact on that residence and its setting, would not constitute overdevelopment of the site and would be provided with a sufficient quantum of parking. In relation to the upgrade of the junction of Headford Road and Mount Avenue Road, the Board noted the commentary in the Louth County Council Planner's Report dated 24<sup>th</sup> April, 2018, on this application, that the council has secured funding under LIHAF for the upgrade of Mount Avenue Road and that this matter could be addressed by condition. In making its decision, the Board was also satisfied that the plans and particulars as lodged with the planning application and submitted in response to further information, were sufficient to enable a full assessment of the proposed development, including its potential impact on adjoining properties.

## **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 24<sup>th</sup> 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. The proposed development shall be amended as follows:
  - (a) The southernmost external wall of the building shall be pulled back at all floors, to grid line B as shown on drawing numbers P100 – Rev C, P101 – Rev C, P102 – Rev C and P103 – Rev C submitted to the planning authority on the 24<sup>th</sup> day of October, 2018.
  - (b) The area between grid line A and grid line B shall be landscaped in a manner consistent with the proposals set out in drawing number 16LH02\_DR-200, ‘Landscape Plan’ submitted to the planning authority on the 5<sup>th</sup> day of March, 2018 and shall include detail of management measures for tree numbers 224, 225 and 226.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual and landscape amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity and the visual amenities of the area.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. The landscaping scheme shown on drawing number 16LH02\_DR-200, 'Landscape Plan' and as otherwise detailed in the plans and particulars as lodged with the planning application and as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of October, 2018, shall be carried out within the first planting seasons following substantial completion of external construction works. Tree protection measures including fencing shall be erected before construction works commence and shall be maintained in place until completion of external construction works, or as otherwise agreed in writing with the planning authority. 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, 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 visual amenity and the proper planning and development of the area.

7. A comprehensive boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and the proper planning and development of the area.

8. The mitigation measures and commitments identified in the Bat Survey report, submitted to the planning authority on the 24<sup>th</sup> day of October, 2018 shall be implemented by the applicant. No tree removal shall be permitted to occur during the period 1<sup>st</sup> March-31<sup>st</sup> August, unless otherwise agreed in writing with the planning authority. Should any removal occur during that period, a suitably qualified bat expert shall be present on site to ensure that procedures are followed to minimise damage to any bat populations present.

**Reason:** In the interest of clarity and protection of the environment.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

- 10. No development shall commence, until the junction of Headford Road and Mount Avenue is upgraded, to the satisfaction of the planning authority. Prior to commencement of development, the applicant shall secure written confirmation from the planning authority of the above.

**Reason:** In the interest of traffic safety and orderly development.

- 11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

12. 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.

13. 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:
  - (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) location of areas for construction site offices and staff facilities;



- (c) details of security fencing and hoardings;
- (d) details of on-site car parking facilities for site workers during the course of construction;
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

14. 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.

15. 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 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.

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**Chris McGarry**

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

**Dated this            day of            2019.**