



Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Planning Register Reference Number: 1989

Appeal by Kevin and Eimear Tiernan of “The Walnut”, Cromwell’s Lane, Drogheda, County Louth against the decision made on the 1st day of August, 2019 by Louth County Council to grant subject to conditions a permission to Catherine and Geoff Fay care of O’Reilly Chartered Surveyors Limited of Unit 15, East Coast Business Park, Matthews Lane, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new dwelling house to the east side of the existing house, an entrance on to the public road and associated site works at Manderley, Saint Marys Villas, Drogheda, County Louth as revised by the further public notices received by the planning authority on the 12th day of July 2019.

Decision

GRANT permission on 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 site on residentially zoned lands in the Drogheda Borough Council Development Plan 2011 – 2017 and to the policies and objectives of the Louth County Development Plan 2015 - 2021, to the nature, scale and design of the proposed development, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not endanger public safety by reason of a traffic hazard. 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 12th day of July 2019, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, and including rainwater and guttering details shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The width of the vehicular entrances shall be a maximum width of 3.6 metres.

Reason: In the interest of visual amenity and pedestrian safety.

5. 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, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

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

6. Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of residential and visual amenities.

7. 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