



Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Planning Register Reference Number: 19269

Appeal by Eileen Flanagan and others of 8 Tierney Avenue, Tierney Street, Ardee, County Louth against the decision made on the 25th day of October, 2019 by Louth County Council to grant subject to conditions a permission to Amay Developments Limited care of Dowdall Architects of Carickedmond, Kilcurry, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of an existing single storey dwelling and the construction of seven number new dwelling houses comprising of the following: (a) terrace of three number two-storey three bed dwellings, (b) two number semi-detached two-storey three bed dwellings, (c) two number semi-detached two-storey two bed dwellings and all associated site development works at Tierney Street, Ardee, County Louth, as amended by the revised public notice received by the planning authority on the 7th day of October, 2019, as follows: a site specific Urban Design Statement, revised plans denoting revised site boundaries and revised site arrangement to include for a terrace of three number two-storey three bed dwellings, a terrace of three number two-storey two bed dwellings and a single storey three bed dwelling,

revised proposed dwelling details, details of proposed footpaths and crossing locations, revised soakaway design and public lighting design including a lighting reality report.

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 scale and infill nature of the proposed development, the surrounding pattern of development in the area and the provisions of the Ardee Local Area Plan 2010-2016 and the Louth County Development Plan 2016-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable use of these lands, would contribute to the consolidation of the town, would not seriously injure the adjoining residential amenities, would not give rise to the creation of a traffic hazard and would be acceptable in terms of public health and 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 7th day of October 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. The proposed development shall be amended as follows:
 - (a) The front building line of the southern terrace of houses (House Type 1) shall be brought forward by approximately three metres.
 - (b) The southern terrace of houses (House Type 1) shall be provided with off-street parking and a landscaped front garden, with reduced extent of hard paving.
 - (c) An additional window on the western elevation of House Type 2, serving the kitchen, shall be provided and revised drawings of all elevations of this house type shall be submitted.

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 interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. 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.

In particular, the design of the surface water drainage system shall be amended to reflect the revised site layout plans submitted to the planning authority on the 7th day of October, 2019 and the requirements of condition number 2 above.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6.
 - (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
 - (b) Pre and post construction surveys of the foul sewer in Tierney Avenue to which it is proposed to connect shall be undertaken in accordance with the requirements of the planning authority. In the event of any damage to this sewer being caused by the proposed development, this shall be remedied by the developer to the satisfaction of the planning authority.

Reason: In the interest of public health.

7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs and pedestrian crossings shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

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.

Reason: In the interests of visual and residential amenity.

9. All rear gardens shall be bounded with 1.8 metres high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metres high timber fences with concrete posts, to be agreed with the planning authority.

Reason: In the interests of residential and visual amenity.

10. 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.

Reason: In the interest of sustainable waste management.

11. 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, parking and off-site disposal of construction/demolition waste.

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

12. (a) The landscaping scheme shown on drawing number 1823 - P - 101 - C, as submitted to the planning authority on the 7th day of October, 2019 shall be carried out within the first planting season following substantial completion of external construction works.
- (b) 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.

- (c) Prior to commencement of development, all trees and hedgerows which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

Reason: In the interests of residential and visual amenity.

13. Proposals for an estate/street name, house 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 numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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.

Terry Ó Niadh

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

Dated this day of 2020.