



Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 19734

Appeal by Gerry and Mary Farrell of Nearbuy, John Street, Ardee, County Louth against the decision made on the 10th day of July, 2020 by Louth County Council to grant subject to conditions a permission to Castleguard Properties Limited care of Tyler Owens Architects of The Mash House, Distillery Lofts Design Studios, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (i) Construction of a part three, part four-storey apartment block, with communal amenity space at third floor level, comprising 18 number apartments (three number one bedroom and 15 number two bedroom units) each served by private terrace at ground floor level or private balcony on the upper levels; (ii) construction of eight number three bedroom two-storey, with attic accommodation, dormer windows, and rooflights, houses comprising six number terraced units (House Type A) and two number semi-detached units (House Type B and C) with each house to be served by a private garden and the gardens of houses numbers 1 and 3 to 8 also served by pedestrian access lane to rear; (iii) provision of off-street parking area consisting 20 number car parking spaces, six number cycle parking spaces and bin storage area accessible via new vehicular entrance off John Street;

(iv) provision of cycle storage shed (12 number spaces) and centrally located communal amenity space (464 square metres); (v) widening of existing footpath on John Street, provision of new public footpath with on-street parallel carparking (six number spaces) on Stoney Lane and new pedestrian crossings on both John Street and Stoney Lane; (vi) provision of landscaping and tree-planting; (vii) SuDs drainage, internal and external boundary treatments, provision of road signage and all ancillary works necessary to facilitate the development, all at the corner of John Street and Stoney Lane, Ardee, County Louth.

The proposed development was revised by further public notices received by the planning authority on the 15th day of June, 2020. The revised proposals include the apartment block reduced to three-storey height, the number of apartments reduced to nine, the number of houses increased to 11 with three number houses directly accessible via John Street, revision of site layout with carparking area now to be accessed from Stoney Lane and communal amenity space relocated along eastern site boundary, removal of linear parking and provision of footpath/southbound cycle along Stoney Lane.

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 form, scale and design of the proposed development, the location and infill nature of the site, the surrounding pattern of development, 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 give rise to undue impacts on adjoining residential amenities, would not give rise to the creation of a traffic hazard, and would be acceptable in terms of public health. 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 15th day of June, 2020, 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 comply with standards set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018. Details of compliance shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development including the following:

- (a) Building Lifecycle Report as per the above Guidelines,

- (b) Revised plans and elevations as required to demonstrate compliance.

Reason: In the interests of clarity and proper planning.

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

Reason: In the interest of public health.

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

Reason: In the interest of public health.

6. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the Design Manual for Urban Roads and Streets.

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

7. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

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. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

10. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and shall not include prunus species.
 - (ii) Details of screen planting, which shall not include cupressocyparis x leylandii.
 - (iii) Details of roadside/street planting, which shall not include prunus species.
 - (iv) Hard landscaping works, specifying surfacing materials, and finished levels.
- (b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment.
- (c) A timescale for implementation, including details of phasing.

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. All floor levels within the proposed development shall have a minimum level of 0.5 metres above freeboard and shall comply with the mitigation measures set out in Site Specific Flood Risk Assessment received by the planning authority on the 10th day of September, 2019.

Reason: In the interest of public health.

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

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

13. 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. 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. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. 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.

16. 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 96 of the Planning and Development Act 2000, (as substituted by Section 3 of the Planning and Development (Amendment) Act, 2002). Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute 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.

17. 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.

18. 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.

Michelle Fagan

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

Dated this day of 2020.