

An
Bord
Pleanála

Board Order
ABP-310849-21

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 201086

Appeal by Urban Life Developments Limited care of Stephen Ward Town Planning and Development Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, County Louth and by Fenton Howell and Jacqueline Crinion of 1 Saint Mary's Villas, Dublin Road, Drogheda, County Louth and by Others against the decision made on the 24th day of June, 2021 by Louth County Council to grant subject to conditions a permission to the said Urban Life Developments Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: There is an existing planning permission for 16 number dwellings on site (P.A. Reference 14/510041/ABP-PL.15.244345 (as extended under P.A. Reference 19-1030). The proposed development includes works to a Protected Structure, Bayview House (Protected Structure I.D. Number DB-301 and NIAH Register Number 13902407) and demolition of an existing dwelling known as 'Bayview Cottage' (not a Protected Structure). Works to Bayview House itself comprise subdivision to accommodate two two-bedroom apartments as previously approved under P.A. Reference 14/510041/ABP-PL.15.244345 (as extended under P.A. Reference 19-1030). The development also provides for the extension and conversion of an

existing coach house within the curtilage of Bayview House to residential use to accommodate two number two-bed apartments and a communal room and utility storage. The existing modern garage structure to the south of the coach house will be removed. In addition, the development provides for the construction of a new apartment building which will be four and part five-storey building over lower ground floor to provide 54 number apartments comprising 21 number one-bedroom, 30 number two-bedroom and three number three-bedroom apartments. The overall total number of dwellings to be provided by the development is 58. Vehicular access to the site is via Cromwell's Lane as previously approved under P.A. Reference Number 14/510041/ABP-PL.15.244345 (as extended under P.A. Reference 19-1030), to the west of Bayview House. The planning application also includes repair of the existing boundary walls attendant to Bayview House and its associated gateways and the provision of new gates. It is also proposed to reinstate the existing pedestrian entrance onto the Dublin Road (R132) from the application site and to use this for pedestrian/cycle access and egress only. The planning application also provides for removal of selected trees affected by a Tree Preservation Order (Reference TPO-01 Bayview House Drogheda), planting of new trees and all associated landscaping and boundary treatment as well as an ESB substation to serve the proposed development, public lighting, car parking areas, cycle storage, bin storage, retaining walls, adjustments to ground levels and all associated site development works and boundary treatment. Significant Further Information received on the 31st day of May, 2021 which includes alterations to the site boundary and site size, the provision of bulky storage in the existing coach house proposed to be refurbished, alterations to the car parking layout and landscaping plan, changes to the internal design of the proposed apartment building and associated changes to the elevations. The revisions also make provision, subject to agreement with the planning authority for a raised platform on the public road at the primary site entrance (Cromwell's Lane/Saint Mary's Villas). The number of apartments remains at 58 number at Bayview House and

Bayview Cottage, Cromwell's Lane, Saint Mary's Villas, Lagavooren,
Drogheda, 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 residential zoning objective for the site, national and local policy objectives which support the redevelopment of brownfield/infill sites, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area, would not detract from the character and setting of Bayview House, a protected structure, and would be acceptable in terms of the safety and convenience of pedestrians and road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, on the basis of the information on the file, the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Boyne Coast and Estuary Special Area of Conservation (site code 001957) and River Boyne and River Blackwater Special Area of Conservation (site code 002299), or any other European site, in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars received on the 31st day of May 2021 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. Prior to the commencement of development details of the materials, colours and textures of all the external finishes to the proposed buildings, surface materials and public realm finishes shall be submitted for written agreement of the planning authority.

Reason: In the interest of visual amenity.

3. The developer shall submit revised plans, and elevations as necessary illustrating the following revisions to the proposed development.
 - (a) Provision of screening on balconies of apartment unit numbers 4, 6 and 8.
 - (b) Provision of internal storage and minimum floor areas within the apartment block in accordance with the standards set out within the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).
 - (c) Storage shall be accommodated within apartments and shall not be located in communal circulation areas.
 - (d) One apartment unit shall be omitted at ground floor level to provide for bulky storage areas allocated to individual apartments in the apartment block.
 - (e) Details of proposed boundary treatment to the private open space areas of Bayview House which ensure privacy while not blocking views of the Protected Structure.

Details of the above amendments 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.

4. (a) Prior to the commencement of development, the developer shall submit a Conservation Method Statement for written agreement of the planning authority undertaken by a Grade 1 or Grade 2 Conservation Architect which includes a complete survey and heritage appraisal of Bayview House and clearly illustrate the level of intervention proposed to the structure.
- (b) All replacement windows shall be as detailed within the drawings and submissions prepared by David Slattery Conservation Architects Limited and submitted to the planning authority on the 31st day of May, 2021.
- (c) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (d) All repair works to the Protected Structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (e) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (f) Prior to commencement of development the applicant shall submit details of the proposed repairs and modifications to the protected structure on site for the written agreement of the planning authority.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

- 5. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Tree Protection Measures as detailed in the Landscape Management and Maintenance Plan received on the 14th day of December, 2020 and the Development Impact Plan (Drawing Number 6914-L-200) received on the 31st day of May, 2021 shall be adhered to.

Prior to first occupation of any apartments the public realm hard and soft landscaping shall be completed to the satisfaction of the planning authority.

Reason: To ensure a satisfactory completion and maintenance of the development in the interest of residential amenity.

6. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

7. (a) Mitigation measures detailed in the Bat Survey received on the 31st day of May 2021 shall be adhered to.
- (b) Prior to the commencement of development, the applicant shall appoint a suitably qualified ecologist to carry out a bat survey, during the hibernation period, to determine if a derogation licence for bats would be required under the provisions of the Wildlife Act 1976. The survey shall include an examination of all buildings, trees and vegetation proposed for removal for evidence of bats.

Reason: To ensure the protection of natural heritage on site.

8. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. The scheme shall adhere to the Bat Conservation Trust Guidelines 2018. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety and to conserve bat species.

10. 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 residential amenities of property in the vicinity and the visual amenities of the area.

11. Details of the works to Cromwell's Lane shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

12. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government. Drawings and particulars 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 amenity and of pedestrian and traffic safety.

13. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

14. 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.

15. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

16. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

17. Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

18. 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.

19. The construction and demolition of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for the development, including hours of work, noise and dust management measures, a Traffic Management Plan, details of disposal of construction/demolition waste.

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

20. Construction and demolition waste shall be managed in accordance with a construction and demolition waste 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.

21. 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 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) 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.

22. 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.

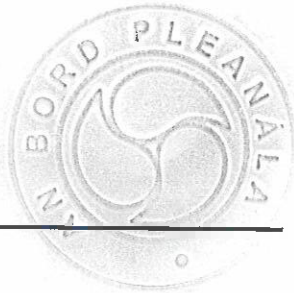
Reason: To ensure the satisfactory completion of the development.

23. 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 15th day of March 2022