



An
Bord
Pleanála

Board Order
ABP-311050-21

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 201022

Appeal by Jason and Lara Synnott of 31 Mount Auburn, Drogheda, County Louth and by Eimear and Kevin Tiernan of The Walnut, Cromwell's Lane, Drogheda, County Louth against the decision made on the 16th day of July, 2021 by Louth County Council to grant subject to conditions a permission to Eamonn and Anne Kelly care of McKevitt King Architects of 50 North Road, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of the following: (1) construction of 28 number apartments within two number new apartment blocks: – one number five-storey/four-storey block (consisting of nine number one bed apartments, nine number two bed apartments and four number three bed apartments) and one number three-storey block (consisting of three number one bed apartments and three number two bed apartments), (2) renovation and conversion of existing dwelling house to four number apartments (consisting of two number one bed apartments and two number two bed apartments), (3) demolition of existing garage and outbuildings on the north-east side of existing dwelling, (4) partial section of existing front boundary wall to be set back for new vehicular, pedestrian and cycle entrance

to the site from Dublin Road (R132) to provide vehicular sightlines, (5) preservation of existing vehicular entrance for use as pedestrian entrance, (6) new internal circulation road, pedestrian footpaths, steps, car parking, bicycle parking, bin store, ESB substation/kiosk, public open space, boundary treatment and landscaping and (7) all associated site development and infrastructure works at Knockmount, Dublin Road, Bryanstown, Drogheda, County Louth, as amended by the revised public notice received by the planning authority on the 28th day of June, 2021 as follows: (1) proposed basement level in both proposed five-storey/four-storey block and three-storey block, to provide secure bicycle parking and additional storage for apartment units, (2) amendments to the red line application boundary to include a proposed controlled pedestrian crossing point on the Dublin Road (R132), (3) amendments to proposed new vehicular, pedestrian and cycle entrance, (4) amendments to new internal circulation road, pedestrian footpaths, steps, (5) re-positioning of proposed bin store and elevational treatment to ESB substation/kiosk and (6) additional landscaping.

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, the 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 not seriously injure the residential or visual amenities of the area, would not adversely impact on the character and setting of Knockmount House 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.

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 received by the planning authority on the 28th of June, 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. The proposed development shall be amended as follows:

Omit the three-bedroom apartment on the third floor of the southern section of the North Building to reduce this section of the building adjacent to the retained Knockmount House from four storeys to three storeys.

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

Reason: In the interest of preserving the visual amenity and architectural heritage integrity of the retained structure on site.

3. 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 the written agreement of the planning authority.

Reason: In the interest of visual amenity.

4. The proposed development shall incorporate the following:
- (a) Secure provision for bulky storage areas allocated to individual apartments, located close to the apartment blocks.
 - (b) Provision of a concrete post and timber fence along the southern site boundary.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of residential amenity.

5. Works to facilitate the conversion of Knockmount House shall be carried out as proposed and to the specifications set out within the Architectural Impact Assessment prepared by McKevitt King Architects (dated October 2020) submitted with the application and in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts, Heritage and Gaeltacht (2011) or as otherwise stipulated hereunder.

Reason: To protect architectural heritage and in the interest of the proper planning and sustainable development of the area.

6.
 - (a) Mitigation measures detailed in the Bat Assessment received by the planning authority on the 28th day of June, 2021 shall be adhered to.
 - (b) A derogation licence for bats shall be sought and any conditions or requirements of the licence by the National Parks and Wildlife Service shall be adhered to.

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

7. 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

8. Electric charging facilities shall be provided for cycle parking and proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: In the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric cycles.

9. The site shall be landscaped (and earthworks carried out) 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 Arboricultural Impact Assessment received by the planning authority on the 27th day of November, 2020 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 interests of residential amenity.

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10. 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 apartment.

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

11. 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.

12. Prior to the commencement of development, the developer shall liaise with the Infrastructure Department in Louth County Council to ascertain their requirements relating to the proposed pedestrian crossing on Dublin Road. The crossing shall be competed and commissioned prior to occupation, lease and or sale of any residential units.

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

13. Prior to the commencement of development, the developer shall submit revised proposals for the internal road network for the written agreement of the planning authority. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

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

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.

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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 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.

19. The construction and demolition 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 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. (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 and for the ongoing operation of these facilities 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 apartment plot.

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

21. 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.

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 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.

23. 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.

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24. 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.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 1st day of Feb. 2022.

