

Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 20/900

Appeal by Geraldine Martin and Others care of 4 Assumption Place, Castletown Road, Dundalk, 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 Samantha Fegan care of Bernard Dowdall Architects of Carrickedmond, Kilcurry, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a three-storey mixed use building comprising of two number local shops (retail) to the ground floor, one number two bedroom apartment and one number one bedroom apartment to the first floor, one number two bedroom apartment and one number one bedroom apartment to the second floor (four number in total), car and cycle parking, bin storage and all associated site development works at the site of the former Bridge Store, Castletown Road, Dundalk, County Louth. The proposed development was revised by further public notices received by the planning authority on the 23rd day of June, 2021, detailing revisions which include replacing the two number local shops (retail) at the ground floor level with two number apartments (one number two bedroom apartment and one number

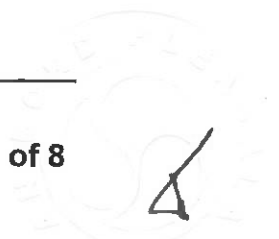
one bedroom), raising the ground floor level of the proposed apartment block, revised site plan including raising the site levels, construction of stepped and ramped access, revised lighting layout, revised landscaping arrangement and all associated site development works, revised elevation details, revised bin store arrangement, revised cycle parking provision, revised flood risk assessment and revised soakaway designs.

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.



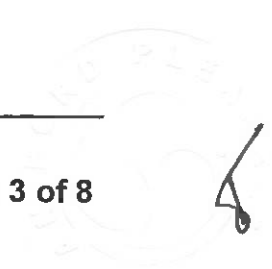
Reasons and Considerations

Having regard to the residential zoning of the site, 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 in accordance with the provisions of the Louth County Development Plan 2021-2027, would not seriously injure character or visual amenities of the area or the residential amenities of the property in the vicinity, 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 further plans and particulars received on the 23rd day 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. 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.

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

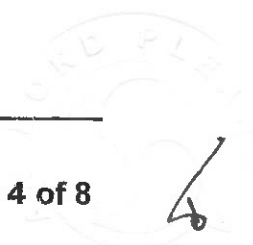
Reason: In the interest of urban legibility.

4. The boundary treatment and landscaping shall be carried out in accordance with the landscaping plan submitted to the planning authority on the 23rd day of June, 2021 and completed prior to the occupation of any residential units hereby permitted. Any planting which fails in the first planting season shall be replaced.

Reason: In the interest of visual amenity.

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 noise management measures and off-site disposal of construction/demolition waste.

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



6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

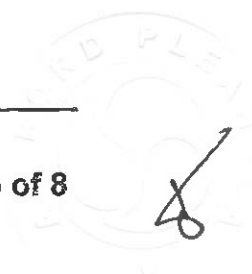
Reason: In order to safeguard the residential amenities of property in the vicinity.

7. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. Surface water attenuation and discharge and public lighting shall comply with the requirements of the planning authority for such works and services. 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 public safety.



9. All flood mitigation measures for the proposed development shall be in accordance with the Flood Risk Assessment dated May 2021 and received by the planning authority on the 23rd day of June 2021.

Reason: In the interest of flood prevention.

10. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

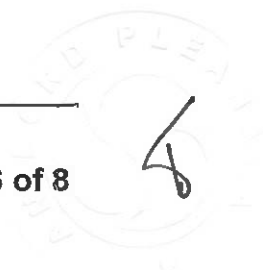
Reason: In the interest of public health.

11. The developer shall comply with the requirements of Iarnród Éireann in relation to works/development in the vicinity of rail lines.

Reason: In the interest of safety and the proper planning and sustainable development of the area.

12. A minimum of one car parking space shall be provided with functioning EV charging station/point, and ducting shall be provided for all remaining car parking 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 have not been submitted with the application, in accordance with the above 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.

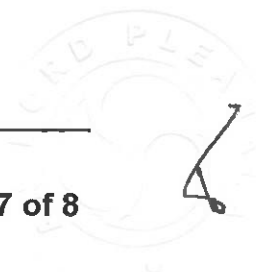


13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted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

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

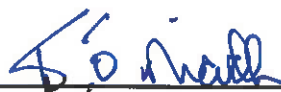
14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection 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.



15. 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 *2nd* day of *December*, 2021.