

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 21950

Appeal by Shamrock Villa Residents Association care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 14th day of January, 2022 by Louth County Council to grant subject to conditions a permission to Crushrod Investments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of: the demolition of a single storey store (circa 34 square metres) located on the western gable of the existing thatched house (RPS Reference DB-042) and its replacement with a new single storey contemporary building extension (circa 18 square metres); demolition of a two number existing single storey sheds (circa 108 square metres in total), two number derelict hay sheds (circa 300 square metres), a barn (circa 77 square metres) and a lean-to (circa 17 square metres). The development will also comprise the refurbishment and modification of the thatched house to provide for a change of use to a café (circa 91 square metres), including reinstatement of cob walls and patch work to the external render; repair and retention of the timber roof structure; conservation repairs to the historic thatched roof coverings; replacement of

the existing front door (south elevation) with a timber sheeted replacement door; conservation repairs to the existing sash windows throughout the cottage, including the reinstatement of the currently blocked window on the north elevation. The development will also consist of modifications to the part single storey part two storey farm building to provide for two number retail units at ground floor level (circa 66 square metres in total) and one number one-bedroom apartment unit above (circa 73 square metres), including repairs to existing external walls; construction of an additional floor level above the existing single storey (apartment unit); repair and replacement of timber roof elements and the provision of new doors and windows. The proposed development will also consist of: construction of 55 number dwelling units arranged in five number building blocks, comprising; eight number one-bedroom and 18 number two-bedroom apartment units (26 number apartment units) in two three to four storey residential blocks (Block A and Block B); 10 number ground floor two bedroom duplex apartments and 10 number two bedroom duplex apartment units above (20 number apartments units in total) in two three storey residential blocks (Block C and Block D); seven number two storey two-bedroom houses and two number three storey three-bedroom houses (nine number terrace houses in total) in a terraced block (Block E). The development will also include: demolition, relocation and reconstruction of the existing stone wall adjacent to Crushrod Avenue; provision of new vehicular and pedestrian access from Crushrod Avenue to the south provision of a new pedestrian entrance from Shamrock Villas to the west; 45 number car parking spaces; 122 number bicycle parking spaces; signage; provision of private, communal and public open space; internal roads and pathways; loading bay; drainage attenuation; ESB substation; PV solar panels; hard and soft landscaping; boundary treatments; new internal access roads; changes in level; services provision and related pipework; electric vehicle charging points; attenuation tanks; SUDS; public lighting and all ancillary site development works above and below ground, all on site of circa 0.91 hectare located at Crushrod Avenue, Drogheda, County Louth (A protected structure is located on the site, which is a Thatched House (RPS Reference DB-042)



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.

Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, the urban location of the site, the pattern of development in the area and the policies and objectives of the Louth County Development Plan 2021-2027, including the residential zoning objective, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of pedestrian and traffic safety, would not have an adverse impact on the character and setting of a protected structure and would constitute an appropriate form of reuse of the protected structure, would provide a high quality design including public realm and would constitute an appropriate form of development at this location. 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 information received by the planning authority on the 15th day of December 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:
 - (a) The third-floor apartments to the north of Block A (Apartment Number 8) and Block B (Apartment Number 21) shall be removed.
 - (b) Privacy Screens shall be provided for balconies for Apartment number 9 (Block A) and Apartment Number 22 (Block B).

For clarity, the permission shall relate only to 53 number residential units.

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. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority, a phasing strategy for the completion of the development. Development shall be carried out in accordance with the agreed phasing strategy and any deviation from this will only be allowed with the prior written approval of the planning authority.

Reason: In the interest of orderly development.

4. Prior to commencement of development, the developer shall provide for the following: -

- (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
- (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works 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/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

6. 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

7. Predevelopment testing of the site shall be undertaken to establish the presence of any underground storage tanks. In the event that any storage tanks are found, decontamination of the site shall be undertaken following the written agreement of the planning authority.

Reason: In the interests of environmental protection and public health.

8. 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.

9. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

Reason: In the interest of the amenities of the area.

11. All of the communal car parking spaces shall be provided with functioning EV charging stations/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 the commencement of development.

Reason: In the interest of sustainable transportation.

12. 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.

Reason: In the interests of residential and visual amenity.

13. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and access road to the service area 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 Street. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

14. 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.



15. Prior to the 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.

16. 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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

17. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority and include a pre-construction survey undertaken by a competent expert. These actions shall be agreed prior to commencement of development and measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

18. Prior to the commencement of development, an Invasive Species Management Plan shall be submitted to, and agreed in writing with, the planning authority. Any identified invasive species shall be cleared from the site in accordance with the agreed management plan.

Reason: To prevent the spread of invasive species.

19. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. 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.

21. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation.


Reason: To provide for the future maintenance of this development in the interests of residential amenity and orderly development.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, 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 secure 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


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

Dated this 9th day of January 2023.