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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 2260**

**Appeal** by Mary Eaton and Others care of 32 Georgian Close, Drogheda, County Louth and by Declan and Caroline O'Brien care of Michael Halligan Planning Consultants of Seapoint House, Balbriggan, County Dublin against the decision made on the 10<sup>th</sup> day of June, 2022 by Louth County Council to grant subject to conditions a permission to RDB Jupiter Limited care of PAC Studio Limited of Tower 1, Fumbally Court, Fumbally Lane, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1) The construction of a two-storey building comprising six number residential units consisting of four number one-bed and two number two-bed apartments to the rear of the site; (2) Removal of existing trees to the site and its boundaries; (3) Repair, re-render and painting of existing rear boundary wall; (4) Repair of existing stone boundary wall to adjacent property which is a protected structure; (5) All associated site services, drainage, lighting and landscaping to be carried out in conjunction with works, all at Benmore, 47 George's Street, 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.**

## **Reasons and Considerations**

Having regard to the residential zoning of the site, as set out in the Louth County Development Plan 2021 - 2027, under which residential development is stated to be generally acceptable in principle, subject to the conditions set out below, it is considered that the proposed development would be an appropriate form of development, would not seriously injure the character and visual amenities of the area, would not seriously injure the amenities of the adjoining Protected Structure or other property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. 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 submitted on the 17<sup>th</sup> day of May, 2022, 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.



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**Reason:** In the interest of clarity.

2. Prior to commencement of development, revised plans shall be submitted to, and agreed in writing with, the planning authority showing the following:
  - (a) All apartments shall be provided with dedicated storage space in accordance with the requirements of the “Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities”, issued by the Department of Housing, Local Government and Heritage in December, 2022.
  - (b) Six separate cycle storage units of permanent construction (one per dwelling) shall be provided in the communal space area. Each unit shall be weather-proof, secure and capable of accommodating a minimum of two cycles.
  - (c) Confirmation of the details of the existing and separate cycle storage facilities to serve the existing five apartments on this site.
  - (d) An appropriately designed buffer zone/privacy strip shall be provided to the front (east elevation) of the private amenity space provision pertaining to apartments F and G.

All facilities and required works in relation to (a) to (d) above shall be provided prior to the occupation of the residential units.

**Reason:** To ensure the quality of future residential amenity.

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. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of orderly development and the visual amenities of the area.

6. Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

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

7. Final hard and soft landscaping works and boundary treatment plan shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The development shall, thereafter, be carried out in accordance with the agreed scheme.



**Reason:** In the interest of visual amenity.

8. Prior to the commencement of development, details of the design and materials of:
- (a) the private amenity space provision for the ground floor level units, and
  - (b) the balconies for the first-floor level units,

shall be agreed in writing with the planning authority. Any railings or screens/glazing provided shall be of suitable high quality durable construction.

**Reason:** In the interest of residential amenity.

9. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs and house/apartment numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

10. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

11. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

**Reason:** In the interests of public health and orderly development.

12. Water supply and drainage arrangements, including the proposed sedum roof, shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of proper site drainage.

13. 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 and off-site disposal of construction/demolition waste.

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

14. During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.



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

15. (a) The landscaping scheme prepared by Gannon and Associates, as submitted to the planning authority, shall be carried out within the first planting season following substantial completion of external construction works.

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 three 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.

- (b) All trees on site, indicated to be retained, including their root system shall be protected during construction.

**Reason:** In the interests of residential and visual amenity.

16. 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.

17. Prior to commencement of development, the developer 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.

**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.

18. Prior to the commencement of development, the developer or any agent acting on their behalf, shall prepare a Resource Waste Management Plan (RWMP), as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

19. The development shall be maintained by a legally-constituted management company. Details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management 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. The management scheme shall provide adequate measures for the future maintenance of the development including open spaces and communal areas.

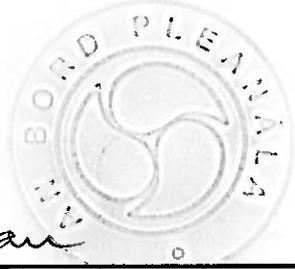
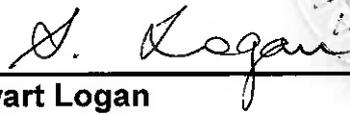
**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. 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.

21. 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.



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**Stewart Logan**

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

Dated this 19 day of December 2023.