



Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22/375

Appeal by Noelle McCreanor of 48 Irish Street, Ardee, County Louth against the decision made on the 30th day of June, 2022 by Louth County Council to grant subject to conditions a permission to Cyril O'Brien care of Douglas Wallace Consultants of 1 Grantham Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of all existing buildings and structures on site including three number existing dwelling houses at 57 Irish Street (fronting onto Irish Street), 9 Rogan's Lane fronting onto Rogan's Lane/Markethouse Lane and 10 Rogan's Lane (fronting onto Rogan's Lane/Markethouse Lane). Construction of a total of 10 number new apartment dwelling units consisting of seven number two-bedroom units and three number one-bedroom units. The units are located in two number three-storey blocks (Block A and Block B). Block A, fronting onto Irish Street, is a three-storey plus pitched roof structure consisting of two number two-bedroom duplex apartments and two number one-bedroom apartments. Block B, fronting onto Rogan's Lane (Markethouse Lane), is a three-storey plus pitched roof structure consisting of three number two-bedroom duplex apartments,

one number one-bedroom duplex apartment and two number one-bedroom apartments. All ancillary hard and soft landscaping works, bicycle storage areas, refuse storage areas, site services and site development works, all at 57 Irish Street, 9 Rogan's Lane (Markethouse Lane) and 10 Rogan's Lane (Markethouse Lane), Ardee, 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 site location on lands zoned as 'B1: Town or Village Centre' within Ardee Town Centre, the policies of the Louth County Development Plan 2021-2027 for the area generally, the infill nature of the site in an established urban area within walking distance of local services, including public transport links, the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020' (as amended), the scale, design and density of the proposed development, and to the nature and pattern of development in the vicinity, 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 or of property in the vicinity, would not be detrimental to the integrity, character and setting of protected structures in the vicinity, and would not adversely impact on the character of the Ardee Architectural Conservation Area. 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, except as may otherwise be required in order to comply with the conditions set out below. 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 external finishes of the buildings and public realm areas of the development shall be in accordance with the Materials Strategy submitted by Douglas Wallace with the exception of the following amendments:
 - (a) Bangor blue slates shall be used for all roofs;
 - (b) all rainwater goods shall comprise of cast iron or painted aluminium only; and
 - (c) windows fronting Irish Street shall replicate the proportions, materials and design details of the typical period sash windows within the Architectural Conservation Area.

Any changes to the above shall require the prior written agreement of the planning authority.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development within this Architectural Conservation Area.

3. (a) All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.
- (b) Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.
- (c) No satellite dishes or other communications equipment shall be erected on the buildings.
- (d) the appropriate location of any mechanical ventilation, electrical or other plant outlets/infrastructure externally on the buildings shall be agreed with the planning authority prior to installation.

Reason: In the interests of the residential and visual amenities of this Architectural Conservation Area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall be in accordance with the details submitted including per Engineering Report prepared by OBA Consulting dated 11th April 2022. All works shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann (formerly Irish Water).

Reason: In the interest of public health.

6. Public lighting shall be provided in accordance with a scheme, 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 by the developer for occupation of any apartment.

Reason: In the interests of amenity and public safety.

7. (a) The site shall be landscaped in accordance with the submitted Landscaping Design Report and Landscape Specification prepared by Douglas Wallace, and shall be completed prior to the occupation of the development. Any changes shall require the prior written agreement of the planning authority.
- (b) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, shall be agreed in writing with the planning authority.

Reason: In the interest of visual and residential amenity.

8. 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.

9. A survey of the site for bats and roosts shall be undertaken by a competent ecologist prior to commencement of development. Any identified 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.

10. Proposals for an apartment name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 placenames for new residential areas.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0900 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 amenities of property in the vicinity.

12. The construction of the proposed 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 all intended construction practice for the proposed development, including noise management measures.

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

13. 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 prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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



14. Prior to commencement of development, the developer 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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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.

15. 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 open space 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.

16. Prior to the commencement of development, details of the size, nature and construction of the individual cycle storage facilities located in the rear communal area shall be agreed in writing with the planning authority. These details shall provide for 10 separate storage units (one per dwelling) and shall be of permanent construction, weather-proof, secure and each capable of accommodating a minimum of three cycles.

Reason: In the interest of sustainable transport and the amenities of the development.

17. 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.

18. 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.

19. 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.



Stewart Logan



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

Dated this *10* day of *January* 2024.