

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22/362

Appeal by Michael Lindon of Green Road, Louth Village, Dundalk, County Louth and by Patrick Malone of 11 Flagstaff Road, Newry, County down against the decision made on the 30th day of September, 2022 by Louth County Council to grant subject to conditions a permission to Hollywood Developments care of Dowdall Architects of Carrickedmond, Kilcurry, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing derelict cottage, construction of 28 number dwellings on a site of circa 1.2785 hectares. All dwellings are provided with private amenity space in the form of private garden. The 28 number dwellings consist of two number semi-detached, three-bed two-storey dwellings (House Type LV1a); two number semi-detached, three-bed two-storey dwellings (House Type LV1b); two number detached four-bed single storey dwellings (House Type LV2a and LV2b); one number detached three-bed two-storey dwellings (House Type LV3a); eight number semi-detached, three-bed two-storey dwellings (House Type LV3b); four number terraced three-bed two-storey dwellings (House Type LV4); four number terraced three-bed two-storey dwellings (House Type LV5); two number semi-detached, two-bed two-storey dwellings (House Type LV6); one

number detached four-bed two-storey dwellings (House Type LV7a); two number semi-detached four-bed two-storey dwellings (House Type LV7b); vehicular and pedestrian access to the proposed development will be via Father Finn Park/Green Road. The development includes the provision of a new vehicular entrance and access road, EV charging points, public and communal play spaces with associated landscaping, new boundary treatments, all associated internal access roads, parking area, footpaths, foul and surface water drainage, watermains, site lighting, electricity sub-station, development naming feature, all associated/ancillary landscaping and site development works, all at Richard Taaffe's Holding, Father Finn Park/Green Road, Louth Village, Dundalk, County Louth, as revised by the further public notices received by the planning authority on the 12th day of September, 2022 which include: revised site arrangement plans proposing the construction of 30 number dwellings on the site of circa 1.2785 hectares, with revised road/footpath arrangement and public/private open space provisions, revised proposed dwelling details consisting of three number semi-detached three bed two storey dwellings (House Type LV1a); three number semi-detached three bed two storey dwellings (House Type LV1b); two number detached four bed single storey dwellings (House Type LV2a); 10 number semi-detached three bed two storey dwellings (House Type LV3a), four number terraced three bed two-storey dwellings (House Type LV4); six number terraced three bed two-storey dwellings (House Type LV5); two number semi-detached four bed two-storey dwellings (House Type LV7b); site specific Archaeological Assessment report and Road Safety Audit Stage 1 and 2 with auto track analysis.

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:

- (a) the residential zoning objective A2 for the site,
- (b) the location of the site within a serviced area, in close in proximity to the Louth Village centre, and
- (c) the pattern of development in the area, and the nature, scale, and design of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would provide an adequate level of residential amenity for future residents, would not seriously injure the residential or visual amenities of the area, would be acceptable having regard to the archaeological sensitivity of the site and surrounds 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.

Appropriate Assessment

The Board considered the information on the file, the Board concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and a stage 2 Appropriate Assessment is not, therefore, required.

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 12th day of September, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Additional first floor level windows shall be provided to Bedroom numbers 1 and 2 of House numbers 05, 16 and 30 so that they overlook the open space area to the north-east (House number 16) and the internal access road (House numbers 05 and 30), details of which shall be submitted to the planning authority for the written agreement prior to the commencement of development.
 - (b) The developer shall relocate the proposed ESB substation to the landscaped area circa 20 metres to the north-west of its existing position. Details of the new position shall be submitted for the written agreement of the planning authority. The developer shall ensure that the relocated position of the ESB substation is such that allows service maintenance persons to carry out service works in a safe and secure location.

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

3. Details of the materials, colours and textures of all external finishes to the residential units shall be in accordance with the drawings and specifications hereby approved. A brochure of the proposed natural stone detailing on the proposed residential units shall be submitted for written agreement prior to the commencement of development.

Reason: in the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.

4. (a) Prior to the commencement of 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 housing unit), pursuant to Section 47 of the Planning and Development Act, 2000 (as amended), that restricts all residential 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.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except whereafter not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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, and the common good.

5. (a) The hedgerow and trees (identified for retention) along the north-eastern and south-eastern boundaries of the site shall be adequately protected during the construction phase. Details of protection measures shall be submitted to the planning authority for written agreement prior to the commencement of development.
- (b) The applicant shall submit all relevant statutory consents to remove a section of the wall around the church as detailed on the proposed site section DD (drawing number 2206-PL-104-B) submitted to the planning authority on the 12th day of September, 2022. Alternatively, a revised proposal which provides for the retention of this wall may be submitted for the written agreement of the planning authority prior to the commencement of development.

- (c) The proposed gabion/retaining wall in the north-eastern open space area shall utilise a high-quality finish given its visual prominence. In addition, the applicant shall submit a construction methodology for the proposed gabion/retaining to demonstrate that it will not undermine or interfere with the wall that surrounds the recorded monuments.
- (d) The applicant shall submit an elevation of the proposed pedestrian entrance in the north-eastern corner of the site. The elevation shall demonstrate how the entrance integrates with the boundary of the church (east) and the existing trees and hedgerow (west) which are to be retained.
- (e) The applicant shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved hard and soft landscaping scheme shall be implemented in full in the first planting season following the commencement of the development and finalised prior to the sale of any residential units hereby granted planning permission. Any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter. The applicant shall also provide a root barrier system or root cell system to prevent any root damage to adjacent footpaths and roads.
- (f) The applicant shall submit details of the outdoor children's play area and shall include formal play equipment and natural play spaces with natural features that promote informal children's play.

Reason: In the interests of residential and visual amenities and to ensure all proposed works have the necessary legal consents.

6. Prior to the commencement of development on site, a Road Safety Audit (RSA) shall be carried out and all recommendations of the RSA shall be implemented in full. The Road Safety Audit shall include the review of the parking arrangements (access and egress) for dwelling numbers 1 to 5. In addition, the vehicular entrance to dwelling number 6 shall be located as far east as possible within the site to improve the visibility at this entrance.

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

7. Prior to the commencement of development on site, the applicant shall ascertain and comply with the requirements of planning authority's Infrastructure Section.

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

8. Prior to the commencement of development, the developer or any agent acting on its 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.

9. Proposals for a naming and 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 signs, and house numbers shall be provided in accordance with the agreed scheme.

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

10. Drainage arrangements, including the 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.

11. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

12. 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 overground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Should archaeological material be found during the course of the works, the work on site shall be stopped pending a decision as to how best deal with the archaeology and the applicant shall liaise with the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to same.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

14. 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.

15. Prior to the commencement of development, the applicant shall prepare and submit a Construction and Demolition Management Plan to the planning authority for their written agreement. The Construction Management Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, details of construction lighting and waste minimisation.

Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.

16. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement, the procedures for inspection and monitoring of the development by the planning authority to ensure compliance with these standards.

Reason: To ensure the development is carried out and completed to an acceptable construction standard.

17. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging 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 commencement of development.

Reason: In the interest of sustainable transportation.

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.

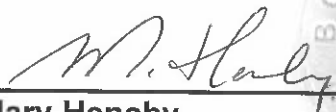
Reason: To ensure the satisfactory completion of the development.

19. 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.

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 or 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.



Mary Henchy

Member of An Bord Pleanála

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

Dated this *20th* day of *September*. **2023.**