

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22/1001

Appeal by Michael Lindon of Green Road, Louth Village, County Louth and by Patrick Malone of 11 Flagstaff Road, Newry, County Down against the decision made on the 20th day of April, 2023 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 dwelling; construction of eight number dwellings on a site of circa 0.2863 hectares. All dwellings are provided with private amenity space in the form of private gardens. The eight number dwellings consist of two number house types LOU1 (Detached, three-bedroomed two-storey dwellings); six number house types LOU 2 (four number semi-detached and two number detached three-bedroomed two-storey dwellings); Vehicular and pedestrian access to the proposed development will be via the L1170 and the Green Road. The development includes the provision of new vehicular parking, EV charging points, public and communal/play spaces with associated landscaping, new boundary treatments, on-street parking areas along the L1170 and in-curtilage

parking along the Green Road, new footpaths, foul and surface water drainage, watermains, alterations to the existing site levels, retaining walls, all associated/ancillary landscaping and site development works at Richard Taaffes Holding, L1170 and Green Road, Louth Village, County Louth, as amended by the revised public notices reviewed by the planning authority on the 28th day of March, 2023 as follows: revised site arrangement plans; additional site section denoting additional screening around proposed open space area; detailed drawing of the proposed parallel parking located along the L1170; confirmations in relation to the ownership of the property; Green Road footpath details; revised SUDS Design report; proposed diversion details for the existing overhead ESB lines and outdoor lighting report and details.

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 village centre B1 and residential zoning objectives A2 for the site,
- (b) the location of the site within a serviced area within the centre of Louth Village, 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 and would be acceptable in terms of the traffic 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 28th day of March 2023, 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 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.

3. (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.

4. Prior to the commencement of development, the applicant shall submit a comprehensive boundary treatment and landscaping scheme (plans and section diagram through public open space area) prepared by a suitably qualified landscape architect for the written agreement of the planning authority. The landscape scheme shall:
- (a) Provide a revised boundary treatment around the perimeter of the public open space area and along the western boundary of Dwelling number 1. This shall comprise a more enhanced and durable boundary treatment such as a masonry wall, clad on both sides in a stone finish, similar to that utilised on the façade of the proposed dwellings.
- (b) Ensure that the ground levels of the public open space area and rear amenity space of Dwelling number 1 does project above the height of the existing retaining wall along the northern site boundary.

- (c) Details of a means of enclosure to the front of the dwellings fronting on to Green Road, consisting of a wall, railings or other suitable means of enclosure not exceeding one metre in height allowing for pedestrian access only.
- (d) Details of all proposed hard surface finishes.
- (e) Details of proposed species and size of all planting within the development. Planting shall consist of native species and low maintenance pollinator friendly perennials.

Reason: In the interests of residential and visual amenities.

5. 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 fully 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.

Reason: In the interests of residential and visual amenities.

6. 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.

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. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority (Infrastructure Section) for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

11. 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.

12. 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.

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. 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.

15. Prior to the commencement of development, the applicant shall prepare and submit a Construction and Demolition Management Plan to the planning authority for 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. 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.

17. 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.

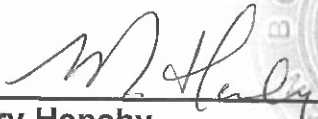
Reason: To ensure the satisfactory completion of the development.

18. 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.

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 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.