

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22/839

Appeal by Gerry and Mary Kirwan care of Gary Kirwan of 13 Carraig Vale, Kilanerin, Gorey, County Wexford against the decision made on the 2nd day of June, 2023 by Louth County Council to grant subject to conditions a permission to Yvonne Carr care of McKevitt King Architects of 50 North Road, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for a new single storey extension to rear of existing montessori and creche building, consisting of new baby/toddler sleep room, new staff room and all associated site works, at Just Kids, 31 Bothar Brugha, Moneymore, Drogheda, County Louth. The proposed development was revised by further public notices received by the planning authority on the 12th day of May, 2023.

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.

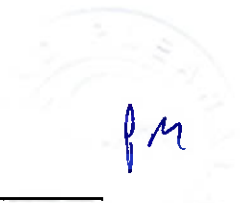
Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan, 2021-2027, and all material considerations, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation, drainage proposals, or otherwise. 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 to the planning authority on the 24th day of October 2022, as amended by the further information date received on the 12th day of May 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 interests of clarity.



2. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, revised plans and elevation drawings illustrating the relocation of the door serving the staff room from the southern (rear) elevation to the western elevation, or the provision of a direct internal access through the toddler sleep room.

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

3. Children shall not be permitted within the passageway between the existing building and extension hereby permitted and the eastern boundary of the site at any times.

Reason: In order to safeguard the residential amenities of adjacent properties.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

5. (a) Prior to the occupation or use of the development hereby permitted, the dished vehicular access shall be upgraded as per

the design details provided on drawing number FI-02 to the satisfaction of the planning authority.

- (b) Surface water drainage proposals shall be in accordance with the BRE365 soakaway design report prepared by Hydrocare Environmental Ltd civil infrastructure report and associated surface water drainage drawings and site layout plan.
- (c) The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road and footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Louth County Council or pay to the Council the cost of making good any such damage on a demand there of being issued by the Council.
- (d) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.

Reason: In the interests of traffic safety and orderly development and to ensure the provision of a sustainable surface water drainage system on site.

- 6. 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. The application of any indexation required by this condition 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.

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.

A handwritten signature in blue ink, appearing to read 'Peter Mullan', is written over a circular seal. The seal features a stylized 'S' logo in the center and the text 'AN BORD PLEANÁLA' around the perimeter.

Peter Mullan

Member of An Bord Pleanála

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

Dated this *19th* day of *March*, 2024.