



An  
Bord  
Pleanála

**Board Order**  
**ABP-317967-23**

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 22704**

**Appeal** by Martin O'Brien and Conor Cooney care of 2 Saint Joseph's Terrace, Mell, Drogheda, County Louth against the decision made on the 11<sup>th</sup> day of August, 2023 by Louth County Council to grant subject to conditions a permission to Ravala Limited care of DR Consultants of 108 Gleann Alainn, Tullyallen, County Louth in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing public house, restaurant and function rooms, removal of one vehicular entrance and construction of four storey/part five storey apartment block with nine number one bedroom apartments, 13 number two bedroom apartments, bicycle storage, bin storage, play equipment storage, play area, landscaped communal area, two new pedestrian entrances, use of second existing vehicular entrance and carpark with all associated civil and site development works at Lough Boy, Upper Mell, Drogheda, County Louth. The proposed development was revised by further public notices received by the planning authority on the 21<sup>st</sup> day of July, 2023 the revised information submitted included revised site plan, floor plans, elevations, reduction of apartment number to 20 number, revised landscape plan and revisions to existing car park entrance.

*MCH*

## 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 design, scale and layout of the proposed development,
- (b) the pattern of development in the area,
- (c) the provisions of the Louth County Development Plan 2021-2027, including the 'A1' (Existing Residential) zoning of the site,
- (d) the Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023, and
- (f) the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).

it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, and would not have a significant impact on ecology or on European sites in the vicinity. 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 the plans and particulars received by the planning authority on the 21<sup>st</sup> day of July 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. The development hereby permitted relates to 20 number apartment units.

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

3. The tree protection measures contained in the Tree Survey, Arboricultural Assessment, Management, Mitigation and Protection Measures submitted to the planning authority on the 21<sup>st</sup> day of July 2023 shall be implemented in full.

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

4. Landscaping shall be carried out as indicated on the Landscape Plans (drawing number 23116\_LP and drawing number 23116\_SLP) received by the planning authority on the 21<sup>st</sup> day of July, 2023. Landscaping shall include only native species.

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

5. Prior to commencement of development, the developer shall submit details (including floor plans, elevations and material finishes) to the planning authority for its written agreement indicating the provision of sheltered, secure bicycle storage structure with capacity for 40 number bicycles at an appropriate location to the rear of the apartment building.

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

6. The external finishes to the proposed development shall be as indicated on drawing number 2021-15-02B received by the planning authority on the 21<sup>st</sup> day of July, 2023, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

7. All boundary walls within the scheme shall be rendered on both sides and suitably capped.

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

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

9. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Úisce Eireann.

**Reason:** In the interest of public health.

10. The construction of the development, and demolition works, 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;

- (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (e) Measures to obviate queuing of construction traffic on the adjoining road network;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide

a record of any such complaints and its response to them, which may also be inspected by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

11. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling.

12. Proposals for naming and numbering of the proposed 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.

13. 20 number car parking spaces shall be assigned to the apartments hereby permitted, on the basis of one number car parking space per apartment unit. The car parking spaces serving the residential development shall not be sold, rented, or otherwise sub-let or leased to parties who are not resident in the apartment block on the site. Prior to commencement of development, a drawing identifying these spaces shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of clarity and good traffic management.

14. All parking areas serving the residential units shall be provided with functional 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.

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

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



16. No additional development shall take place above roof parapet level, including lift motor enclosures; lift overruns; plant; machinery; telecommunications structures; or any external fans, louvres or ducts, without a prior grant of planning permission.

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

17. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

18. 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.

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

19. The management and maintenance of the proposed development (including the car parking) following its completion shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

20. 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.

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.

22. 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.



---

Mary Henchy

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 14<sup>th</sup> day of June 2024.