



An
Bord
Pleanála

Board Order
ABP-318008-23

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 23.60199

Appeal by Sean O'Brien of Knocknagoran, Chapel Hill, Omeath, County Louth and by Sofie Andersen and others of Chapel Hill, Omeath, County Louth against the decision made on the 18th day of August, 2023 by Louth County Council to grant subject to conditions an outline permission to Noel Rooney care of Pdraig Herr and Associates of Block 4, Floor 3, Quayside Business Park, Mill Road, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of two houses and associated site development works at Knocknagoran, Omeath, County Louth.

Decision

GRANT outline 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 existing residential zoning which applies to the site under the Louth County Development Plan 2021-2027, under which residential development is stated to be generally acceptable in principle, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development, would not seriously injure the character or visual amenities of the area, would not seriously injure the amenities of the adjoining residential property in the vicinity, would not be prejudicial to public health or any environmental sensitivities in the immediate area, and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of permission consequent on this outline permission is received.

Reason: In the interest of clarity.

2. This outline permission relates solely to the principle of the development on this site and plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following information and shall comply with the following requirements:

- (a) The finished ground levels and finished floor levels of the proposed development shall be as indicated on the plans received by the planning authority on the 5th day of July, 2023.
- (b) Details of the design (including details of the materials, colours, and textures of all the external finishes), scale and height of the proposed houses, including proposals to protect the privacy and amenity of existing adjacent properties.
- (c) The developer shall ensure that any windows at first floor levels facing towards eastern or western party boundaries shall be from non-habitable rooms only.
- (d) A detailed landscaping and boundary treatment plan for the entire site.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. Adequate visibility shall be made available and maintained for a minimum 45 metres on either side of the private driveway from a point 2.4 metres back from the edge of the carriageway over a height of 1.05 metres to 0.6 metres above road level in both directions. No impediment to visibility shall be placed, planted, or allowed to remain within the visibility triangle. Where it is necessary to remove hedges/banks/walls to provide adequate sightline visibility, this shall be completed prior to the

development on site and any new boundary wall/fence/hedge shall be located behind the visibility splay. Any pole, column, tree, or sign materially affecting visibility shall also be removed. No work shall commence on site until the visibility splays have been provided. The area within the visibility splay shall be cleared to provide a level surface no higher than 250 millimetres above the level of the adjoining carriageway and shall be maintained and kept clear thereafter.

Reason: In the interest of traffic safety.

4. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

5. All surface water run-off from roofs, driveways and paved areas shall be collected and disposed of within the site. No surface water run-off shall be discharged to the public sewer, to the public road or to adjoining properties.

Reason: In the interest of public health.

6. (a) Where the developer proposes to connect to a public water/wastewater network operated by Uisce Éireann, the developer shall sign a connection agreement with Uisce Éireann prior to commencement of development and shall adhere to the standards and conditions set out in that agreement.

- (b) All works, including separation distances between the existing Uisce Éireann assets and proposed structures, other services, trees, etc, shall comply with the current Uisce Éireann Code of Practice for Water and for WasteWater.
- (c) Any proposal by the developer to build over or divert existing water or wastewater services shall be submitted to Uisce Éireann prior to commencement of development for written agreement, and the proposed development shall be carried out and completed in accordance with the agreed particulars.
- (d) All development works shall be carried out in compliance with Uisce Éireann standards, codes and practices.

Reason: In the interest of public health.

- 7. No development on foot of any permission granted consequent on this outline permission shall be undertaken until such time as the developer has paid 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 27th day of June 2024.