

An  
Bord  
Pleanála

## Board Order ABP-319238-24

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 23/334**

**Appeal** by Charlie McCann of 1 Priorland Villas, Dublin Road, Dundalk, County Louth against the decision made on the 26<sup>th</sup> day of February, 2024 by Louth County Council to grant subject to conditions a permission to V and P Mathews Developments Limited care of McCrossan O'Rourke Manning Architects of 1 Grantham Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of 31 number residential units consisting of one number three-storey block of apartment/duplex units, comprising seven number two-bedroom units and seven number three-bedroom units (14 number units in total), two number three-storey blocks of apartment/duplex units, each comprising of two number two-bedroom units and two number three-bedroom units (eight number units in total), one number two-storey terraced block of houses, comprising of seven number three-bedroom units, two number two-storey semi-detached four-bedroom houses, to include vehicular/pedestrian access from the Dublin Road (R132), bin store, bicycle store, private and public open spaces, car parking, landscaping and all associated site development works to facilitate the development, all at Marshes Upper, Dublin Road, Dundalk, County Louth, as revised by the further public notices received by the planning authority on the 30<sup>th</sup> day of January, 2024.

## 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 objectives of the Louth County Development Plan 2021-2027, the nature, scale and design of the proposed development, its location within an established residential area, the residential zoning objective pertaining to the site, the infill nature of the proposed development, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of surrounding properties in the area, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30<sup>th</sup> day of January, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. (a) Prior to commencement of development, the developer shall submit a revised landscape layout plan which provides a two-metre-high boundary wall along the eastern boundary of the site. Details of the materials and finishes of the wall shall be agreed in writing with the planning authority prior to commencement of development.
- (b) The developer shall provide a two-metre-high fence along the western boundary of the site. Where possible existing hedgerows along the western boundary of the site shall be retained and where necessary augmented with additional semi-mature planting.
- (c) The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The permitted hard and soft landscaping scheme, including boundary treatments, shall be implemented fully in the first planting season following the commencement of the proposed development and finalised prior to the sale of any of the residential units hereby granted permission. Any plants that die or are removed within three years of planting shall be replaced in the first planting season thereafter.
- (d) Prior to commencement of development, the developer shall demonstrate and submit details prepared by the consultant landscape architect/arborist as to how the viability of the existing hedges along the eastern and western site boundary will be maintained and, where necessary, augmented.

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

3. Prior to commencement of development, details of the materials, colours, and textures of all the external finishes to the proposed buildings, surface materials and public realm finishes shall be submitted for the written agreement of the planning authority.

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

4. Prior to the commencement of any house or duplex unit in 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 house or duplex unit) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex 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.

**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, in the common good.

5. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of the development in the interest of residential amenity.

6. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a Car Park Management Plan illustrating the signing, lining and allocation of the car parking spaces within the proposed development and details of the management of same.

**Reason:** In the interest of managing a shared car parking provision.

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

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

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

**Reason:** In the interest of amenity and of pedestrian and traffic safety.

10. 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 interest of visual and residential amenity.

11. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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

12. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

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

13. Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and house/apartment numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

14. The construction of the proposed development 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 proposed development, including hours of working, traffic management measures, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

15. 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.

16. 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 and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance 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 and maintenance of the development.



17. 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.

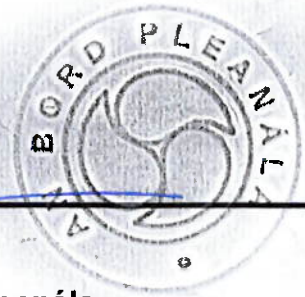


**Paul Caprani**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**



Dated this 10<sup>th</sup> day of December 2024.