



An  
Bord  
Pleanála

## Inspector's Report ABP-304157-19

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<b>Development</b>	Construction of 2 houses and associated site development works and associated services.
<b>Location</b>	No. 9 Carmelite Cottages, Marsh Road, Drogheda, Co. Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	18702.
<b>Applicant(s)</b>	Marion Cassidy.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant</b>	Rosemary Bird.
<b>Observer</b>	Carmel Cotterell & Named Residents of Carmelite Cottages.
<b>Date of Site Inspection</b>	8 <sup>th</sup> July, 2019.
<b>Inspector</b>	Patricia-Marie Young

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## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated 0.0305ha, is located to the south east of Drogheda's historic town centre. It is situated at the eastern most end of a cul-de-sac that serves a small residential development known as 'Carmelite Cottages' which is located on the southern side of the Marsh Road(R150), c74m to the west of the southern side of the Boyne Valley Viaduct over which the Dublin/Belfast Railway Line crosses over the Marsh Road and c220m to the east of the access road serving the D-Hotel and Shopping Center.
- 1.2. The site is currently vacant and consists of an irregular shaped strip of land that adjoins the eastern side of the existing end-of-terrace 2-storey terrace property referred to as No. 9 Carmelite Cottages in the documentation submitted with this application. The boundaries on site consist of a mixture of treatments including solid walls on the northern and eastern side. There is also several mature trees and vegetation present.
- 1.3. Carmelite Cottages consists of mainly 2-storey terrace highly coherent terrace groups with their principal facades mainly finished in brick with concrete band detailing. Though being located in close proximity to Drogheda's town centre and a number of commercial type land uses to the west of it the immediate area has a mature residential character.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of 2 no. 2-storey 2-bedroom dwelling houses together with all associated site development works and services. According to the submitted planning application form both properties have a stated 40m<sup>2</sup> ground and first floor level. Both dwellings are mirror opposites in their principal and rear elevation presentation. It is also proposed to attach them to the eastern side elevation of No. 9 Carmelite Cottages, thus extending the terrace group it forms part of.
- 2.2. This application was subject to further information which clarified the car parking provision, the land within the ownership of the applicant, the separation distance (i.e. 11.5m to shared boundary) and ground level differences between the proposed site (i.e. 100.7) and No. 8 Carmelite Cottages (99.47).

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority **granted** planning permission subject to conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports:

The **final Planning Officer's report** is the basis of the Planning Authority's decision.

The **initial Planning Officer's report** concluded with a request for additional information.

**Item 1:** Sought clarification that the proposed development would not give rise to overlooking of No. 8 Carmelite Cottages.

**Item 2:** Sought landownership clarification for the proposed access.

**Item 3:** Sought an amended vehicle entrance.

**Item 4:** Sought clarification on the car parking, circulation width and required compliance with Section 4.4.9 of DMURS.

**Item 5:** Sought clarification of car parking arrangement for the existing dwelling.

**Item 6:** Sought clarification on surface water drainage.

**Item 7:** Sought clarification on water supply matters.

**Item 8:** Required new public notices should the applicant's response result in significant changes to the proposed development.

#### 3.2.2. Other Technical Reports

**Infrastructure:** The **final report** concluded with no objection subject to a number of recommended conditions; however, the **initial report** concluded with a request for additional information.

### 3.3. Prescribed Bodies

3.3.1. **Irish Water:** The final submission raised no objection whereas the initial submission made to the Planning Authority raised a number of concerns that required clarification and/or required implementation in the event of a grant of permission.

3.3.2. **Iarnród Éireann – Irish Rail:** No objection but sought the following:

- 1) That the applicant is requested to consider the obligation set out in the Railway Safety Act, 2005.
- 2) It reminds the applicant that no trees or vegetation on the railway side of the property can be removed without their consent.
- 3) It seeks that provision is made for securing the railway boundary during the course of works and that the boundary treatments be completed before any works begin on site.
- 4) Relates to Discharge.
- 5) That their prior approval is sought before use of a crane on site.
- 6) Any proposed services that are required to cross along, over or under the railway property must be subject to a wayleave.
- 7) Relates to ensuring no overhanging.
- 8) It reminds the applicant that normal vibrations and noise emanate from the railway operations and maintenance. As such the boundaries should be designed with this in mind.
- 9) The applicant is reminded that the railway has the capacity to operate 24 hours a day 7 days a week.

### 3.4. Third Party Observations

3.4.1. The Planning Authority received a submission made on behalf of the residents of Carmelite Cottages. The concerns raised correlate with those raised by the appellant and observer in this appeal case.

## 4.0 Planning History

### 4.1. No. 9 Carmelite Cottages

**P.A. Reg. Ref. No. 05/510202:** Planning permission was **granted** for a development consisting of a two-storey dwelling house with associated works.

**P.A. Reg. Ref. No. 10/014:** Planning permission was **granted** for the demolition of the existing roof of the side extension and replacement with an upper floor extension consisting of 2 bedrooms to include internal alterations together with all associated site development works. The application site area given was stated to be 0.0822ha and the gross floor area of buildings to be retained was stated to be 102.3m<sup>2</sup> and the proposed works was stated to be 29.52m<sup>2</sup>.

## 5.0 Policy and Context

### 5.1. Development Plan

5.1.1. The site is located with an area covered by the Louth County Council Development Plan, 2015 to 2021, and the Drogheda Borough Council Development Plan, 2011 to 2017. The latter would appear to be the most recent Development Plan pertaining to the appeal site.

### 5.1.2. Core Strategy

**Policy CS 1** seeks to promote household & population growth in accordance with Table 2.5 & 2.6 of the Core Strategy.

**Policy CS 2** seeks to facilitate orderly and sustainable development through the implementation of an overall phasing strategy.

**Policy CS 3** seeks to require the submission of a 'Core Strategy Population and Phasing Statement' with all applications for residential development on zoned land. Natural Heritage Designations.

### 5.1.3. Settlement Strategy:

Table 2.2 Drogheda is a Large Growth Town in the Settlement Hierarchy.

Policy SS 1 seeks to maintain the settlement hierarchy within the County and to encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.

5.1.4. **Residential development standards:**

**Density (minimum):** Town Centre (50/ha) & Inner suburban infill (50-100/ha).

**Height:** Consistent with area, should not exceed 1.5 stories & taper down to boundaries in established residential areas.

**Plot ratio:** 1.0-2.5 (Town Centre & close to Public Transport).

**Site coverage:** 80% max (Town Centre & close to public transport).

**Internal space:** Comply with national standards.

**Separation distances:** 22m between opposing first floor windows.

**Car parking:** 1 space per dwelling.

**Public open space:** 14% of Site Area (general) & 10% (Infill sites).

**Private Amenity Space Design Characteristics include:**

- Space for planting / garden storage.
- Access to sunlight for at least part of the day.

**New Houses (Terraced / Semi-detached / Detached):** Private amenity space should normally be provided to the rear of houses. In certain layouts a combination of private and semi-private spaces may be acceptable. An example of such layouts might provide small private areas opening directly onto semiprivate enclosed landscaped space which is dedicated solely for the use of residents.

**Houses (Town Centre/Brownfield):** 50 m<sup>2</sup>.

**Waste Storage General Principles:** Adequate provision should be made for the storage, segregation and recycling of refuse and for convenient access for its deposit and collection as detailed in Table 6.10. Refuse enclosures should be designed so that they are integrated with the building or boundary enclosures and are well screened from public view or adjoining residences. Suitable provision for general storage space should be planned in all dwellings. Externally accessible space should also be considered for storing garden equipment and tools, as well as play equipment

and bicycles. Refuse storage space should be externally accessible from the front of the house and be large enough to allow for the separation of recyclable waste into a number of receptacles.

**Infill development:** Should have due regard to existing surrounding development in terms of design, scale, height & building line should be in keeping with the existing development and should not be detrimental to the local existing residential amenities in the area.

## 5.1. Natural Heritage Designations

- The site is located c185m to the south of the Special Area of Conservations: River Boyne & River Blackwater SAC (Site Code: 002299).
- The site is located c1km to the east of the Special Protection Areas: Boyne Estuary SPA (Site Code: 004080).
- The site is located c3.9km to the west of the Special Protection Areas: Boyne River & River Blackwater SPA (Site Code: 004232).

## 5.2. EIA Screening

- 5.2.1. Having regard to the nature and scale of the development sought, the serviced nature of the lands, lack of any direct hydrological connectivity from the site to any nearby sensitive receptors, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The appellants grounds of appeal can be summarised as follows:

- The proposed development would result in overlooking of the appellants home and would affect the level of natural light entering their home. Thus, the proposed development would result in the loss of visual amenity and privacy.



- The proposed development would result in the over-development of the site.
- The cul-de-sac road serving the site is narrow; the availability of car parking on it is restricted; and, it suffers from traffic problems.
- Concerns are raised in relation to the foul drainage at this location and it is not considered that there is capacity for the existing system to absorb the proposed development.
- The subject site is not suitable for development given the significant level of run-off water coming down the hill.
- Concerns are raised in relation to vehicle access on site.
- The car parking provision is tokenism.
- The proposed development would give rise to additional congestion and further inconvenience for existing road users of this cul-de-sac road.
- During the construction phase the proposed development would result in significant disruption; inconvenience; and, nuisance for residents in its vicinity.
- Concerns are raised in relation to cases of alleged rodent infestation within Carmelite Cottages and it is considered that further development would aggravate this.

## 6.2. Applicants Response

6.2.1. The applicant's response can be summarised as follows:

- This residential cul-de-sac can accommodate two cars to past on the carriageway.
- Concerns are raised in relation to the parking by existing residents of this cul-de-sac on areas where parking is prohibited and blocking movement on the footpath.
- Concerns are raised in relation to the appellants trespass of their property.
- Concerns are raised that the extension works at the adjoining property No. 8 are not as permitted and they include but are not limited to additional windows as well as the patio doors referred too. A further concern is raised that the adjoining property have installed a condensing boiler flue directly onto the boundary of No.

9 without consent and this is causing a lack of enjoyment of the applicant's property by way of the toxic vapour it emits.

- There has never been an issue with surface water run-off from Pine Hamlets into the subject site.
- The construction works for the extensions at the appellants property resulted in inconvenience for residents in the past.
- The applicant contends that they are the only property on this cul-de-sac that can accommodate 5 cars off-street.
- It is requested that the Board uphold the decision of the Planning Authority.

### **6.3. Planning Authority Response**

6.3.1. The Planning Authority's response can be summarised as follows:

- The window opening to the rear of the appellants property was fully assessed when considering the potential impact of the proposed development on residential amenity of properties in its vicinity.
- The car parking provision accords with Table 7.6 of the County Development Plan.

### **6.4. Observations**

6.4.1. The Observation received by the Board can be summarised as follows:

- Carmelite Cottages were constructed over 70 years ago and this development would result in a 10% increase in dwelling units in it.
- The proposed development would put increased pressure on the existing drainage system which was installed many years ago.
- If granted, the proposed development could give rise to a precedent for other similar developments.
- The increased housing would result in increased pressure on this cul-de-sac by adding to the number of vehicles using it and potentially parking on it.
- Concerns are raised to the inconvenience of construction works if the proposed development were permitted.

- There is an issue of vermin in the locality and it could be made worse by any further construction/development.
- Concern is raised that the water supply and drainage in this location is not able to absorb any more development.
- Concerns are raised that the proposed development would impact the natural drainage in the immediate vicinity of and around the observer's property.
- There is a subsidence issue at Pine Hamlets, a housing development adjoining the top of the rear gardens of No.s 9 to 12 Carmelite Cottages. Concerns are therefore raised that the proposed development could worsen this problem.

## 7.0 **Assessment**

### 7.1. Introduction

7.1.1. I consider that the key issues in determining the appeals are as follows:

- Principle of the proposed development.
- Design, layout & visual amenity.
- Residential amenity impact.
- Movement & access.
- Drainage.
- Other issues.

7.1.2. In addition, the matter of Appropriate Assessment requires assessment.

7.1.3. I also note to the Board that the proposed development was subject to a further information request from the Planning Authority. My assessment below is based on the revisions made by the applicant in their response to this request due to the qualitative improvements that it gave rise to.

### 7.2. **Principle of the Proposed Development**

7.2.1. The development for which planning permission is sought relates to the construction of modest 2 no. 2-storey 2-bedroom dwelling houses together with all associated site development works and services to the side of No. 9 Carmelite Cottages, an existing

end of terrace 2-storey dwelling house rear within an established, formally designed and originally matching residential cul-de-sac of terrace groups located off the Marsh Road, circa 0.8km from the historic town centre of Drogheda.

- 7.2.2. The Core Strategy set out in the applicable Development Plan seeks to support the realisation of more sustainable towns and villages appropriate to the scale of the settlement and its position in the settlement hierarchy, and the preferred Development Strategy seeks to achieve critical mass in the main growth towns of Drogheda and Dundalk.
- 7.2.3. The proposed development would also be located within an area that is covered by the 'RE' Residential Existing zoning objective in the Drogheda Borough Development Plan which seeks "*to protect and/or improve the amenity of developed residential communities*" and the proposed development is acceptable in principle in this land use zone.
- 7.2.4. Further, Policy SS1 of the Development Plan seeks to maintain the settlement hierarchy within the County and to encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.
- 7.2.5. I therefore consider the development to be generally consistent with the 'Residential Existing' zoning objective which applies to the appeal site and the surrounding area, it would be compatible with the core strategy, it would be compatible with the settlement strategy and it would be acceptable in principle, subject to consideration of the planning issues identified in Section 7.1 of this report above.

### **7.3. Design, layout & visual amenity.**

- 7.3.1. I firstly note that the appeal site is not located within a designated Conservation Area and the immediate development of Carmelite Cottages does not contain any Protected Structures. It is notwithstanding within the visual setting of the Boyne Valley Viaduct which the NIAH have designated is of National Importance and whose Categories of Special Interest they identify as being of Architectural, Artistic, Historical and Technical Interest. This structure is also afforded protection as a Protected Structure under several separate Protected Structure designations that correlate to its various constituent parts.

- 7.3.2. In terms of impact on this structure as the proposed development is a modest development that seeks to extend a terrace group with two dwellings that by and large reiterate the design of terrace groups and the terrace units that Carmelite Cottages contains in terms of its visual expression as appreciated from the streetscape scene alongside the fact that the site in its existing state contributes little to visual setting of this nationally important structure by way of its unkempt appearance I consider that the proposed development, if permitted, would not result in any adverse visual impact on the appreciation of the Boyne Valley Viaduct from the public domain.
- 7.3.3. The proposed design seeks to maintain the building line of the existing terrace group, its solid to void relationship of its principal façade is not out of keeping with the terrace group for which it would be attached to, it maintains the same ridge line as its adjoining and neighbouring terrace units within the terrace group it seeks to form part of, and the palette of materials by and large reflects that of the original design palette of the terrace properties within Carmelite Cottages. Outside of missing the vertical band that extends across the principal elevation immediately below the first-floor level window; the smaller dimension principal façade window openings; and, the roof shape over the design concept put forward under this application essentially seeks to recreate the appearance of the original mid-terrace cottages within this cul-de-sac. The missing elements could be conditioned by way of condition which I consider would be appropriate considering the design approach chosen.
- 7.3.4. Moreover, the proposed dwellings would not be highly visible within the visual context of Carmelite Cottages and its streetscape scene. This in my view is due to the fact that the proposed development would be positioned to the eastern end of the terrace group that demarcated the southern end of this residential cul-de-sac with the neighbouring terrace group to the north of it which contains No.s 8 and terminates with No.s 1 and 2 Carmelite Cottages as well as has a north south axis which contrasts the east west of the subject terrace group results in a situation where this aforementioned neighbouring terrace group acts as a visual buffer.
- 7.3.5. Similarly, existing development to the north and north east of it would visually buffer it from view as appreciated from the public domain of the Marsh Road.
- 7.3.6. In conclusion, I am not of the view that the proposed development would give rise to any adverse visual impact on its immediate setting or would it be out of character with

its immediate setting. Therefore, the proposed development accords with the Development Plan requirements for infill developments being of a design that in terms of visual expression, scale, height and building line is in keeping with the existing development of its setting, i.e. Carmelite Cottages.

#### **7.4. Residential Amenity Impact**

The appellant and observers consider that the proposed development, if permitted, would give rise to adverse residential amenity impact on properties in the immediate vicinity as well as for those within the larger residential development of Carmelite Cottages. Having regard to the positioning; site and setting context; the design and built form of the proposed two modest additional terrace dwellings I do not consider that the proposed development would give rise to any significant levels of overshadowing, loss of sunlight/daylight through to reduction in privacy over and above that normally expected within such an urban setting to properties in its vicinity.

- 7.4.1. Further while I accept that the principal façade of the proposed dwelling would give rise to a level of perceived overlooking of the rear of properties to the north of it the two first floor level windows serve bedrooms and are not excessive in their principal dimensions.
- 7.4.2. The perception of overlooking and actual overlooking is an inherent reality very often of living within a residential community in an urban area. There are mechanisms that are frequently employed to minimise the degree of intrusion and loss of privacy for residential properties under the planning code. Such mechanisms can include a variation of boundary treatment types between affected properties and/or the provision of an appropriately determined application of a separation distance between properties.
- 7.4.3. In this instance should the Board be minded to grant planning permission for the proposed development it could consider moving southwards or repositioning three car parking spaces serving the proposed and the existing dwellings in order to provide for soft landscaping along the shared boundary with No. 8 Carmelite Cottages. For example, a pleated tree through to some other type of suitable green screening that would inhibit views between the proposed two dwellings and the existing rear garden spaces of the terrace group to the north as such amply mitigating against this concern.

7.4.4. I have no other substantive concern in relation to residential amenity impact the proposed development would give rise to on properties in the vicinity, notwithstanding I raise a concern that the proposed design has failed to have regard to providing appropriately designed waste storage to serve the proposed two dwellings and also the design has failed to include a level of access to the rear of each of the properties. I therefore recommend that as the proposed development includes shared space to the front of the principal façade that should the Board be minded to grant permission that they condition the provision of a secure shared access to the rear of the two proposed dwellings and the existing property at No. 9. This could be easily achieved by utilising the strip of land that runs alongside the easternmost side of the proposed two terrace dwellings to where it returns alongside the proposed rear boundaries around these two dwellings. This would allow for the provision of suitable waste storage to the rear of the existing and proposed dwelling which would accord with the design standards set out in the Development as set out under Section 5.1.4 above.

7.4.5. In conclusion, subject to amendments to the proposed design as set out above, I consider that the proposed development would be acceptable in terms of impact on existing and proposed residential amenity as well as would otherwise be in accordance with the proper planning and sustainable development of the area.

## **7.5. Movement & Access.**

7.5.1. In wider terms I consider that the local road network has sufficient capacity to accommodate the additional traffic movements generated by the proposed development and the site occupies an accessible location close to the town centre as well as is in close proximity to Drogheda's bus and rail stations.

7.5.2. In terms of the residential development of Carmelite Cottages itself the proposed development meets the required parking standards set out in the current Development Plan.

7.5.3. While I acknowledge that there appears to be a level of congestion in terms of traffic movements alongside some haphazard car parking on the public road and onto the public footpath I consider that the proposed development is modest in nature; and, if permitted, it would not result in a significant additional increase in traffic movements with the majority of the traffic movements being contained within the eastern end of

the southern end of the cul-de-sac road. Thus, not largely impacting on the main access serving Carmelite Cottages.

- 7.5.4. In conclusion, I do not consider that there is ample reason to refuse permission for the development in terms of traffic impact on its vicinity and in terms of the adequacy of the car parking provision.

## 7.6. **Drainage**

- 7.6.1. The proposed water supply, wastewater drainage and surface water drainage arrangements would connect to the existing public system along Carmelite Cottages and the Marsh Road. I consider that this arrangement is acceptable in principle subject to compliance with the requirements of Irish Water and the Planning Authority both of whom have raised no substantive issues of concern.
- 7.6.2. In relation to the management of surface water run-off within the proposed development subject to the appropriate use of the SUDS approach to surface water management I raise no substantive concern that the proposed development would give rise to a significant additional level of surface water run-off that would adversely impact on its residentially developed surroundings and its close proximity to the River Boyne which is subject to a number Natura 2000 within its vicinity.
- 7.6.3. However, this brownfield site occupies a position that is elevated relative to the River Boyne and substantially lower to the land behind it that slopes steeply from South to North. As such I accept that the site may be prone to an increased risk of flooding from surface water runoff; however, I am of the view that the proposed development subject to the appropriate use of the SUDS approach will not add to this concern, but that the SUDS provisions may improve the surface water run off that would currently arise from this Brownfield site which I further note appears to be used for dumping of various materials and debris.
- 7.6.4. I note that Condition No. 2 seeks amongst other things improved drainage solutions for the proposed development. This I consider to be acceptable and the Board may wish to include by way of condition more robust requirements should they be minded to grant planning permission. This I consider to be advisable given the sensitivity of the location as described.



7.6.5. In conclusion, I am satisfied that the proposed water supply, waste water disposal and surface water drainage arrangements are acceptable, subject to compliance with conditions related to the submission of revised surface water design for the site.

### 7.7. **Appropriate Assessment**

7.7.1. Having regard to the modest nature and scale of the proposed development and its location within a long established built up urban area which is connected to existing public services, and the separation distance to the nearest sensitive location and lack of a direct aquatic connection, there is no real likelihood of significant effects on any European sites arising from the proposed development and the need for Appropriate Assessment screening is not required.

### 7.8. **Other Matters Arising**

7.8.1. Alongside the matter discussed below I consider that the appellant and observers in this appeal case raise a number of issues that are outside of the Boards jurisdiction. They include matters including but not limited to vermin infestation and unauthorised development. I consider it appropriate that the Board confine its considerations to the substantive planning issues that this appeal case gives rise to and that other avenues are sought by the appellants and observers to deal with these non-planning and non-site related concerns. For example, concerns in relation to unauthorised development or enforcement issues should be made to the Planning Authority to deal with as they see fit.

- **Proximity to Boyne Valley Viaduct:** Having regard to the proximity of the proposed development to the Boyne Valley Viaduct I recommend that the design of the proposed dwellings and its boundaries include measures that deal with noise and vibrations that arise from rail traffic and maintenance. This I consider is required to ensure an appropriate level of qualitative residential amenity for future occupants.

- **Construction:** Several concerns are raised in relation to the nuisances that would arise from the construction of the proposed development, if permitted. While I accept that construction associated with such a development would give rise to nuisances these would be for a limited duration and it is standard practice to impose conditions that seek to ensure that the associated nuisances are controlled to lessen amenity impact.

- **Subsidence:** There is a concern raised about the matter of subsidence arising from Pine Hamlets, a residential development located on higher lands to the south of the site. No evidence of the same has been provided. I consider that there is significant lateral separation distance between the rear of the proposed boundaries serving the two dwelling houses and the northernmost edge of this adjoining development and the applicant appears to be maintaining the space in between in their ownership as part of the private amenity space of No. 9 Carmelite Cottages. The Board could seek clarification on any amended boundaries to be provided on the perimeter of the site as part of any grant of condition.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be **granted**.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objectives for the area and the pattern of development in this well-established residential area which lies in close proximity to the centre of Drogheda town, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 further plans and particulars submitted on the 15<sup>th</sup> day of February 2019, 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 shall be amended as follows:
- a. The design resolution of the two dwelling houses proposed shall include measures to deal with noise and vibrations that arise from rail traffic and rail maintenance along the neighbouring Boyne Valley Viaduct.
  - b. The design resolution of the boundary treatments shall include measures that seek to buffer the levels of noise and vibrations arising from rail traffic and rail maintenance along the neighbouring Boyne Valley Viaduct.
  - c. The principal façade and roof design shall be revised to more appropriately harmonise with the detailing, profiling and appearance of the original dwelling units within the Carmelite Cottages cul-de-sac.
  - d. The layout of this residential scheme shall be revised to provide a shared rear accessway serving each of the proposed two dwelling houses and the existing dwelling house (No. 9 Carmelite Cottages). In addition, the boundaries to the rear of the proposed two dwellings shall be revised to incorporate access of a suitable width for the removal of waste receptacles from the rear garden area and an appropriately designed bin storage area of an appropriate size provided in the rear garden.
  - e. The layout to the front of the proposed two dwelling houses and the boundary with No. 8 Carmelite Cottages shall be redesigned to incorporate a soft landscaped boundary consisting of semi-mature pleated trees or other suitable tree species that inhibit the level of overlooking arising from the proposed development.
  - f. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- g. Surface materials for the shared surface area to the front of the principal facades of No. 9 Carmelite Cottages and the two proposed terrace dwellings to where it meets the shared boundary with No. 8 Carmelite Cottages shall be submitted for agreement. In addition, the demarcation of the proposed car parking spaces shall be submitted for agreement as part of the overall design of the shared surface area.
- h. Any dropped crossing to be installed as part of the development shall be agreed in writing with the planning authority.

Details shall be submitted for the written agreement of the planning authority before any development commences and the development constructed as per the written agreements received on the above items from the planning authority.

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

- 3. Details of the materials, colours and textures of all the external finishes to the proposed apartment block shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 4. The following infrastructure conditions shall be complied with:
  - a. All surface water from the proposed development to be disposed of within the boundaries of the site and shall not be permitted to flow onto the public road or adjoining properties.
  - b. Any discharge to a combined sewer will require permission from Irish Water.
  - c. Aco drain to discharge to a soakaway within the boundaries of the site.
  - d. It is incumbent on the applicant/developer to note that all necessary arrangements must be made to obtain Road Opening Licence(s) from Louth County Council for construction of watermain pipelines, drainage pipelines, and all other services in public roadways/footpaths. The applicant/developer shall abide by the conditions in the road opening licence.

- e. The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public roadway or footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Louth County Council or pay the cost of making good any such damage on a demand thereof being issued by the Council.

**Reason:** In the interests of orderly development.

5. The developer shall submit the following surface water runoff details for the written agreement of the planning authority prior to commencement of development:
  - a. Calculations for the soil infiltration rate and soakaway design.
  - b. Resided soakaway calculations which show inflows, outflows, storage requirements over a range of storm event durations for a 1 in 100-year return period.
  - c. Revised layout drawing showing that the proposed soakaway complies with all relevant requirements.

**Reason:** In the interest of public health and to ensure a proper standard of development.

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

**Reason:** In the interest of public health and to ensure a proper standard of development.

7. Proposals for the dwelling numbering scheme and associated signage if any shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

8. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

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

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

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 hours 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:** To safeguard the residential amenities of property in the vicinity.

11. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling]. [In the interest of the amenities of the area.

12. 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.

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Patricia-Marie Young  
Planning Inspector

10<sup>th</sup> July 2019.